

BREAKING BARRIERS TO INFORMATION SHARING

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TODAY'S PURPOSE

- To find ways to connect child serving systems in expanded effective and accessible care for our children and families
- Often mentioned barrier to doing this is either macro or micro data sharing across child serving agencies
- As we coordinate services for children and families, this includes laws surrounding education, child welfare, and health records

WHY DO THE ISSUES OF INFORMATION SHARING MATTER IN DELIVERY OF CARE TO OUR CHILDREN AND FAMILIES

- We have needs for privacy of information
- Protecting privacy improves access
- Sharing information across child serving systems also can improve access, efficacy and breadth of available programs and services

CONFIDENTIALITY AND SHARING INFORMATION



CONFIDENTIALITY AND SHARING INFORMATION



CONFIDENTIALITY LAW – WHERE'S THE LINE?

- Protection of personally identifiable information about which individuals (and their families) have an expectation of privacy
- Federal and State statutes establish:

When and what information must not be disclosed

MUST NOT Disclose	MAY Disclose or Keep Confidential	MUST Disclose
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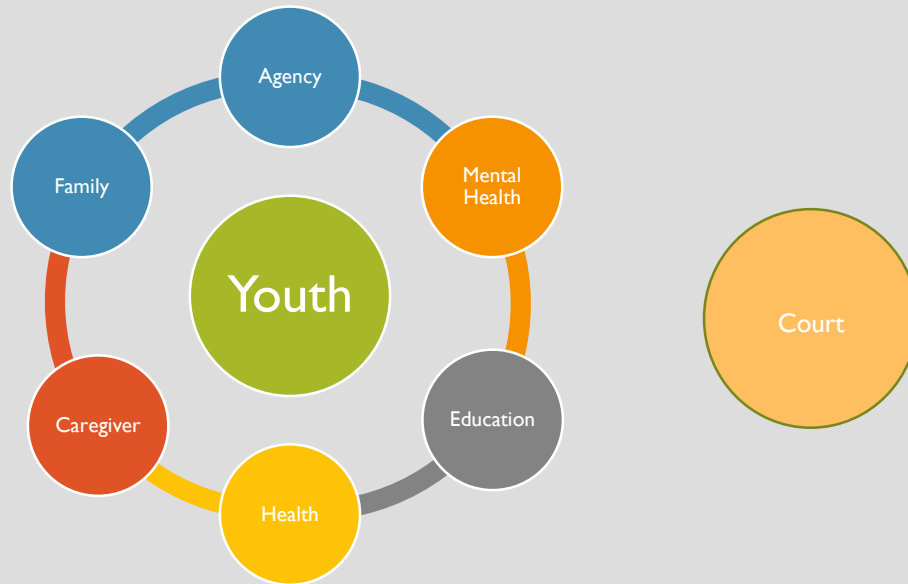
WHERE DOES THE BALANCE TIP?

- Factors that may shape how much is and is not shared include:
- Ethical and Professional Practice Standards
- Relationships and Trust
- Information that



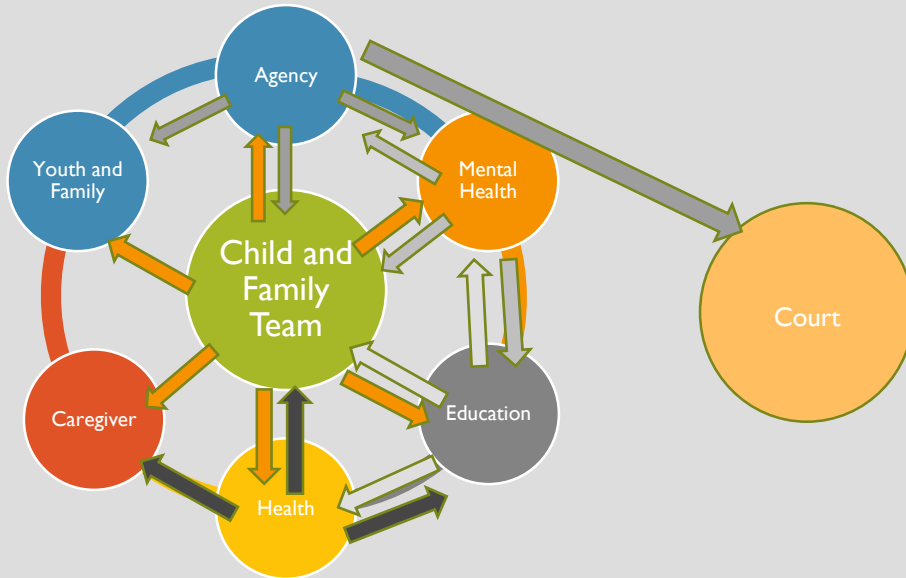
THE CHILD WELFARE AND PROBATION ECOSYSTEM

THE ECOSYSTEM



CHILD AND FAMILY TEAM

HIPAA / CMIA / LPS
WIC 827 and other
FERPA
Evidentiary Privilege



WHERE IS GUIDANCE?

- Welfare and Institutions Code section 832
- CDSS Guidance
 - “By July 1, 2021, the Department of Social Services must issue written instructions to counties...”
- CDSS / DMH joint guidance

BRINGING EDUCATION AND HEALTH TOGETHER



SO WHAT ARE HIPAA AND FERPA?

Health Insurance Portability and Accountability Act (HIPAA) governing the privacy of protected health information and health care providers

Federal Educational Rights and Privacy Act (FERPA) governing the privacy of e schools



WHAT HAPPENS WHEN YOU 'BREAK BARRIERS' WITHOUT ADDRESSING THE LAW?

- John is in 3rd grade. He has been fidgeting and upset in class recently, very out of character. His teacher refers him to the mental health counselor who provides services on campus once a week. When John's teacher sees the counselor in the hall a week later, she asks the counselor how John is, if his guardians had connected, and if there is anything she can do to support John in class. The counselor simply says, "Sorry I can't talk to you or confirm or deny anyone is a patient because of HIPAA."

WHAT HAPPENS WHEN YOU BREAK BARRIERS WITHOUT ADDRESSING LAW?

- Confusion regarding what can be shared
- Misunderstandings regarding which law may or may not apply in a particular program or situation
- Hesitance to work through the complications of information sharing to expand care

THE REALITY OF HIPAA, FERPA AND IMPLEMENTING CALIFORNIA LAW

- These are laws designed to protect confidentiality of health and education information which is critical
- Both laws allow for sharing of information with a consent to release that information
- Both contemplate sharing of information for purposes of coordinating and collaborating
- Both allow for de-identified information sharing in order to analyze outcomes for those being served and/or the efficacy of any given program or effort

BUT BREAKING BARRIERS REQUIRES ACKNOWLEDGING AND ADDRESSING THE LAW

TIPS for FOSTERING COLLABORATION ACROSS HEALTH AND EDUCATION:

- Have conversations about law before collaboration starts: Make sure everyone understands and agrees which law applies to what information
- How to further information sharing?
 - Establish agreements regarding basic principles for information sharing and privacy
 - Agree on information sharing goals – What do you need? What do I need?
 - Center family and youth voice
 - Address and acknowledge other variables that impact sharing. It's not just the law
 - Make sure you have the right tools in place
 - (e.g. if you need a release of information form, make sure the form you use complies with applicable legal requirements)

WHERE IS GUIDANCE TO ADDRESS HEALTH INFORMATION SHARING

- National Center for Youth Law
 - HIPAA or FERPA? A Primer on Sharing School Health Information in California
- California School Based Health Alliance
 - New Website on HIPAA/FERPA
- Attorneys Expert in these Laws Across the State