

## DEPARTMENT OF SOCIAL SERVICES

CHILDREN'S DIVISION

P.O.BOX 88

JEFFERSON CITY, MISSOURI

March 8, 2006

MEMORANDUM**WHAT'S INSIDE?**

- Revised SS-6 and instructions
- FCS and FCOOHC case record retention
- Removal of extraneous material from closed records
- Client's right to insert a statement into his/her case record
- Revision to a persons right to access FCS Records

TO: REGIONAL EXECUTIVE STAFF, CIRCUIT MANAGERS,  
AND CHILDREN'S DIVISION STAFF

FROM: PAULA NEESE, INTERIM DIRECTOR

SUBJECT: REVISED (SS-6) AUTHORIZATION FOR RELEASE OF  
MEDICAL/HEALTH INFORMATION FORM AND INSTRUCTIONS

REVISED POLICY RELATING TO:

RETENTION OF FAMILY-CENTERED SERVICE (FCS) AND FAMILY-CENTERED OUT-OF-HOME CARE (FCOOHC) CASE RECORDS AND A PERSON'S RIGHT TO ACCESS TREATMENT RECORDS

INTRODUCE POLICY FOR:

A CLIENTS RIGHT TO INSERT A STATEMENT INTO HIS/HER CASE RECORD AND REMOVAL OF EXTRANEIOUS MATERIAL FROM CLOSED RECORDS

## DISCUSSION:

The purpose of this memorandum is to introduce the revised (SS-6) *Authorization for Release of Medical/Health Information* and instructions; revised policy and procedure for case record management, composition and retention.

**Revision of (SS-6) *Authorization for Release of Medical/Health Information Form and Instructions***

*The SS-6 is the Division's general authorization for the release to share information between the Division and other individuals/entities related to case management; care or treatment; court or custody matters; or active or potential resource providers applying for licensure or re-licensure. This information may include, but is not limited to physical or mental health information in the form of records, reports or other documents or verbal communication.*

Pursuant to *Council on Accreditation (COA)* standard G1.5.06, the SS-6 has been revised to include information for the client's or authorizing party in regard to his/her rights in respect to the

SS-6 authorization. The revised SS-6 is printed on NCR paper in order to provide a copy to the authorizing party at the time the SS-6 is signed. The original is given to the “holder of the records” and a copy is given to the party who will receive the information. This form may be used when the Children’s Division is requesting to receive information from the “holder of the records” or when the Division is the “holder of the records” and the request is to share the information with a third party or entity. **If CD staff wishes to both receive information from another agency and disclose information to that agency, two SS-6 releases will need to be signed by an authorizing party.** One of which the Division is requesting information and one of which the Division is the holder of the records.

These revisions put the SS-6 in compliance with HIPAA (See *HIPAA Regulations – “Your Rights with Respect to this Authorization”* and *Counsel on Accreditation “COA” Standards* below).

### **FCS and FCOOHC Record Retention**

Effective immediately, FCOOHC and FCS case records will be retained indefinitely.

### **Persons Right to Access Treatment Records**

Staff will note a clarification of policy relating to person(s) served, who has a right to access his/her treatment records. (Reference: *Section 5, Chapter 2.2 Treatment Records*) Persons served include:

- Any subject for whom a record exists. This will usually be the parent/caretaker in whose name a record has been established;
- The parent of the children in the Family-Centered Services treatment case, provided he/she only receives the child’s record(s).

### **Person’s Right to Insert a Statement into His/Her Case Record**

Pursuant to COA standard *G1.6.03, Section 1, Chapter 2.8 Client’s Rights to Insert Information into His/Her Case Record* has been added to the *Child Welfare Manual*. It states that persons served, who have a right to access his/her case record also have a right to insert a statement into his/her case record.

Division staff shall document the date the statement is entered into the record. Staff may provide a response to the inserted statement, but must inform the subject of the record/author of the statement of the Division’s response and give the subject opportunity to review it.

### **Removing Extraneous Material from the Record at Closure**

Pursuant to COA standard *G9.5.07, Child Welfare Manual policy Section 5, Chapter 4.2.1 Removing Extraneous Material from the Record When at Closure*, has been added to direct workers to remove and expunge extraneous material from case records prior to, or at the time of, case closure. Supervisors shall screen case records at the time of closure to assure extraneous material has been removed by the worker.

*Extraneous material consists of notes, observations, or impressions that have not been summarized; phone messages; or material not pertinent to the case or that have not been formally documented elsewhere in the case record.*

Workers should assure that material not summarized, which is pertinent to the case record and that is not documented elsewhere, should be documented in the case narrative prior to expunging extraneous material.

**Note: In case of pending criminal/court action, Staff should consult with supervisor and Division of Legal Services, prior to removal extraneous material.**

### Archiving Case Records

It is recognized that for some county offices the availability of record storage space is an issue. Archiving closed case records at the Secretary of State Records Management facility is an option. Information about archiving old records can be found in the [Records Management Program Manual](#) at the Missouri Secretary of State website.

NECESSARY ACTIONS:	
<ol style="list-style-type: none"><li>1. Please review this memorandum with all Children's Division staff.</li><li>2. All questions should be cleared through normal supervisory channels and directed to:</li></ol>	
PDS CONTACT: Randy McDermit, PDS 573-751-8932 <a href="mailto:Randall.D.Mcdermit@dss.mo.gov">Randall.D.Mcdermit@dss.mo.gov</a>	PROGRAM MANAGER: Kathryn Sapp 573-522-5062 <a href="mailto:Kathryn.Sapp@dss.mo.gov">Kathryn.Sapp@dss.mo.gov</a>
<i>CHILD WELFARE MANUAL REVISIONS:</i>  <a href="#">Section 1, Chapter 2.8</a> Client's Right to Insert Information into His/Her Case Record <a href="#">Section 5, Chapter 2</a> Case Record Maintenance and Access <a href="#">Section 5, Chapter 4</a> Record Retention and Expungement <a href="#">Table of Contents</a>	
RELATED STATUTE:  <a href="#">Chapter 210 RSMo</a> <a href="#">Section 210.150 RSMo.</a> <a href="#">Section 210.152 RSMo.</a>	
ADMINISTRATIVE RULES:  N/A	

**COUNCIL ON ACCREDITATION (COA) STANDARDS:** (Employee Access Only)

**G1.5.03** - When the organization receives a request for the release of confidential information about a person or family served, or the release of confidential information is necessary for the provision of services, the organization, prior to releasing such information:

- a) determines if the request is valid and in the best interest of the person or family;
- b) obtains the informed, written consent of the person or family served; and
- c) if the person is an adult or minor who is incapable of providing informed consent, obtains consent from his/her parent or legal guardian.

**G1.5.04** - Informed, written consent includes the following elements:

- a) the signature of the person whose information will be released, or the parent or legal guardian of such a person who is unable to provide informed consent;
- b) the specific information to be released;
- c) the purpose for which the information is to be used, except where disclosure is mandated by law or the person served is receiving service under court supervision or directive;
- d) the date the consent takes effect;
- e) the date that the consent expires, not to exceed 90 days from the date consent is given for one time releases of information, or one year or as otherwise required by law when the release of information is required for ongoing service provision by a contracted or cooperating service provider;
- f) the name of the person to whom the information is to be given;
- g) the name of the person within the organization who is providing the confidential information; and
- h) a statement that the person or family served may withdraw his/her consent at any time.

**G1.5.06** - The organization gives a copy of the signed consent to the person or family providing consent, and places a copy in the case record.

**G1.6.03** - Persons served have the right to insert a statement into their case records, and if personnel insert a statement in response, such statements are inserted with the knowledge of the person served, and s/he is given the opportunity to review such a response.

**G9.5.07** - The organization screens its records for un-summarized notes, observations and impressions, and other material that should be expunged, at closing of the record and at least annually.

**G11.4.03** - The organization has procedures to protect service and organizational records, whether in electronic or paper form, from destruction by fire, water, loss, or other damage, and from unauthorized access, which include:

- a) daily backup of all electronic records;
- b) electronic back up maintained off-premises; and
- c) storage of paper records in locked, and fireproof or fire resistant cabinets in a secure area.

**G11.4.04** - Consistent with legal requirements and the organization's confidentiality policy, written operational procedures govern the retention, maintenance, and destruction of records of former service recipients, and include protocols on:

- a) protection of privacy;
- b) legitimate requests by former persons served for access to information, when permissible by law;
- c) requests for records of deceased persons served; and
- d) disposition of records in the event of the organization's dissolution.

**G11.4.05** - The organization maintains its case records for at least seven years after termination of service, unless otherwise mandated by law or COA's requirements for specific services.

PROGRAM IMPROVEMENT PLAN (PIP):

N/A

Family and Children Electronic System (FACES)

[http://www.dss.mo.gov/cs/priority\\_tracking/sacwis/status/20050316.xls](http://www.dss.mo.gov/cs/priority_tracking/sacwis/status/20050316.xls)

Investigation and Family Assessment  
Case Management (Release #1)  
Case Management (Release #2)

PN/RM