



## Managed Care Children in Custody Information Sheet For Public Children Services Agency (PCSA) Workers: Sharing Protected Health Information and Decision-Making Authority

Ohio Medicaid Managed Care Plans (Health Plans) are required to comply with the Health Insurance Portability and Accountability Act (HIPAA), a federal law that requires the protection of Beneficiaries' Protected Health Information (PHI). HIPAA allows Health Plans to disclose PHI to individuals with certain permissions, as designated by the Beneficiary, or an individual with legal authority to act on their behalf.

According to the U.S. Department of Health and Human Services website, PHI is any individually identifiable health information maintained by a Health Plan, "including demographic data, that relates to: the individual's past, present, or future physical or mental health or condition; the provision of healthcare to the individual; or the past, present, or future payment for the provision of healthcare to the individual." Simply put, an individual's PHI can include claims data; prior authorization records; care management documentation; member identification numbers, address, phone number; diagnoses. It's any information the Health Plan has on record that is specific to the health care it provides for the individual.

PCSA staff should refer to this document to know how to:

- Designate with the child's Health Plan a substitute caregiver's authority to **only** discuss and receive Protected Health Information (PHI) for a child in their care; or
- Designate with the child's Health Plan a substitute caregiver's authority to **make decisions** on behalf of a child in their care. (The PCSA is able to document whether there are limitations to the substitute caregiver's decision-making authority. Substitute caregivers who have any degree of decision-making authority are automatically able to receive the child's protected health information, as well.)

In order to share information with the contacts referenced above as permitted by law, the Health Plans must document these relationships according to their existing HIPAA-compliant policies.

**To designate an individual with either of the permissions explained above, PCSAs must follow both of the steps below:**

### Step 1: Identify the Substitute Caregiver in SACWIS

• In the "Authorized Representative" field, identify the substitute caregiver and indicate the relationship. The following options are available:

**Add Provider Members** – SACWIS prepopulates provider Applicant I and II names

**Add Other Members** – The user can add any person. When choosing this option the user must select the relationship to the child from a drop down menu. The choices are:

- **Agency**- children service worker, Title IV-E juvenile court worker, or Ohio Department of Youth Services worker, who have children in their custody in out-of-home care.
- **Relative**- person related to the child by blood or adoption.
- **Other** - person designated by the PCSA/Court/or ODYS who has a relationship to the child other than relative, placement or agency worker.

The MCP will receive this information prior to the child's effective date, so that if the substitute caregiver calls the MCP, the substitute caregiver can, at a minimum, discuss the child's protected health information with the Health Plan.

**AND**

## Step 2: Designate Appropriate Authority

*This step requires the PCSA to share existing documents that PCSAs may already use to establish relationships with and any decision-making authority delegated to substitute caregivers. One of the following options must be acted upon:*

**For Option 1** - To designate a substitute caregiver to **only** discuss protected health information on behalf of a child in their care, the PCSA, as the child's legal guardian, must complete and send to the child's Health Plan a signed **"Authorization for the Use and Disclosure of Protected Health Information (PHI)"** form.

**OR**

**For Option 2** - To designate authority for a substitute caregiver to make healthcare decisions on behalf of a child in their care, the Health Plan must receive any already existing, signed, consent documents used by the PCSA which establish the substitute caregiver's legal status to take the child to the doctor and/or have other responsibilities related to the child's healthcare. These documents must clearly identify the child's name, as well as the caregiver's. *If the substitute care-giver has unlimited authority, it is not necessary to submit an Authorization for Use and Disclosure of PHI form for individuals designated through Option 2.*

**OR**

**For Option 3** - To designate authority for a substitute caregiver to make *limited* healthcare decisions on behalf of a child in their care, the Health Plan must receive any already existing, signed, consent documents used by the PCSA which establish the substitute caregiver's legal status to take the child to the doctor and/or have other responsibilities related to the child's healthcare, *which explains the limitations*. These documents must clearly identify the child's name, as well as the caregiver's. *If the substitute care-giver has limited authority, the PCSA should ALSO complete an Authorization for Use and Disclosure form. Submitting both documents will ensure the foster parent is able to a) act on behalf of the child within a limited scope, and b) receive all of the child's PHI, even if they are not able to make decisions about major surgeries and other healthcare-related matters.*

**In event the Authorization form is signed electronically, the person signing the Authorization agrees that their electronic signature is the legal equivalent of their handwritten or manual signature on this Authorization.**

## Timeliness

To ensure a smooth transition, Health Plans will discuss the child's PHI with those for whom the PCSA has indicated a relationship exists in SACWIS, for a limited time prior to receiving the documents detailed in Step 2. It is necessary for the Health Plan to receive the "Step 2 documents" no later than **15 business days** past the child's effective date with the Health Plan. Delays in submitting these documents timely may result in limited information sharing by Health Plans, in accordance with their privacy policies.

All documents submitted for any of Step 2's options must be sent to the child's Health Plan via one of the modes of communication listed on the **Ohio Medicaid Managed Care Privacy Contact Sheet**.

**Should any of these designations change, the PCSA must update the child's Health Plan as soon as possible with new information.**

