


2298 RELEASE OF INFORMATION	
Chapter: Sununu Youth Services Center	Section: Healthcare
	<p>New Hampshire Division for Children, Youth and Families Policy Manual</p> <p>Policy Directive: _____ Approved: _____</p> <p>Effective Date: 01-01-09</p> <p>Scheduled Review Date: 01-01-11 William W. Fenniman, DJJS Director</p>
	<p>Related Statute(s): RSA 169-B; RSA 169-C, RSA 170-G, RSA 329, RSA 330-A, RSA 611-A, and RSA 621</p> <p>Related Admin Rule(s): Ed 1133.16, and He-M 311</p> <p>Related Federal Regulation(s): 42 CFR</p>

The release of information pertaining to all DJJS juveniles shall be in accordance with applicable state and federal statutes (i.e., HIPPA and FERPA) and rules and regulations promulgated by DJJS, and shall be administered in the best interests of the residents. Care shall be taken to release no more information than is necessary to accomplish the purposes as authorized.

The Authorization for Release of Information (DJJS#1002) is to be used for obtaining, exchanging, and releasing information from other agencies or individuals.

Purpose
The purpose of this policy is to establish the SYSC Medical Department release of information procedure.

Procedure

- I. **Release of Information Authority**
 - A. The following persons are authorized to sign a release of information:
 1. The juvenile's parent/legal guardian, or the court may authorize release of information.
 2. Any juvenile 14 years of age or older, for sexually transmitted disease and treatment.
 3. Any juvenile 12 years of age or older, for substance abuse information.
 4. Any juvenile 18 years of age or older.

- II. **Authorization Form**
 - A. The DJJS Authorization for Release of Information (Form 2011) shall be completed before any information is released.
 - B. A written consent, other than DJJS authorization, may be accepted if the other authorization contains the same information as our form and are correctly executed.

- III. **Verbal Consent**

- A. Verbal consent given by the parent/legal guardian by telephone shall be limited to new admissions and emergency situations.

IV. Subpoenas

- A. Subpoenas may not constitute a valid permission to release information. Subpoenas shall be referred to the Facility Administrator or designee.

V. Court Order

- A. A court order is a valid document. However, all court orders shall be forwarded to the Facility Administrator or designee for final approval.

VI. Release of Information without Consent

- A. Release of information without consent shall be handled as follows:
 - 1. In the event of an emergency when a parent/legal guardian cannot be reached, pertinent information may be disclosed to necessary parties upon completion of the Releasing Information without Parent/Guardian Authorization Form (DJJS Form #1003). The original shall be placed in the resident's permanent record, and a copy shall be sent, along with a notification letter to the parent/legal guardian as soon as possible. A copy of the notification letter shall also be placed in the resident's permanent record.
 - 2. Consent is not required for the Division of Children, Youth, and Family Services in child abuse cases, pursuant to RSA 169-C:33-34.
 - 3. Consent is not required for the Office of the Chief Medical Examiner for forensic examination, pursuant to RSA 611-A:10.
 - 4. Exchange of medical or psychiatric records between the Philbrook Center and the Division shall be permitted, pursuant to RSA 611-A:7.
 - 5. Consent is not required for cases of threatened harm to others by a resident; when a resident has made a serious threat of physical violence against a clearly identifiable victim(s), or a serious threat of substantial damage to real property. A physician certified pursuant to RSA 329 or psychologist or person certified pursuant to RSA 330-A, or those who work under their supervision, may disclose the pertinent information to the third party of law enforcement, pursuant to He-M311 and RSA 329:31 and RSA 330-A22.

VII. Obtaining Information

- A. In certain situations (e.g., upon a resident's admission), when written or phone authorization from the parent/legal guardian is unobtainable, it is permissible to contact outside agents and request information that is necessary to provide continuity of health care for the resident.
- B. In all other situations, Parent/Guardian authorization shall be obtained before seeking information about a resident.

- C. Upon receipt of a signed authorization, the information can be requested in writing, by fax, or verbally. Most institutions will require a copy (fax) or written authorization before they will release any information.

VIII. Drug and Alcohol Records

- A. Drug and alcohol records are protected under Federal Regulation, 42 CFR and Part 2. A court order is necessary to release a drug or alcohol abuse record; a subpoena is not sufficient.
- B. As state law authorizes minors 12 years of age or older to seek and receive treatment for drug abuse problems, parents/legal guardians shall not be informed about said treatment unless written consent has been given by the identified minor. Parents/legal guardians shall not receive a bill or requests for payments nor shall they request the same unless written consent has been given by the consenting minor. Consent for release of information shall be signed by the minor. If parental consent has been given, the consent for release of information shall be signed by both the minor and the parent/legal guardian.

IX. Telephone Requests

- A. Telephone inquiries by friends and relatives regarding a resident shall be referred to the supervisor. Staff shall not confirm or deny the admission of a resident, but shall inform the caller that the information shall be relayed if, in fact, the person in question is present and desires to return the call.

X. News Media

- A. All inquiries from any member of any news media about DJJS, its staff, residents, students, or operations shall be directed to the Facility Administrator or designee. No staff is authorized to release information on the above.

XI. Faxing Records

- A. When faxing records the following procedure shall be followed:
 - 1. Transmittal and receipt of facsimile materials shall be processed in a timely and consistent manner.
 - 2. Facsimile equipment shall be located in areas where the security of the data is ensured.
 - 3. The sender shall verify that the location of the receiving fax equipment is in a secured location and that the fax number is correct.
 - 4. A cover sheet shall be filled out with the number of the receiving facility, contact person/department, fax number, number of pages being sent, and a statement of what to do with misdirected information.
 - 5. All material received from transmittal equipment shall be checked for accuracy of information to be sure that all the documents received are intended for DJJS.

- B. It is the responsibility of the sender to ensure that the policies and procedures governing this information are strictly enforced. The information contained in the facsimile message is legally privileged information intended only for the individual or entity named and any dissemination or copy of the telecopy is strictly prohibited.

- C. In the event that a transmittal becomes misdirected, the following procedure shall be followed:
 - 1. Obtain the fax number of the unintended receiver. This information can be obtained from the equipment's internal logging system.
 - 2. Immediately transmit a request to this unintended receiver and ask that the information be mailed to DJJS.
 - 3. Complete an Incident Tracking report.
 - 4. Recheck the fax number of the intended recipient and complete the transmittal process only after a test run has been made.