

Meeting Notes from 1/29/09 Confidentiality Sub-committee Conference Call

Present:

Ted McCourtney – Sanctuary for Families
Judy Kahan – Center Against Domestic Violence
Joe Nitsche/Jara Traina - OCFS
Anne Ellsworth – Putnam / Westchester Women’s Resource Center
Gwen Wright - OPDV
Denise Walden-Greene - ACS
Dianne Thomas – HRA

Anne, Judy, and Ted will represent subcommittee at meeting in Albany on 2/5

Regarding 452.9 (a) (3) – face-to-face interviews:

- Agreement among group on revision to allow for telephone screenings:

Original language:

Prior to the admission of a person to a residential program for victims of domestic violence a face-to-face interview must be conducted with the potential resident to determine whether such person is a victim of domestic violence as defined in section 452.2(g) of this Part, whether such person fits any of the criteria described in paragraph (2) of this subdivision, and whether the individual program can appropriately meet such person's physical and personal needs, including medically prescribed diets. Persons who do not meet admission criteria must be referred to appropriate community resources.

Revised language:

Prior to the admission of a person to a residential program for victims of domestic violence a face-to-face or telephone screening must be conducted by a domestic violence residential service provider with the potential resident to determine whether such person is a victim of domestic violence as defined in section 452.2(g) of this Part, whether such person fits any of the criteria described in paragraph (2) of this subdivision, and whether the individual program can appropriately meet such person's physical and personal needs, including medically prescribed diets. Persons who do not meet admission criteria must be referred to appropriate community resources.

Regarding 452.10 – access to information:

- We have not reached consensus on access of OCFS to client info.
- There is concern that access to client info may violate VAWA.

- Joe states OCFS needs access to records to fulfill functions of licensing and supervision of facilities, and that such access is consistent with VAWA. There are exceptions for disclosure for court orders, and language in the statute that says OCFS has full access. Joe will report back on language in VAWA.
- Ongoing task: Joe(OCFS), Gwen (OPDV), Jahana (OPDV), and Anzala (NYSCADV) will work on this.

Regarding sharing of info from emergency to transitional shelter:

- Unanimous agreement that releases should be obtained from client before info on Tier II summary is shared with Tier II facility for shelter transfers.
- Marie will follow up to ensure this is currently being practiced (per Dianne).

Regarding 452.9 - informed consent:

- Will determine at 2/5 meeting in Albany if this issue is being addressed by Documentation and Record Keeping subcommittee or other subcommittee.
- Agreement that informed consent should be clearly defined, explained at entry, should include a timeframe, cover specific info, and apply to specific providers. Question of whether this should be made explicit in regs, or simply be best practice
- Joe made suggestion to Add a 452.9 (a) (8) to address informed consent, including right to rescind consent, time limits, and regular review of consent forms with client.

Regarding 462.9 (a) (3) – perpetrator access to records:

- Agreement to delete from regs, no longer relevant

Regarding 452.9 (e) – reporting of child abuse

- Does not provide much detail regarding reporting
- Will determine if this issue is being addressed by Documentation and Record Keeping subcommittee at meeting in Albany

Regarding 452.10 (b) (2) – violations of confidentiality

- Change language to expand violations, make consequences more specific
- Joe will provide draft of new language for this section

Regarding home based contact for child welfare clients:

- Denise produced document providing procedural guidelines for child welfare services for clients residing in DV shelter. Guidelines included the following:

The domestic violence shelter staff shall be asked to submit a written report on the family's strengths and needs at the time of the referral to a preventive

agency or at the time of Service Plan Review (SPR) meetings for foster care cases.

- Ted wrote a response to the guidelines, which spelled out concerns about supplying a written report to ACS.
- Denise and Ted attended NYC Coalition of Domestic Violence Residential Providers Steering Committee meeting and presented both documents, where resistance to providing written report was expressed.
- Denise will bring feedback to her colleagues at ACS, and issue will be presented at full NYSCADV meeting on 2/9

Next conference call scheduled for Monday, 2/23, from 2pm-4pm