

Meeting Notes from 2/23/09 Confidentiality Sub-committee Conference Call

This committee has previously reached agreement on following revisions of regs:

- Allowance for telephone screenings, in addition to face-to-face screenings, prior to acceptance to shelter 452.9(a)(3)
- Removal of section allowing perpetrator access to records 462.9(a)(3)

In today's meeting, the committee reached agreement on the following revisions:

Regarding 452.9 (e) – Reporting of Child Abuse:

Regs currently read:

- (e) Reporting of child abuse.
- (1) All suspected cases of child abuse or maltreatment occurring while a family is in residence at a residential program for victims of domestic violence must be reported immediately by telephone to the State central register of child abuse and maltreatment.
 - (2) Programs must report by telephone to the State central register of child abuse and maltreatment whenever a staff person has reasonable cause to suspect that a child coming before him/her has been abused or maltreated, or when the child's parent makes statements from personal knowledge, facts, conditions, or circumstances to a staff person, which if correct, would render a child abused or maltreated.
 - (3) Programs must designate an employee to be responsible for ensuring that all suspected cases of child abuse or maltreatment are reported.

Committee's agreed upon revision (refer to mandated reporting law, eliminate sections 2 and 3):

- (e) Reporting of child abuse.
- (1) All suspected cases of child abuse or maltreatment occurring while a family is in residence at a residential program for victims of domestic violence must be reported immediately by telephone to the State central register of child abuse and maltreatment, **in accordance with Section 422 of Social Services Law.**

Sections (2) and (3) to be removed

Regarding 452.10 (b) (2) – Consequences for violating confidentiality

Regs currently read:

- (2) Employees of the New York State Department of Social Services and a local social services district given access to information pursuant to this section who redisclose information in a manner which is not consistent with the provision of this Part are subject to disciplinary action in accordance with appropriate collective bargaining agreements and applicable law and regulation.

Committee's agreed upon revision (keep the same, simply update name of OCFS):

- (2) Employees of the **New York State Office of Children and Family Services** and a local social services district given access to information pursuant to this section who redisclose information in a manner which is not consistent with the provision of this Part are subject to disciplinary action in accordance with appropriate collective bargaining agreements and applicable law and regulation.

Regarding 452.10(a) – Confidentiality:

Committee agrees to add section 452.10(a)(3) between current 452.10(a)(2) and 452.10(a)(3), This section will read:

452.10(a)(3) Any person or entity will have access to information only when express written consent is provided by the resident.

Regarding 452.10(b) – Disclosure

Committee agrees to add section 452.10(b)(3). This section will read:

452.10(b)(3) Employees of a residential program for victims of domestic violence given access to information pursuant to this section who redisclose information in a manner which is not consistent with the provision of this Part are subject to disciplinary action in accordance with applicable law and regulation.

Regarding 452.9(a)(7) – Informed consent

- Committee agrees that details regarding implementation of informed consent, though important, do not need to be addressed in the regs. Rather, this is a best practice issue.

The committee has not reached agreement on 452.10 – Confidentiality – Jara, Johanna and Anzala will follow up on wording of VAWA to ensure this section is consistent with the law.

Jara, who is state rep on the for documentation committee, and Ted, who is on the eligibility committee, will determine if there is overlap of issues among the committees. Conference call of committee chairs will be scheduled in April if necessary to discuss these issues.

Summary report of recommended revisions is due in May for each committee.

Next conference call for Confidentiality Committee is March 30th, 2:00pm-4:00pm