

# Stark County Board of Developmental Disabilities

HIPAA Procedure 24: HIPAA Individual Planning Meetings	Effective: 4/14/2003
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## **Subject: Individual Planning Meetings HIPAA**

It is the Policy of the Board that “No identifiable information either verbal or written shall be forwarded to any individual, agency, or organization without written consent of the individual or if applicable, parent/guardian or as provided in state or federal statute or rule.” See [Board Policy 2.08, Confidentiality](#). As described below, the Board is required pursuant to state and federal law to participate in certain planning meetings to ensure proper services are being provided to all individuals served. The necessary planning meetings are required, by law, to have certain individuals present that would therefore have access to Protected Health Information (“PHI”).

The Board’s representative at each of the meetings must obtain permission from the individual served, legal guardian, or parent or legal guardian if the individual is under the age of eighteen (hereinafter referred to as “Individual Served”), prior to releasing or disclosing to a relative, friend or other third party present at the meeting. Such permission may be obtained by requesting the Individual Served to sign an [Authorization](#) or by obtaining verbal consent, which verbal consent shall be documented in the notes from the meeting by the Board representative. If the Individual Served is not present at the meeting or is unable to exhibit either objection or agreement, the Board’s representative at the meeting may infer, using professional judgment, that there is no objection to the disclosure.

The Board representative is not required to verify the identity of relatives or other third parties involved in the following meetings. If there is no objection in the involvement by third parties, or if the Board’s representative can infer that there would be no objection, further verification is not considered necessary. Disclosure of PHI to individuals involved in the care of the individual served is ongoing and must be evaluated on a case-by-case basis. This procedure is to be interpreted narrowly to allow disclosures to those with the closest relationships with the individual served and concerning information that is directly relevant to the current condition of the individual served.

As per OAC 5123:2-1-04(J)(1)(c)(i), Early Intervention, the Board must provide initial and annual meetings for evaluation purposes. Specifically, “The initial meeting and annual meeting to evaluate the IFSP shall include, at a minimum, the following participants:

- (a) The parents of the child, and other family members as requested by the parents;
- (b) An advocate or person outside of the family, at the parents request;
- (c) The person providing service coordination who has been selected by the family, or who has been working with the family since the initial contact;
- (d) Persons directly involved in conducting the evaluations and assessments;
- (e) As appropriate, the representatives of other agencies or persons who will be providing services to the child or family; and
- (f) County Board direct service providers.”

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As per 20 USC 1414, School Age, an Individualized Education Program (“IEP”) is to be developed by an “IEP team.” An IEP team is defined as a group of individuals composed of the following: the parents of a child with a disability; at least one regular education teacher if the child is or may be participating in the regular education environment; at least one special education teacher; a representative from the local education agency; an individual who can interpret the instructional implications of the evaluation results who may be one of the above (excluding the parents); at the discretion of the parent or the agency, other individuals who have knowledge of or special expertise regarding the child, including related services personnel as appropriate; and whenever appropriate, the child with the disability who is the subject of the IEP.

As per OAC 5123:2-1-06(G)(1), Adult Services, “A certificated staff member of the county board shall serve as an individual plan coordinator. The meeting to develop the IP shall include at a minimum,

- (a) the individual,
- (b) the individual's legal guardian,
- (c) a certificated staff member of the county board and,
- (d) if desired, the individual's advocate or friend.

The individual plan coordinator in conjunction with the individual and/or his representative shall determine which other people shall be present at the meeting.”

As per OAC 5123:2-1-11(M), Service Support Administration, “The persons employed by or under subcontract with a county board to provide service and support administration shall ensure that services are effectively coordinated and provided by providers, as identified in the Individual Service Plan( ISP), by facilitating communication with the individual and among providers across all settings and systems. The person who is the single point of accountability for an individual shall perform this duty and shall directly communicate with all providers of residential and day program services through their employees who are designated as responsible for habilitation management and program management and to the designated staff of all other providers including, but not limited to, transportation services providers. Relevant sections of the ISP shall be shared with providers.”

Applies to:            Yes        No All employees        X Non Represented SCEPTA SCDD SSA (1) <u>See Current Bargaining Agreement</u>	<b>Historical Resolution Information</b> Policy 2.22 HIPAA  <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;"><b>Date</b></td> <td style="width: 50%;"><b>Resolution</b></td> </tr> <tr> <td>1/19/13</td> <td>01-09-13</td> </tr> </table>	<b>Date</b>	<b>Resolution</b>	1/19/13	01-09-13
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1/19/13	01-09-13				
Superintendent’s Signature: 	Reviewer(s): Privacy Officer Security Officer				