

**SUBJECT: ORCHIDS-MDE AUTHORIZATION, CONFIDENTIALITY AND DATA SHARING FOR INTER-COUNTY EXCHANGE**

**DATE:** October 13, 2008

**POLICY:** Data collected in the ORCHIDS-MDE<sup>1</sup> system is highly confidential and addresses clients who move from one County to another to receive services. To ensure that information in ORCHIDS-MDE is shared only among persons or organizations authorized by the client, and the information is accessible when needed. Counties must receive a signed, written Authorization for Release of Information from the client. To disclose any information regarding HIV/AIDS status, mental health, substance abuse records (alcohol/drug diagnoses, treatment, and referral), and genetic testing, specific written authorization is required. (Note that client may rescind future disclosure of information from alcohol and drug treatment programs verbally – no written request is required.)

All County employees are prohibited from accessing, providing or disclosing Client information without securing written authorization from the Client, except as allowed by law.

**PURPOSE:** This policy is concerned with information held in the ORCHIDS-MDE system and any associated paper-based information. It defines the responsibilities of individuals with respect to information use, data sharing, and the process of information transfer as a result of a client moving from one to another County within the State of Oregon. This policy also sets clear expectations to guide the behavior and performance of employees of the County to ensure proper confidentiality of Client information, respecting the privacy and integrity of each Client.

Those who have access to the Client information collected in ORCHIDS-MDE at the County level include the following:

- **County Staff**  
County Staff where the Client receives services has authorized access to the ORCHIDS-MDE record for that Client. Access is intended to be limited to County personnel who are engaged in managing, providing or supporting public health nursing, case management, data entry and/or accounting services for the Client (this may include licensed, non-nursing personnel such as maternity case managers, physicians, physician assistants, social workers, etc.) County or Partner staff who have access to ORCHIDS from home computers are covered by the Information Exchange agreement through their agency of employment. However, there is the added expectation that staff functioning in this capacity are practicing due diligence by not saving data onto their home computer.

RELEVANT

REGULATIONS:

[AS-100-03](#)<sup>2</sup> (Uses and Disclosure of Client or Participant Information)  
[HIPAA](#)<sup>3</sup>

OREGON STATUTES:

[ORS 107.154](#)<sup>4</sup> (Authority of parent when other parent granted sole custody of child)

[ORS 179.505](#)<sup>5</sup> (Mental health, substance abuse treatment, and services for persons with developmental disabilities)

[42 CFR Part 2](#)<sup>6</sup> and [ORS 430.399\(5\)](#)<sup>7</sup> (substance abuse treatment records)

[ORS 192.518-192.526](#)<sup>8</sup> (Policy for protected health information)

[ORS 192.531-192.549](#)<sup>9</sup> (Genetic information)

[OAR 333-012-0270](#)<sup>10</sup>, [ORS 433.045](#)<sup>11</sup> (HIV)

[ORS 431](#)<sup>12</sup> (State and Local Administration and Enforcement of Health Laws)

DEFINITIONS:

**Accessible** – Easily obtained

**Authentic** – Verified

**Authorized** – Given official power

**Client** – Individual(s) receiving services

**County Staff** - County personnel, employed by the County where the Client receives services, who are engaged in managing, providing or supporting public health nursing, case management, data entry, and/or accounting services for the Client.

**Oregon Center for Children and Youth with Special Health Needs (OCCYSHN) Staff** - An organization whose primary goal is to ensure optimal health and functioning in a child with special health needs, and their family.

**Title V Block** - The Title V Block Grant Program has as a general purpose, the improvement of the health of all mothers and children in the nation.<sup>13</sup>

OCCYSHN partners with the Oregon Title V Program housed within the Oregon Department of Human Services, OFH.

PROCEDURES:

1.0 Client transfers to another County.

1.1 Client signs release allowing transfer of records to the Receiving County, authorizing full use and disclosure of information.

- The Receiving County forwards copy of release to the Sending County. Should the Client sign the release at the Sending County, then Sending County need not forward copy to Receiving County.
- Sending County closes all open visits/cases and bills Medicaid for services as needed within ORCHIDS-MDE or by agency's usual billing process. \*Note: Receiving County will not be able to open a new case until old case

has been closed.

- The Receiving County opens new case to record client information, and bill Medicaid for services provided to Client.
- Receiving County may view but should not edit information or bill Medicaid for services recorded by Sending County.

1.2 Client does not sign release allowing transfer of records to Receiving County.

1.2.1 Sending County has open cases and/or visits for Client.

- Receiving County places courtesy call to Sending County to request open cases/visits be closed.
- Sending County notifies Receiving County when open cases/visits closed for Client.
- Receiving County updates Client demographic information in Client Master, then opens a new case to record and bill Medicaid for services.

1.2.2 Receiving County should not view/edit information for services recorded by Sending County or prior dated information.

1.2.3 Sending County has no open cases/visits for Client.

- Receiving County opens new case to record.
- Receiving County should not view/edit information for services recorded by Sending County or prior dated information.

1.3 Client signs release of information allowing transfer of records to the Receiving County **but** excludes **personal data** relevant to HIV/AIDS related information, mental health, substance abuse records (alcohol/drug diagnoses, treatment, and referral) and genetic testing.

- Receiving County should not access HIV/AIDS related information, mental health, substance abuse records, and genetic testing information on Client in ORCHIDS-MDE.

1.4 Client signs release of information allowing transfer of records to the Receiving County **but** excludes **some personal data** relevant to HIV/AIDS status, mental health, substance abuse records, or genetic testing.

- HIV/AIDS is marked for exclusion. The Receiving County should not access HIV/AIDS data.
- Mental Health is marked for exclusion. The Receiving

County should not access mental health data.

- Substance abuse records are marked for exclusion. The Receiving County should not access substance abuse records.
- Genetic Testing is marked for exclusion. The Receiving County should not access genetic testing data.

## 2.0 Clients' Service Data

County Staff is responsible for informing Clients that their service data will be included in the Statewide ORCHIDS-MDE system, for the purposes of Medicaid billing and public health planning, assessment and evaluation.

### 2.1 Opting out of ORCHIDS-MDE System.

Clients may opt out of ORCHIDS-MDE system if they choose. County Staff would not be able to record client information nor bill Medicaid services through ORCHIDS-MDE.

## 3.0 Reporting When Counts are Very Small

Some data reports produced by the automated data system will include results of zero or very small numbers. These numbers reflect program enrollment, risk factors and service needs. In communities of smaller populations or ones in which members of minority racial/ethnic groups are easily identified, extra care must be taken to protect client confidentiality. Cases by age group, ethnicity, race and gender are not shown where there are less than 5 cases in a county. For these counties only total cases by year are tabulated.<sup>14</sup>

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<sup>1</sup> Interim data collection system for Babies First!, CaCoon, Maternity Case Management. Retrieved Feb. 13, 2008 from [http://www.oregon.gov/DHS/ph/ch/docs/orchids/powerpoint\\_orchids\\_work\\_group.pdf](http://www.oregon.gov/DHS/ph/ch/docs/orchids/powerpoint_orchids_work_group.pdf), p.11.

<sup>2</sup> Uses and Disclosures of Client of Participant Information. Retrieved August 22, 2008 from [http://www.dhs.state.or.us/policy/admin/privacy/policies\\_procedures/as100-03.pdf](http://www.dhs.state.or.us/policy/admin/privacy/policies_procedures/as100-03.pdf)

<sup>3</sup> HIPAA Privacy Rule and Public Health. Retrieved Feb. 13, 2008 from <http://www.hhs.gov/news/facts/privacy2007.html>

<sup>4</sup> ORS 107.154. Retrieved Feb. 13, 2008 from <http://www.leg.state.or.us/ors/107.html>

<sup>5</sup> Chapter 179 — Administration of State Institutions. Retrieved Feb. 13, 2008 from <http://www.leg.state.or.us/ors/179.html>

<sup>6</sup> 42 CFR Part 2. Retrieved Feb. 13, 2008 from [http://www.access.gpo.gov/nara/cfr/waisidx\\_02/42cfr2\\_02.html](http://www.access.gpo.gov/nara/cfr/waisidx_02/42cfr2_02.html)

<sup>7</sup> ORS 430.399(5). Retrieved Feb. 13, 2008 from <http://www.paperadvantage.org/ORS/430.html#430.399>

<sup>8</sup> ORS 192.518-192.520. Retrieved Feb. 13, 2008 from <http://www.leg.state.or.us/ors/192.html>

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<sup>9</sup> ORS 192.531-192.549. Retrieved Feb. 13, 2008 from <http://www.leg.state.or.us/ors/192.html>

<sup>10</sup> OAR 333-012-0270. Retrieved Feb. 13, 2008 from [http://arcweb.sos.state.or.us/rules/OARs\\_300/OAR\\_333/333\\_tofc.html](http://arcweb.sos.state.or.us/rules/OARs_300/OAR_333/333_tofc.html)

<sup>11</sup> ORS 433.045. Retrieved Feb. 13, 2008 from <http://www.leg.state.or.us/ors/433.html>

<sup>12</sup> ORS 431. Retrieved Feb. 25, 2008 from <http://www.leg.state.or.us/ors/431.html>

<sup>13</sup> Retrieved June 23, 2008 from <http://childhealthdata.org/Content/Glossary.aspx#T>

<sup>14</sup> Retrieved June 23, 2008 from <http://www.oregon.gov/DHS/ph/hiv/data/countyreports.shtml>