

LEGAL TOPICS

Legal Name Change

Program participants who change their name must provide written proof (legal document) of the change before the name can be officially changed in the participant record or in the SHS Information System.

The Service Coordinator will view the legal document and record the information (including effective date) in the Progress Notes of the SHS Information System. A copy of the legal document must be kept in the participant's file.

Legal Recovery of Funds

In reference to Chapter 201, RSMo regarding subrogation rights for Crippled Children's Services, Service Coordinators will be asked to assist Central Office (CO) in the attempt of recovery of funds from Program participants when a legal settlement has been made.

Subpoena of Participant Records

The Program is required to respond to a subpoena for participant records. When a subpoena is received in a contracting agency office involving a participant's legal record, the following must occur:

- The subpoena for CYSHCN participant records shall be accepted by the Service Coordinator. The Service Coordinator shall notify the CYSHCN Program Manager within twenty-four (24) hours. The instructions in the subpoena must be followed.
- The subpoena for a CYSHCN Service Coordinator shall be accepted by the Service Coordinator. The Service Coordinator shall notify the CYSHCN Program Manager within twenty-four (24) hours. The instructions in the subpoena must be followed.

The Program Manager will work in collaboration with the Service Coordinator and contracting agency Administrator to track the legal process and actions generated by the subpoena.

Obtaining or Releasing Information

All information about the participant/family (verbal, electronic, or in written form) is confidential. All access to health/medical information should be requested, released, or viewed using a written and signed Health Insurance Portability and Accountability (HIPAA) document considered by DHSS to be compliant with current regulatory

guidance. If in doubt, please contact your designated HIPAA officer at the respective LPHA or Program representative for assistance.

Compliant documents:

- DHSS Notice of Privacy Policies and Acknowledgement forms are required upon enrollment and annually thereafter.
- DHSS Authorization for Disclosure of Consumer Medical Health Information form is necessary when requesting records and when sharing information on an as needed/need to know basis. A current original signed Authorization must be obtained and kept in the hard file.

Staff of contracted agencies must use the DHSS Authorization for Disclosure of Consumer Medical Health Information form when releasing SHS information.

Contractors or Providers may also require their own Authorization form in conjunction with the DHSS Authorization for Disclosure of Consumer Medical Health Information form.

Requests for participant records for legal proceedings must be in writing and sent to the Program Manager. The Program Manager will coordinate the release of information with the Service Coordinator.