



Working Together While Honoring Privacy

Information Sharing & Confidentiality in APS

NAPSA 2020

November 19, 2020

Speakers

- Hilary Dalin, J.D.
 - Director, Office of Elder Justice and Adult Protective Services, Administration for Community Living, US Department of Health and Human Services
- Shelly Jackson, Ph.D.
 - Consultant, Elder Justice Initiative, US Department of Justice
- Elizabeth Petruy, MPAff
 - Aging Services Program Specialist, Office of Elder Justice and Adult Protective Services, Administration for Community Living, US Department of Health and Human Services

NAMING THE PROBLEM

Competing Interests

- Sharing information to maximize assistance to client
- Preserving client privacy – value of clients deciding what gets said about them
- Being a “team player”
- Advocating for what the client *wants*

Privacy

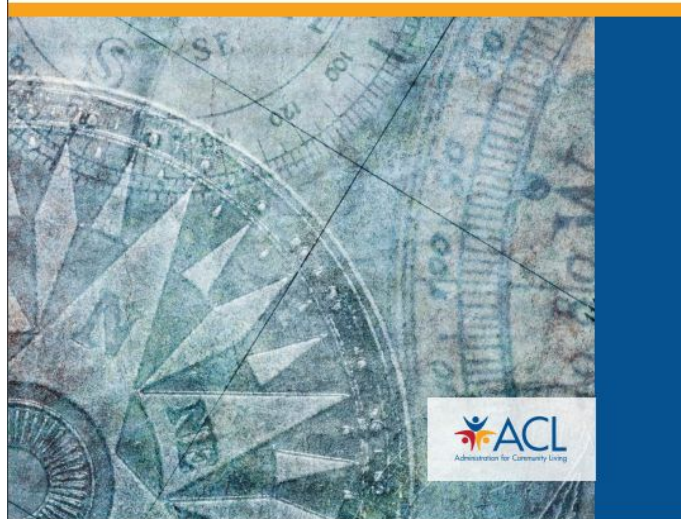
- Statutory and ethical constraints
 - What does your state statute and/or regulation say?
- Meaning of consent

Influencers

- State statute
- Professional ethics
- Federal statutes (less impact on APS)

National Voluntary Consensus Guidelines for State Adult Protective Services Systems

Updated | March 2020



National Voluntary Consensus Guidelines for State APS Systems

FINDING SOLUTIONS: GETTING CREATIVE

Strategies

- Consent is the gold standard
- What can you share without consent?
- Explore MOUs and MOAs
- Can HIPAA help?
- Check in with your counsel
- Lay out the “rules of the road”

Consent

- Role of consent
- The “gold standard”

Sharing What You Can

- Just because you can't share everything doesn't mean you can't share *anything*
- Without using PII, you can discuss the broad strokes of a case

MOUs and MOAs

- Look to your agency's organizational chart
- Look into limited MOUs and MOAs

Talk to your Legal Counsel

- You don't want to run afoul of state or federal law, so talk to your organization's counsel about any issues/questions

Be Person-Directed

- Keep your client's needs AND wishes top of mind
- If your client DOES NOT want specific services or to be talked about to another party, don't be squeamish about protecting their interests
 - Exceptions in law enforcement/criminal acts situations

Explore Your Options

- If you don't have consent to share your client's PII, you can still describe their functional status and needs
- Once you have a plan in the works, go back to your client to present options and get their buy-in and consent

Rules of the Road

- Discuss all professional, legal, and ethical obligations
- Some professionals may have more stringent requirements on what can be shared
- Decide as a group what your rules are, and enforce them

CONFIDENTIALITY AND APS PARTICIPATION IN MULTI-DISCIPLINARY TEAMS -

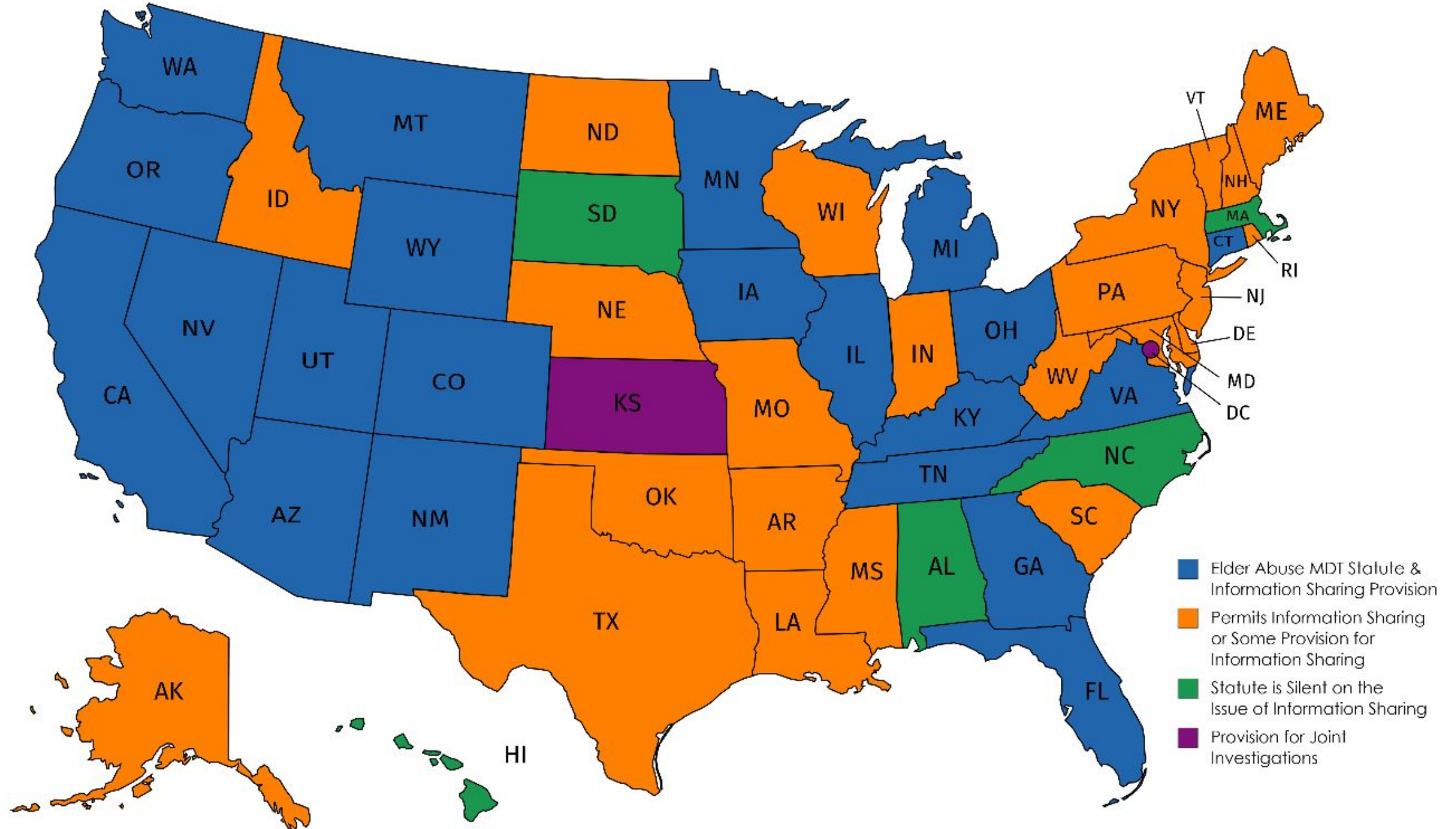
Information Sharing in the Context of MDTs

Shelly L. Jackson, PhD
Consultant, Elder Justice Initiative
US Department of Justice

NAPSA 2020
NOVEMBER 19, 2020



Elder Abuse MDT Statutes



OPTIONS/SOLUTIONS

Obtain Written Consent

Obtain Agency Attorney Opinion

Adopt a Policy Statement

Include an MOU Provision

Allow Municipal Agencies Only

Do Not Identify the Client

Provide Written Reminders

Prohibit Note Taking

Avoid Discoverability

Take the Time

Be prepared to spend considerable time up front discussing these issues. This process takes more time than many anticipate and it may become frustrating for some members of the MDT. However, this groundwork is crucial for the functioning of the MDT.

Translating Decisions into Protocols

Eventually, your community may want to formalize decisions made about the issues discussed by writing protocols, which are documents that contain information about how the MDT is going to operate, i.e., the procedures. (For examples see the Toolkit item: Sample Protocols and Policies). Procedures describe the steps taken to complete a specific function in the day-to-day operations of the organization and are critical to well-functioning MDTs. Protocols should be somewhat flexible. Too much specificity contained in the protocols can be used against the MDT under certain circumstances.



Memorandum of Understanding (MOU) or Interagency Agreement (IAA)

Having recruited members for the MDT, many communities then use a memorandum of understanding (MOU) or an interagency agreement (IAA) to formalize the MDT.

CONSENT TO EXCHANGE INFORMATION

I understand that different agencies provide different services and benefits. Each agency must have specific information in order to provide services and benefits. By signing this form, I am allowing agencies to exchange certain information so it will be easier for them to work together effectively to provide or coordinate these services or benefits.

I, _____, am signing this form for
(FULL PRINTED NAME OF CONSENTING PERSON OR PERSONS)

(FULL PRINTED NAME OF CLIENT)

(CLIENT'S ADDRESS)

(CLIENT'S BIRTH DATE)

(CLIENT'S SSN - OPTIONAL)

My relationship to the client is: ☐ Self ☐ Parent ☐ Power of Attorney ☐ Guardian
☐ Other Legally Authorized Representative

I want the following confidential information about the client (*except drug or alcohol abuse diagnoses or treatment information*) to be exchanged:

Yes	No	Yes	No	Yes	No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Other Information (write in):

I want: _____

(NAME AND ADDRESS OF REFERRING AGENCY AND STAFF CONTACT PERSON.)

And the following other agencies to be able to exchange this information:

Are More Agencies Listed on Back? YES ☐ NO ☐

I want this information to be exchanged ONLY for the following purpose(s):

☐ Service Coordination and Treatment Planning ☐ Eligibility Determination

Other (write in): _____

I want information to be shared: (check all that apply)

☐ Written Information ☐ In Meetings or By Phone ☐ Computerized Data

I want to share additional information received after this consent is signed: ☐ YES ☐ NO

This consent is good until: _____

I can withdraw this consent at any time by telling the referring agency. This will stop the listed agencies from sharing information after they know my consent has been withdrawn.

I have the right to know what information about me has been shared, and why, when, and with whom it was shared. If I ask, each agency will show me this information.

I want all the agencies to accept a copy of this form as a valid consent to share information.

If I do not sign this form, information *will not be shared* and *I will have to contact each agency individually to give them information about me that they need.*

Signature(s): _____ Date: _____

(CONSENTING PERSON OR PERSONS)

Person Explaining Form: _____
(Name) (Title) (Phone Number)

Witness (If Required): _____
(Signature) (Address) (Phone Number)

5-14-92

032-01-005

page 2 of 2

UNIFORM CONSENT TO EXCHANGE INFORMATION FORM

FULL PRINTED NAME OF CLIENT: _____

FOR AGENCY USE ONLY

CONSENT HAS BEEN:

☐ Revoked in entirety
☐ Partially revoked as follows:

NOTIFICATION THAT CONSENT WAS REVOKED WAS BY:

☐ Letter (Attach Copy) ☐ Telephone ☐ In Person

DATE REQUEST RECEIVED: _____

AGENCY REPRESENTATIVE RECEIVING REQUEST:

(AGENCY REPRESENTATIVE'S FULL NAME AND TITLE)

(AGENCY ADDRESS AND TELEPHONE NUMBER)

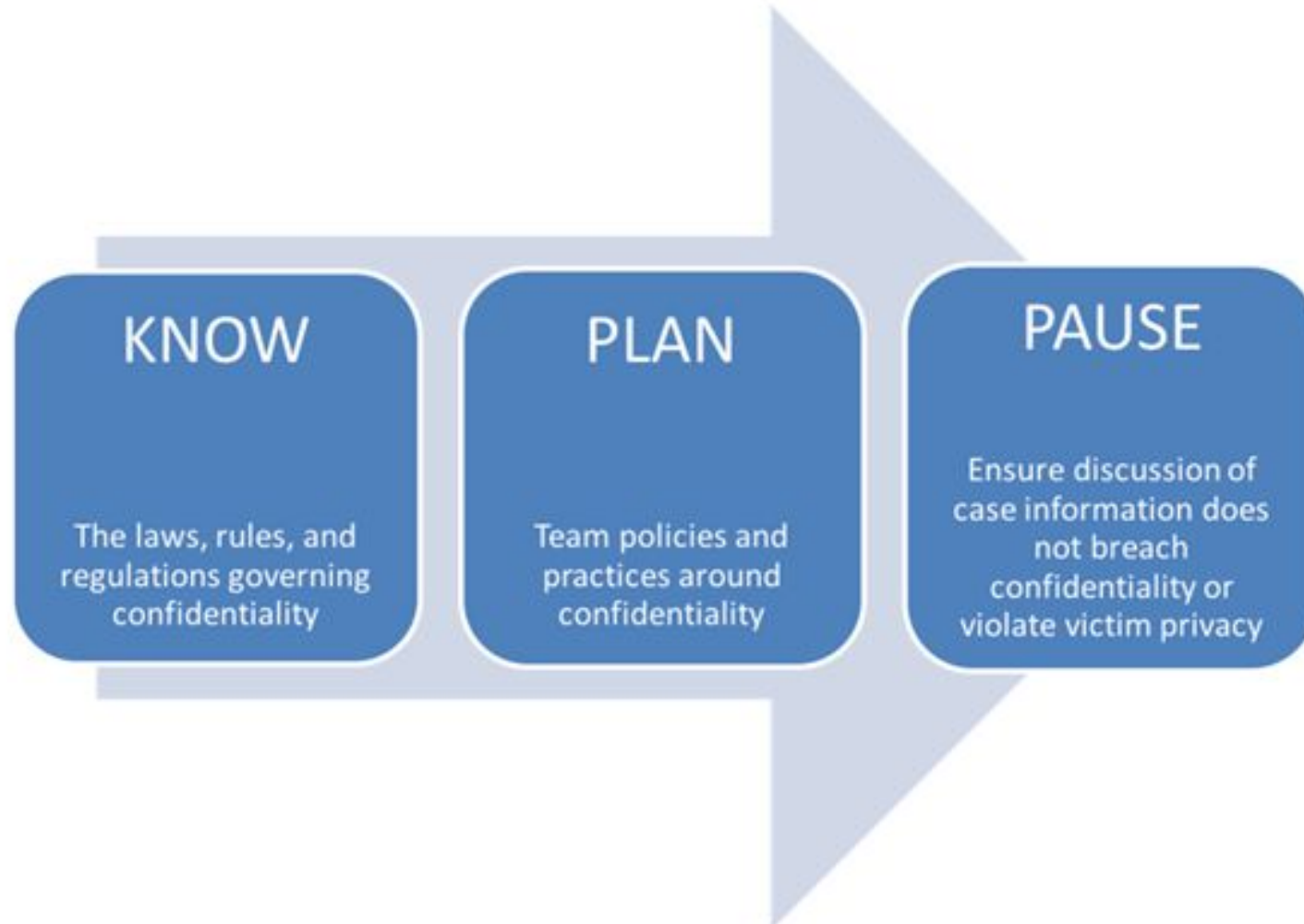
5-14-92

032-01-005

Confidentiality: A Framework for SARTs

Whether the work of your SART includes active case management, case review, or systems consultation, any time case information is discussed, your members should be alert for potential confidentiality implications.

The framework below can help your SART institutionalize the practice of confidentiality in a way that facilitates multidisciplinary collaboration without breaching confidentiality or violating victim privacy.





National Elder Abuse MDT Peer Support Community

A forum for team development and technical support

Most Recent



Older Adult Mental Health Online Workshop

By: [Shevel Mavins](#) , 6 hours ago

Posted in: [National Elder Abuse MDT Peer Support Community](#)

Hello All, I am presenting an Older Adult Mental Health online workshop on October 29, 2020. In my career, I have seen many elderly people being taken advantage of due to their mental health status because they are an easier target. Please see more ...



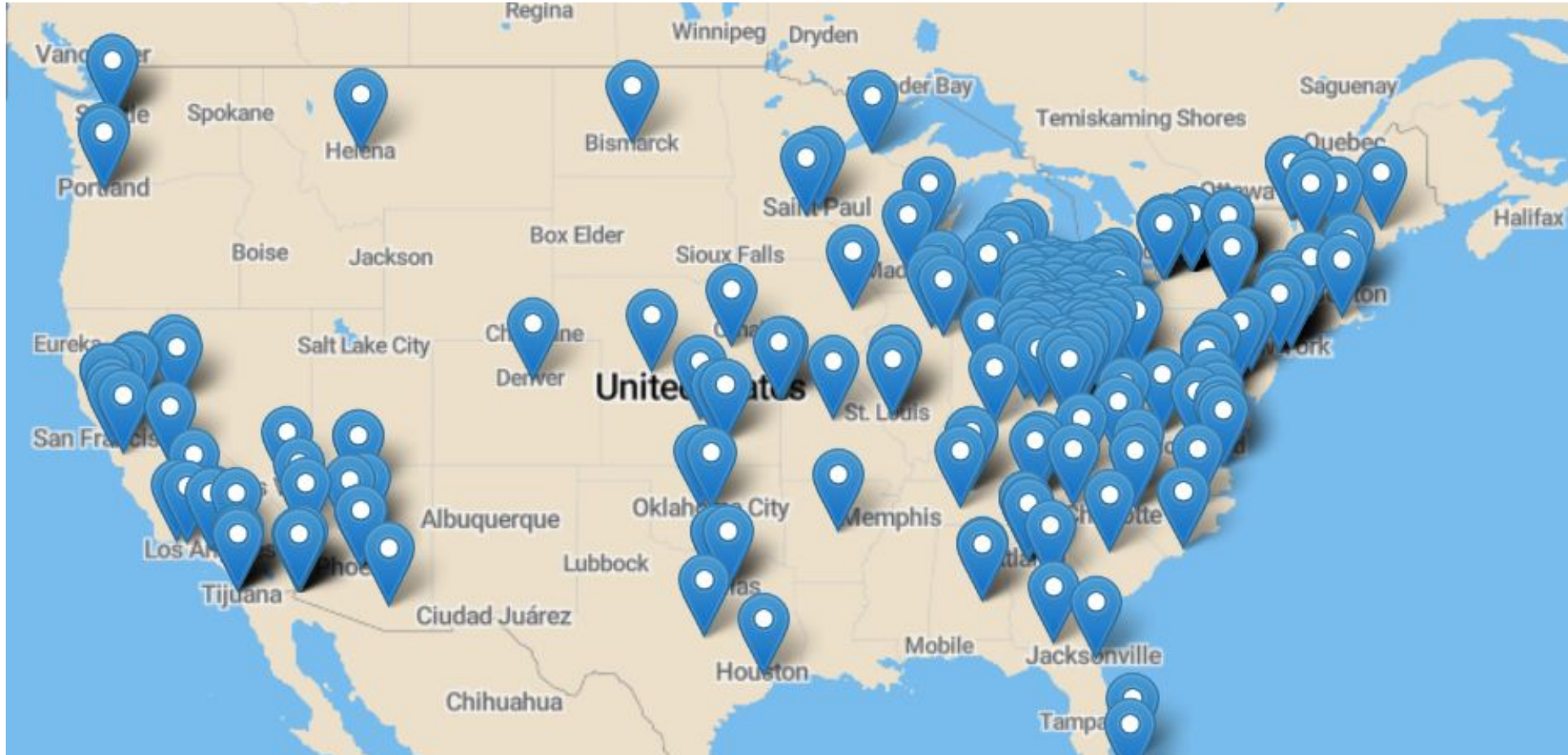
D.C. Bar Aging & the Law Institute - next week (9/ ...

By: [Amy Mix](#) , yesterday

Posted in: [National Elder Abuse MDT Peer Support Community](#)

Network Locator Map

Talitha.J.Guinn-Shaver@usdoj.gov



MDT technical assistance
at your fingertips



elderjustice.gov/mdt



MDT TAC

Learn more about the mission, services, and resources available through the MDT TAC



Network Locator Map

Request to be included in the Elder Justice Networks Locator Map



MDT Resources

Strengthen your team with resources for multiple disciplines



MDT Webinars

Keep up with MDT TAC activities.



MDT Guide & Toolkit

Start or grow a local elder abuse case review MDT with this research and resource rich toolkit



MDT Peer Support Listserv Community

Connect with and learn from other elder abuse MDTs

Contact

Call or email your requests for materials or to schedule an appointment.

Talitha Guinn-Shaver

MDT Technical Advisor

US Department of Justice

202-532-5344

Talitha.J.Guinn-Shaver@usdoj.gov

DEPARTMENT OF JUSTICE

ElderJustice
INITIATIVE



Adult Protective Services Technical Assistance Resource Center



Check out our
latest
publications!

About Us

What We Do

Resources

NCEA Blog

Contact Us

Make a Difference

Welcome to the National Center on Elder Abuse

Let's Discuss Issues Across Contexts

- What issues have you encountered?
- What have you attempted?
- What has worked, or not?
- What successes have you had?

Questions?