

Rehabilitation Services Policy Manual

SECTION
PART Pre-Employment Transition Services (Pre-ETS)
Confidentiality

SECTION NO.
PUBLISHED 7-14
03/21

Section 7 Pre-Employment Transition Services (Pre-ETS)

Part 14 Confidentiality

Protection, use, and release of personal information

Rehabilitation Services (RS) will safeguard the confidentiality of all personal information, including photographs and lists of names. All applicants and students who meet the criteria to participate and, as appropriate, those students' representatives, service providers, cooperating agencies, and interested persons are informed through appropriate modes of communication of the confidentiality of personal information and the conditions for accessing and releasing this information.

All applicants or their representatives are informed about the Pre-ETS need to collect personal information and the policies governing its use, including:

1. Identification of the authority under which information is collected.
2. Explanation of the principal purposes for which Pre-ETS intends to use or release the information.
3. Explanation of whether providing requested information to Pre-ETS is mandatory or voluntary and the effects of not providing requested information.
4. Identification of those situations in which Pre-ETS requires or does not require informed written consent of the student before information may be released.
5. Identification of other entities to which information is routinely released.

An explanation of policies and procedures affecting personal information will be provided to each student in that student's native language or through the appropriate mode of communication.

Release to other programs in the Department for Children and Families (DCF)

Pre-ETS staff may release student information without a signed release from the student or parent/guardian (if applicable) to other programs within DCF *on a need-to-know basis*. A signed release is not necessary within DCF since all programs are part of the same state agency.

Pre-ETS staff may release information without a signed release from the student to DCF contractors and service providers on a *need-to-know basis*. Contracts include assurances that the contractors, who are acting on behalf of RS and DCF, will use the information appropriately and maintain confidentiality standards.

If Pre-ETS has obtained personal information about a student from another agency, provider or organization, such information may be released within DCF *on a need-to-know basis*. Restrictions on further release do not apply within DCF since all programs are part of the same state agency. In analyzing "need-to-know," Pre-ETS Transition Specialists shall consider whether entire reports or summary documents should be released, and whether the information is necessary for the purposes of the requesting program.

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Release to programs outside of DCF

When programs outside of DCF which are not contractors of DCF request personal information, informed written consent of the student is required. Upon receiving the informed written consent of the student or, if appropriate, the student's parent/guardian (if applicable), Pre-ETS may release personal information to another agency or organization for its program purposes only to the extent that the information may be released to the involved student or the student's representative and only to the extent that the other agency or organization demonstrates that the information requested is necessary for its program.

Release to the Client Assistance Program

Informed written consent is required. If a Pre-ETS Transition Specialist or Manager receives a call or email regarding a concern from the Client Assistance Program (CAP), the Pre-ETS staff needs to inform their Program Administrator (PA). The PA will be working with the concern. The Pre-ETS staff will not communicate with the CAP.

Requirements for release forms

Pre-ETS has approved release of information forms. Pre-ETS staff may also accept release of information forms from other organizations. Whether using Pre-ETS forms or forms provided by other organizations, the following informed written consent requirements must be met:

- The student's name and identifying information (such as the date of birth or Social Security Number) must be clearly stated.
- The information being requested or released must be specifically identified.
- The person or organization to receive the released information must be specifically identified.
- The purpose for the request or release must be specifically identified.
- The form must be signed, witnessed and dated.
- Specifications of the date, event or condition upon which the release expires must be clearly stated.
- Transition Specialist need to ensure he/she check the release of information forms to ensure they are not expired.

Release to students who meet the criteria to participate in Pre-ETS services

If requested in writing by a student, Pre-ETS shall release all requested information in that student's record of services to the student or the student's representative in a timely manner. Release may occur by making the record of services available to the student to view, or by providing copies of information in the record of services, according to the student's informed choice.

There are two exceptions:

1. *Release of information that may be harmful to the student:*
 - Medical, psychological, or other information that Pre-ETS determines may be harmful to the student may not be released directly to the student. However, this information must be provided to the student through a third party chosen by the student. The third party may include, among others, an advocate, a family member, or a qualified medical or

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mental health professional, unless a representative has been appointed by a court to represent the student, in which case the information must be released to the court-appointed representative.

- In such circumstances, Pre-ETS Transition Specialist s will inform the student and/or the student's representative that specific records contain information which requires professional explanation and interpretation, and in the Pre-ETS Transition Specialist's judgment, review by or release directly to the student would not be in the student's best interests.
- Pre-ETS Transition Specialist should discuss the option of having the student authorize release of the information to a physician or psychologist to facilitate interpretation of the information. If the student agrees with this approach, the Pre-ETS Transition Specialist may assist the student in arranging such a meeting with the health care professional and in paying for it. If the student does not agree with this option, the Pre-ETS Transition Specialist shall proceed in a timely manner to release the information to the student's representative.
- *Note regarding release of such information to other programs:* Medical or psychological information that Pre-ETS determines may be harmful to the student may be released to another program if the student has provided an informed written consent and if the other program assures Pre-ETS that the information will be used only for the purpose for which it is being provided and will not be further released to the student.

2. *Further release of information that has been obtained from another agency or organization*

If Pre-ETS has obtained copies of personal information, such as medical/psychological assessments, exams or services, then such information may be released only by, or under the conditions established by, the other agency or organization.

Release of information forms – Refer to Forms Part 67

Release of information to VR

Release of information to School

Permission for Pre-ETS to release information

Permission for Pre-ETS to obtain information from other entities

Release of information to coordinate services

Fees for copies provided by RS

Pre-ETS may establish reasonable fees to cover extraordinary costs of duplicating records or making extensive searches. Questions on current fees should be directed to the Administration Office.

Amending the record of services

An applicant or student who believes that information in his or her record of services is inaccurate or misleading may request that Pre-ETS amend the information. If the information is not amended, the request for an amendment must be documented in the record of services.

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Release to authorities

Informed written consent (a signed release of information form) is not required in the following circumstances:

- Pre-ETS shall release personal information if required by Federal law or regulations. Questions about this standard should be addressed to the Department for Children and Families (DCF) Attorney in the local office at the time a request for release is received.
- Pre-ETS shall release personal information in response to investigations in connection with law enforcement, fraud, or abuse, unless expressly prohibited by Federal or State laws or regulations, and in response to an order issued by a judge, magistrate, or other authorized judicial officer.
- Pre-ETS also may release personal information in order to protect the student or others if the student poses a threat to his or her safety or to the safety of others.

State program use

All personal information in the possession of RS must be used only for the purposes directly connected with the administration of the Pre-ETS and vocational rehabilitation programs. Information containing identifiable personal information may not be shared with advisory or other bodies that do not have official responsibility for administration of the program.

Release for audit, evaluation, and research

Personal information may be released to an organization, agency or individual engaged in audit, evaluation, or research only for purposes directly connected with the administration of the Pre-ETS or vocational rehabilitation programs, or for purposes that would significantly improve the quality of life for participants and only if the organization, agency, or individual assures that:

- The information will be used only for the purposes for which it is being provided.
- The information will be released only to persons officially connected with the audit, evaluation, or research.
- The information will not be released to the involved student.
- The information will be managed in a manner to safeguard confidentiality.
- The final product will not reveal any personal identifying information without the informed written consent of the involved student or the student's representative.

Information in this Part is based on 34 CFR 361.38 and DCF guidance.