

Navigating Information Sharing

Webinar presented by the
National Center for Mental Health
Promotion and Youth Violence Prevention
September 14, 2012



John Rosiak, Matt Ryerson, and Lourdes Rosado



John Rosiak



Mr. Rosiak has a broad background in drug, crime, and violence prevention, working in a variety of education and communications positions for more than 30 years. His experience includes creating and managing technical assistance; material development and dissemination; and outreach and communications campaigns.



The issue

How do young people and their families, along with all of the caregivers in the different systems students find themselves (schools, MH, LE, JJ, CW), figure out how to navigate through information sharing laws and practices to get the help needed.





navigating INFORMATION SHARING

You *Can* Share Information to Help Youth Involved in Multiple Systems

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[Desk aid companion \(PDF\)](#)

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[▶ Desk aid companion \(PDF\)](#)

[▶ NIS Toolkit \(PDF\)](#)

Implementation

- Gather stakeholders
- Discuss situations
- Legal and confidentiality requirements
- Establish policies and procedures for information sharing
- Transparency
- "Authorization to release"

Learn the Laws

- HIPAA
- FERPA
- Federal Drug and Alcohol Laws and Regulations
- Other federal laws
- When Federal Laws Intersect
- State laws

Scenarios

- Principal & counselor
- Teacher & external agency
- Dr. & school counselor
- SRO & school counselor
- Parent & school (bullying)
- Judge and counselor
- Case manager &

Webinar Objectives

This Webinar will:

- Name the steps in the process of implementing Information Sharing (IS).
- See the value of a framework of “essential questions to ask” when dealing with IS questions.
- Use the NIS Website to assist in learning the laws and other aspects of their school-community IS efforts.
- Answer some of your questions about IS.



Complete the following polls to determine where you stand on Information Sharing



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Learn the Laws

This section gives an overview of the federal laws governing confidentiality and sharing of records on children and youth, most notably education and health information. It focuses on the provisions that are most relevant to the types of situations that SS/HS sites may encounter, including those in which children are involved in the child welfare and juvenile justice systems.

[Health Insurance Portability and Accountability Act \(HIPAA\)](#)

[Federal Educational Rights and Privacy Act \(FERPA\)](#)

[Federal Drug and Alcohol Laws and Regulations](#)

[Other Federal Laws](#)

[When Federal Laws Intersect](#)

[State Laws](#)

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- Case manager & multiple agencies
- Student's activities outside school (Facebook)

Navigating Information Sharing (NIS) Toolkit

Desk Aid

Desk Aid Companion

Purpose of NIS

To provide educators and youth-serving agencies with guidance about laws that allow them to share information about youth involved in multiple systems.

Who Is NIS for?

Specifically, Navigating Information Sharing (NIS) is for service providers of youth ages 18 and younger who are involved in multiple systems (e.g., education, mental health, law enforcement, juvenile justice, substance abuse, and behavioral systems). NIS is for:

- Teachers and school administrators
- Mental health professionals in the school and community
- Social workers
- Health care providers
- Juvenile justice professionals
- Law enforcement professionals
- Child welfare professionals
- Families

The National Center for Mental Health Promotion and Youth Violence Prevention created the NIS Toolkit to address the issues that school and community partners face regarding information sharing. Anyone with Internet access can use the Toolkit, which includes essential information about:

- Implementing information-sharing policies and protocols
- The laws that pertain to information sharing
- Scenarios that show how to handle common cases



Video



Matt Ryerson, Esq.



Matt Ryerson is a former TAS with the National Center, as well as a former PD with Safe Schools/Healthy Students in Cleveland, TN. Prior to that, Matt was an administrator with a psychiatric hospital partnering with local school districts, law enforcement, and local/regional/national juvenile court systems and consistently dealt with the challenges of information sharing across state lines and across juvenile service sectors. Matt is a 2006 graduate from Concord Law School.



What You Wanted to Know

- What are the laws and barriers preventing sharing?
- Are there multi-agency releases that work for mental health and substance abuse treatment providers that can be shared?
- What are the best practices across sites?



Challenging Cases

- Mental health counselors not sharing therapy notes with educators, particularly in special education
- Getting school counselors to share information with teachers
- Sharing information that might be perceived as negative in the community



Challenging Cases

- Getting something shared with the schools that is law enforcement related
- Sexual harassment/assault issue on a playground where follow-up included mental health counseling and school discipline, and follow-up with victims and victims' families



Challenging Issues

- Overcoming bureaucracy
- Getting partners to agree about confidentiality issues can take years
- Overcoming confidentiality issues with mental health providers, even with signed consent
- Creating a multi-agency release/consent form that allows information sharing across systems



Challenging Issues

- Sharing information in a timely manner to best provide services to students
- Effectively sharing information to allow for treatment or wrap-around services for ALL needs
- Comprehending similarities and differences between HIPAA and FERPA
- Determining what can legally be shared and what should be shared to best help serve our students



Scenarios

 National Center for Mental Health Promotion and Youth Violence Prevention

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Scenarios: Information Sharing in the Real World

Every day, individuals in SS/HS sites are confronted by situations that raise questions about whether they can share or obtain information about the students they serve. Sometimes they may be uncertain whether they can give or get information from other school personnel. At other times, there is a questions about information sharing between school personnel and entities serving children outside the school, such as health care providers and social services caseworkers.

Essential questions to ask in dealing with real life situations

This section describes an approach for solving information-sharing questions in the context of some common scenarios posed by individuals in the SS/HS sites. Specifically, when confronted with a situation in which you think it would be helpful or necessary to share or obtain certain information about a student, ask yourself the following questions:

- Who (what agency) has the information?
- Who (what agency) wants the information?
- What specific information does the requester want?
- What exactly does the requester want to do with the information?
 - How will the requester use the information?
 - Who else will they share the information with?
- What are the laws that pertain?
- What do these laws permit, and what do they prohibit?
- How can the site proceed legally to get the student help?
- What else does the school-community partnership need to know to make an informed decision about information sharing?

We ask each of these questions to determine if, and in what circumstances, information sharing is permitted in the following scenarios. But you can apply the same questions to any situation.

NIS Home

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Why Information Sharing Is Important

Implementation of Policies

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Sample Documents

Web Resources

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NIS Toolkit (PDF)

Lourdes M. Rosado, Esq.



Lourdes M. Rosado, Esq., is Associate Director of Juvenile Law Center, a non-profit, public interest law firm that works on behalf of youth in the child welfare and juvenile justice systems. Ms. Rosado is co-author of the Models for Change Information Sharing Tool Kit and a contributor to the Navigating Information Sharing guide.

NIS Scenarios

Scenarios

Note: When following the guidelines laid out in this document it is ultimately the responsibility of the partners of the local jurisdiction to craft their own answer on how they will approach each scenario. The discussion of these scenarios is not intended as legal advice. Please consult your agency's attorney with any legal questions about information sharing.

Principal and mental health counselor sharing observations about a student

Teacher sharing student information with external agency

External physician sharing student's information with school counselor

School resource officer and school counselor sharing student attendance and grades information

Parent and school sharing information about other students regarding bullying

Juvenile court judge sharing information with counselor treating juvenile

Case manager sharing information with multiple agencies all working with the same student

School personnel sharing information about a student's activities outside school (on Facebook)

Child welfare agency, school, and parents sharing information regarding safety of all students

Essential Questions

- Who has the information?
- Who wants the information?
- What specific information does the requester want?
- What exactly does the requester want to do with the information?
- How will the requester use the information?
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Scenario #1

Principal/MH Counselor

- Rumor of an arrest
- History of aggression and self-harming
- Principal approaches counselor to ask about counseling and arrest
- Principal asks how he can support student
- Counselor refuses to share information



Essential Questions

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Scenario #2

Teacher/External Agency

- Teacher refers student to counseling
- Counselor is assigned
- Counselor visits teacher to get information
- Teacher wants to hear about treatment
- Teacher is confused about what he can/cannot share



Essential Questions

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- Who wants the information?
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Scenario #3

Doctor/School Counselor

- Student released from inpatient facility
- Student returns to school
- School asks facility for information to help serve student in school
- Asking for treatment services, behavior plans, medication, coping skills, etc.
- Physician refuses to confirm he/she is treating student



Essential Questions

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Applying What You've Learned





Let's hear from you!

Scenario #8

School personnel sharing information about a student's activities outside school (on Facebook)

- A student has been posting violent messages on his Facebook page.
- The school principal has been told about the messages, but cannot discipline the student as none of the messages are a direct threat to a student or faculty or staff member.
- The principal approaches the SRO. The SRO agrees, but says his hands are tied because no crime has been committed. The SRO suggests talking to the school counselor, who has been known to be working with the student.
- The counselor, however, says she cannot share any information due to confidentiality rules.



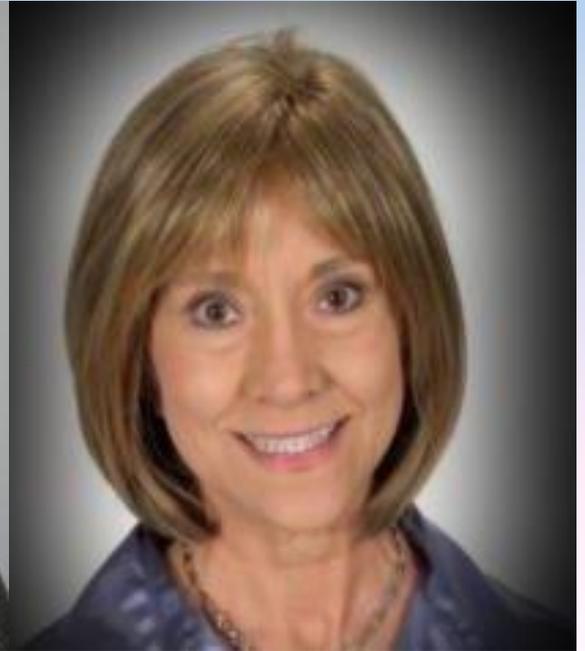
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Lessons Learned from Safe Schools/Healthy Students Partnerships

Jenee Littrell, Gary Houseman, and Brenda Hummel



Jenee Littrell



Lesson Learned from Grossmont Union, CA

Jenee Litrell, Grossmont Union, San Diego, CA:

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- Creating an information agreement and actually sharing information across multiple systems is absolutely **worth it!** It **saves resources** and, most importantly, can **minimize the fragmentation** of services for students and families.
- The information sharing agreement can help communities **be more responsive to emerging issues**. When everyone is communicating and sharing data it takes less time for agencies/partners to respond to new community issues like gang violence, emerging drug issues, etc.



Gary Houseman



Lesson Learned from Muskegon, MI

Gary Houseman, Muskegon, MI ghousema@mpsk12.net
www.onefamilyoneplan.org

- ***Create a common language*** all the partners can use.
(Each agency has its own way of communicating that can be a little intimidating to those outside that world.)
- ***Agree upon a clearly defined/outlined process*** through which information is shared.



Brenda Hummel



Lesson Learned from Austin, TX

Brenda Hummel, Austin, TX bhummel@austinisd.org

- ***Develop a standard format that can be used by different partners*** (even though they ask for data in lots of different formats). Austin example: Partners were asking for school attendance information by 6 weeks/month/semester/number of absences/percent present. After exploring what the partners really needed, site found people didn't care what format attendance information was in.
- ***Begin with developing the data sharing consent language*** (usually 2-3 sentences) for partners to add to their parent permission forms. Start early so you will have signed parent permission forms when you get the data sharing system in place.



Review Key Points

- *You CAN share information legally.*
- *Important to engage partners in the process of implementation.*
- *Learn the laws.*
- *Work together to apply the “essential questions” to your real-life scenarios.*



The Silos



Safe Schools
Healthy Students



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John Rosiak

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Navigating Information Sharing Website:

<http://sshs.promoteprevent.org/nis>



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Mental Health Promotion
and Youth Violence Prevention



A Life in the Community for Everyone
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Substance Abuse and Mental Health Services Administration
U.S. Department of Health and Human Services