



OPERATIONAL MEMO

TITLE:	DATA SHARING BETWEEN COUNTY CHILD WELFARE AND REGIONAL ACCOUNTABLE ENTITIES
SUPERSEDES NUMBER:	N/A
EFFECTIVE DATE:	JULY 12, 2021
DIVISION AND OFFICE:	EXTERNAL RELATIONS DIVISION OF POLICY, COMMUNICATIONS AND ADMINISTRATION OFFICE AND DELIVERY SYSTEM AND PAYMENT INNOVATION DIVISION OF HEALTH PROGRAMS OFFICE
PROGRAM AREA:	LOCAL PARTNERSHIPS AND ACCOUNTABLE CARE COLLABORATIVE PROGRAM MANAGEMENT
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APPROVED BY: RACHEL ENTRICAN	

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Purpose and Audience:

This is a jointly issued memo from the Colorado Department of Health Care Policy and Financing and the Colorado Department of Human Services.

The purpose of this memo is to clarify data sharing capabilities between county departments of human/social services (county) child welfare and Regional Accountable



Entities (RAEs) for the purposes of timely and accurate care for children and youth in the foster care system.

This memo serves as confirmation of authority for counties to share data listed below for child welfare populations with RAEs without the use of a Business Associate Agreement.

Information:

Counties are encouraged and allowed to share this information upon request of the RAE or on a regular cadence decided between the county and the RAE.

Best practice is to share proactively, but upon request should share the following information to ensure that children who are in the child welfare population can get services as needed and provided from the RAEs.

Counties can share the following pieces of data regularly with RAEs in order to improve care coordination and timely access to needed services. This includes medical coverage and behavioral health services.

- Child's Name
- Child's DOB
- Child's SSN
- Medicaid ID/State ID
- Case ID
- Date Child entered custody of the county
- Originating County/ County of custody
- Placement County
- Foster Placement Contact (phone, email, head of household, etc.)
- Case Worker Name/Contact

Background

When children/youth are moved into an Out of Home placement, they automatically become eligible for Medicaid. Certain regulations require the state to secure services for these kids within specified periods of time. This includes rules around full medical exams within 14 calendar days and full dental examinations being scheduled within 8 weeks after placement for more specification on these rules. Please refer to 12 CCR-2905-7.304.62, Placement activities.

The RAEs are the entities that are contractually obligated to connect foster care children with medically necessary services in a timely manner. In order to fulfill this obligation,



the county departments need to be able to share data contained in Trails with the RAEs so the RAEs know as soon as possible which kids are now entitled to Medicaid services and benefits.

Currently, the input of information into Trails and the transfer of that data into CBMS and thereby to the RAEs, is slower than is necessary and makes it more difficult for RAEs to timely serve children/youth in the foster care system.

Data sharing directly between counties and the RAEs will make it easier for the RAEs to get services to foster kids faster and will facilitate the continuation of services.

C.R.S. § 19-1-307(2)(c), and CDHS Regulation 7.605.22 consider this type of sharing of confidential information about foster children to procure services on their behalf, which is permitted. Because CDHS is a covered entity, HIPAA allows for PHI to be disclosed by a covered entity for purposes of treatment. *See* 45 CFR § 164.502(a)(1)(ii). Treatment includes not only the provision of care, but also the coordination or management of health care and related services. 45 CFR § 164.501. In child welfare matters, county departments act as agents of the state on behalf of CDHS, see C.R.S. § 26-1-118(1); therefore, county departments also may share this information with the RAEs for purposes of treatment and coordination or management of health care.

The U.S. Department of Health and Human Services has [provided guidance](#) regarding this exception, noting that "health care providers who believe that disclosures to certain social service entities are a necessary component of, or may help further, the individual's health or mental health care may disclose the minimum necessary PHI to such entities without the individual's authorization."

Because CDHS, a covered entity, is seeking to coordinate with the RAEs, for the purpose of establishing health care coverage under Medicaid, this data sharing is permitted under this exception.

Attachment(s):

None



Department Contact:

For Health Care Policy and Financing please contact the [County Relations Inbox](#).

For Regional Accountable Entities, please contact your RAE inbox for any questions or concerns.

For the Colorado Department of Human Services please contact [Sarah Lipscomb](#), Director of Operations or [Korey Elger](#), Permanency Manager.