


Colorado Department of Health Care Policy and Financing 1570 Grant St., Denver, CO 80203-1818	NUMBER: HCPF 07-014
	CROSS REFERENCE:
DIVISION OR OFFICE: Privacy & Public Policy	DATE: May 3, 2007
SUBJECT AREA: Client Privacy and HIPAA Guidance	
SUBJECT: Release of EPSDT Client Information by County Eligibility Technicians to EPSDT Contractors TYPE: P – Procedure	APPROVED BY:  Sue Williamson

*Medicaid Agency Letters can be accessed online at:
www.chcpf.state.co.us >> County and Medical Assistance Site Correspondence >> Agency Letters*

Purpose:

This agency letter replaces Agency Letter HCPF 07-001. The purpose of this agency letter is to provide guidance to all County Departments of Social/Human Services and Medical Assistance sites regarding the release of Early and Periodic, Screening Diagnosis and Treatment (EPSDT) client information to EPSDT contractors.

Background:

There has been some confusion on whether or not Medicaid application information can be shared with EPSDT contractors. This agency letter affirms that county technicians are required to provide portions of the Medicaid application to the EPSDT contractors.

The Department of Health Care Policy and Financing (Department) is the single state agency responsible for the administration of the Colorado Medical Assistance Program, which includes Medicaid, pursuant to Title XIX of the Social Security Act. It is considered a covered health entity under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) privacy and security regulations. (45 C.F.R. Parts 160 and 164).

The Department contracts with entities that provide EPSDT Outreach and Case Management services and who are also business associates of the Department.

Information:

The contractual agreement the Department has with EPSDT contractors requires that the EPSDT contractors provide outreach to certain target populations to explain the benefits of preventive care, regular medical visits, and to provide various types of assistance to ensure that children and pregnant women are receiving care. This assistance includes making appointments and coordinating with providers to help children and pregnant women receive all benefits to the fullest

extent available. A covered entity is permitted to use or disclose protected health information without a written authorization from the client for purposes that enhance the client's treatment or payment for treatment, or for use in a covered entity's health care operations. (45 C.F.R. 164.506)

The county departments serve as agents of the Department and are charged with the administration of medical assistance and related activities in their counties in accordance with the Department's rules. One of these responsibilities include determining the Medicaid eligibility of clients. 10 CCR 2505-10, § 8.100.22.a. The county departments refer Medicaid applicants who are pregnant and/or age 20 and under to EPSDT. This referral must be done by copying a page within the Medicaid application which includes the EPSDT benefit questions, and forwarding this page to the EPSDT contractor within five working days from the date of the receipt of the application. 10 CCR 2505-10, § 8.100.38.

As stated, the EPSDT contractors are the Department's business associates and the county departments are the Department's agents charged with the administration of Medicaid. The Department is permitted to use or disclose protected health information without a written authorization from the client for purposes that enhance the client's treatment or for payment or operations. The EPSDT contractors require the client information in order to provide care to the EPSDT clients. As such, the Department requires that the county technicians provide certain Medicaid information from the applications to the EPSDT contractors.

Effective Date:

March 30, 2007

Contact Person:

Gina Robinson
Program Administrator, Acute Care Benefits
303-866-6167
Gina.Robinson@state.co.us