

Montana Department of Public Health & Human Services	Policy
	MT CACFP 2003-4 Rev 2
	Section: All Institutions
Child and Adult Care Food Program	Subject: HIPAA
	Date Revised: 5/1/11

## HIPAA

The Federal Health Insurance Portability and Accountability Act (HIPAA) of 1996 made medical record confidentiality requirements into specific laws. The law established minimum standards of privacy and security to ensure that sensitive information about individuals' health would remain confidential.

Under HIPAA, all medical records, including medication administration information, is protected health information (PHI). PHI also includes but is not limited to special needs health care plans that include feeding and/or dietary information including food allergies, dietary restrictions, food modifications and substitutions, intolerances, and cultural and religious food preferences.

In the CACFP, substitutions that alter the meal pattern because of medical needs or other special dietary needs must be documented. Supporting documentation must be from a physician or recognized medical authority, providing the food substitutions and feeding directions. Institutions must use the current CACFP form titled *Medical Statement to Request Special Meals and/or Accommodations* along with separate documentation provided by a physician or recognized medical authority, if applicable.

PHI must be kept in a confidential manner. Refer to the *HCS/CC-123 HIPAA Child Care Information Guide* brochure for more information.

When an institution or child care provider is requesting or being given PHI in regard to special dietary needs:

1. The parent or guardian must be given the *Notice of Use of Protected Health Information* form, which is attached to the *Medical Statement to Request Special Meals and/or Accommodations* form.
2. Institutions and day care home providers that will be displaying and sharing the information among staff must obtain, from the parent or guardian, a signed *Notice of Use of Protected Health Information* form, which is attached to the *Medical Statement to Request Special Meals and/or Accommodations* form.
3. The *Medical Statement to Request Special Meals and/or Accommodations* form is located on the State agency website at [www.bestbeginnings.mt.gov](http://www.bestbeginnings.mt.gov).

PHI that is released outside the institution must be recorded in writing; a log is recommended. The log must include the following:

- Child's full name;
- Parent or guardian's name;
- Type of documentation (for example; allergy statement);
- Date the documentation was released, and to whom;
- Signed authorization for release of information, if applicable;

All staff in institutions and facilities, including day care home providers, must be trained regarding HIPAA requirements. New staff members must be trained as they are hired and new day care home providers at their pre-approval visit.

The HIPAA Officer for the State agency is located in the Quality Assurance Division, Program Compliance Bureau, Montana Department of Public Health and Human Services, Helena, MT 59620.

[References: 7 CFR 226.20(h); HCS/CC-123 HIPAA Child Care Information Guide; 45 CFR 106-164]