

INTERAGENCY AGREEMENT
Among and Between the
NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES
NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES
FINANCE AND SUPPORT
and
NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES
REGULATION AND LICENSURE

I. PURPOSE AND JUSTIFICATION FOR INFORMATION ACCESS

Early Detection of hearing loss in a child and early intervention and treatment before six months of age has been demonstrated to be highly effective in facilitating a child's language, communication and educational development. Appropriate screening and identification of newborns and infants with hearing loss will facilitate early intervention and treatment in the critical time period for language development and may serve the public purposes of promoting the healthy development of children and reducing public expenditure for health care, special education and related services.

The purpose of the Infant Hearing Act is to provide early detection of hearing loss in newborns at the birthing facility, or as soon after birth as possible for those children born outside of a birthing facility, to enable these children and their families and other caregivers to obtain needed multidisciplinary evaluation, treatment and intervention services at the earliest opportunity and to prevent or mitigate the developmental delays and academic failures associated with late detection of hearing loss.

Under Nebraska's Revised Statute §71-4737, the Department of Health and Human Services has been given authority to collect information necessary to track newborn/infants identified with potential hearing loss or who have been evaluated and have been found to have a hearing loss, in order to facilitate access to appropriate systems of care. The Department of Health and Human Services and the State Department of Education have been directed (in Nebraska's Revised Statute §71-4743) to establish guidelines for when a referral shall be made for early intervention services under the Early Intervention Act. The guidelines shall include a request for an individual evaluation of a child suspected of being deaf or hard of hearing as defined in section 79-1118.01.

WHEREAS, HHS seeks to obtain vital records information from the Nebraska Department of Health and Human Services Regulation and Licensure and Medicaid information from the Nebraska Department of Health and Human Services Finance and Support to facilitate achieving the goals of (1) tracking newborns and infants identified with hearing loss and (2) referrals to the appropriate early intervention services.

WHEREAS, under Neb. Rev. Stat. §71-602.01 (Rev. 1996), all information designated on birth certificates as being for health data and statistical research shall be confidential but may be released to the Department of Health and Human Services for research and statistical purposes pursuant to a written agreement; and WHEREAS, Title XIX of the Social Security Act (Medicaid), Section 1902(a)(7) (as amended) provides safeguards which restrict the use or disclosure of information concerning Medicaid applicant and recipients to purposes directly connected with the administration of the State Medicaid plan and regulations at 42 CFR 431.02 Title XIX Medical Assistance Programs (Medicaid) specify the purposes directly related to the State plan administration; and

WHEREAS, under Neb. Rev. Stat. §68-313 (Rev. 1996), information concerning individuals who apply for or receive medical assistance benefits may be used and disclosed for purposes directly connected with the administration of such medical assistance programs; and

WHEREAS, the Nebraska Newborn Hearing Screening Program (NNHSP) is within the Office of Family Health; and

WHEREAS, under 465 NAC 2-005, all information which identifies individuals who apply for or receive Medicaid assistance, benefits, or services must be safeguarded; and

WHEREAS, such information obtained and shared by and between the various departments under this agreement shall be used for referral services to the Early Development Network and Medically Handicapped Children's Program for those infants and children who are diagnosed with or have the potential for hearing loss; and

WHEREAS, information may be shared among and within the various Departments pursuant to Neb. Rev. Stat. §81-3007.01 (Rev. 1996) through an interagency agreement.

THEREFORE, this agreement is entered into by and between the Nebraska Department of Health and Human Services (hereinafter HHS), the Nebraska Department of Health and Human Services Finance and Support (hereinafter F&S), and the Nebraska Department of Health and Human Services Regulation and Licensure (hereinafter R&L) to accomplish the above mentioned goals.

II. DESCRIPTION OF DATA AND METHOD OF DATA ACCESS OR TRANSFER

A. BIRTH CERTIFICATE INFORMATION

F & S, through the Data Management Health Data Coordinator in R & L, agrees to make available to HHS, through NNHSP, specified birth certificate information containing a complete set of demographic information to enable NNHSP to facilitate referral to the Early Development Network and/or Medically Handicapped Children's Program.

B. MEDICAID INFORMATION

F&S through its Medical Assistance Program ("Nebraska Medicaid"), Primary Care Unit Manager or their designee, agrees to provide current phone number, address and clinic/local agency site collected in the NEBRASKA Medicaid computer system data for those Medicaid clients who may require early intervention services.

C. NEWBORN SCREENING (METABOLIC) and HEARING SCREENING

HHS, through its Newborn Screening/Genetics Program, Program Manager, or the Newborn Hearing Screening Program, Program Manager, or their designee, agrees to provide the current phone number and address collected in the Newborn Screening/Genetics computer system data or the NNHSP manual tracking system, for the sole purpose of facilitating referral for those infants and children who may benefit from or require early intervention services.

D. EARLY DEVELOPMENT NETWORK

HHS, through its Early Development Network's designee, will utilize information for sole purposes of initiating services for those infants and children who may benefit from or require early intervention services.

E. MEDICALLY HANDICAPPED CHILDREN'S PROGRAM

HHS, through its Medically Handicapped Children's Program's designee, will utilize information for sole purposes of initiating services for those infants and children who may benefit from or require medically handicapped children services.

III. CONFIDENTIALITY AND DISPOSITION OF DATA

All Departments mutually agree that the NNHSP Program Manager, will be designated as custodian of all shared information and will be responsible for establishment and maintenance of security measures as required by applicable state and federal law.

HHS agrees to maintain confidentiality of all information obtained and will not identify any Medicaid applicant/participant by name, identification number or other identifier, nor release any information designated on birth certificates as being for health data and statistical research purposes to any third party, nor will it release to any third party any information designated on birth certificates as being for health data and statistical research.

HHS agrees that data received under this agreement will be used only for referral purposes and may be used to determine program eligibility. Furthermore, as the data will be shared within, among and between the three departments, it will be subjected to all applicable federal and state requirements regarding privacy and confidentiality.

IV. TERM

This interagency agreement shall become effective on July 15, 2002 and remain in full force for the period of operation of the Nebraska Newborn Hearing Screening Program. The Departments shall review the operation of this agreement on an annual basis to determine if revisions to this agreement are needed.

EXECUTED BY THE DULY AUTHORIZED REPRESENTATIVES OF THE PARTIES.

Ron Ross, Director

Department of Health and Human Services/Services

Date

Richard Nelson, Director

Department of Health and Human Services/Regulation and Licensure Date

Stephen Curtiss, Director

Department of Health and Human Services/ Finance and Support

Date