



State of Florida
Department of Children and Families

Charlie Crist
Governor

George H. Sheldon
Secretary

DATE: September 21, 2009

TO: Regional Directors

THROUGH: Peter Digre, Assistant Secretary for Operations *MD*
David L. Fairbanks, Assistant Secretary for Programs *DLF*

FROM: Alan F. Abramowitz, State Director, Office of Family Safety *AFA*

SUBJECT: Release of Records to Child Abuse Death Review Committees

PURPOSE: This memo provides legal clarification regarding the release of medical information contained in child welfare records to state and local Child Abuse Death Review Committees.

BACKGROUND INFORMATION: The Region Child Death Review Coordinator has responsibility to oversee the completion of child death reviews conducted on all child deaths in which it is alleged that abuse, neglect or abandonment was or may have been a factor in the child's death and in situations where a child died while receiving ongoing services.

Chapter 383.402(8) F.S. states that "Notwithstanding any other law, the chairperson of the State CADR committee or the chairperson of the local [CADR] committee, shall be provided with access to any information or records that pertain to a child whose death is being reviewed by the committee and that are necessary for the committee to carry out its duties, including information or records that pertain to the child's family as follows:"

- a) Patient records in the possession of a public or private provider of medical, dental, or mental health care, including, but not limited to, a facility licensed under chapter 393, chapter 394, or chapter 395, or a health care practitioner as defined in s. 456.001.
- b) Information or records of any state agency or political subdivision which might assist a committee in reviewing a child's death, including, but not limited to, information or records of the Department of Children and Family Services, the Department of Health, the Department of Education, or the Department of Juvenile Justice.

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Mission: Protect the Vulnerable, Promote Strong and Economically Self-Sufficient Families, and Advance Personal and Family Recovery and Resiliency

We have consulted with General Counsel's office. They reviewed the above statute and consulted with the Department's Health Insurance Portability Accountability Act (HIPAA) officers in the Civil Rights Office. This review determined that Department staff can copy and share HIPAA materials for business and operational purposes. This means staff can share these materials unredacted with state and local CADR committees so they can perform the job they are required to do under section 383.402, F.S. NOTE: Reporter information must always be redacted from the records that are provided to any CADR committee. This authority to release records also applies to reports received by the child protective investigator from the medical/health care provider and for which the parent has signed a Release of Information specifying to whom the medical information may be released.

ACTION REQUIRED: Please share this information with Child Death Review Coordinators and other applicable staff.

CONTACT INFORMATION: If further information is needed, please contact Eleese Davis, Chief of Systems Performance Management at 860-921-9857 or Selga Sakss, Statewide Death Review Coordinator, 727-527-9807 or by e-mail at Selga_Sakss@DCF.state.fl.us.

cc: Mary Ann Stiles, Interim General Counsel
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