



Connecticut Nurses Association (CT Nurses) Family Child Care Policy & Procedure Guidance Series (2021)

Topic: Confidentiality

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The **Connecticut Nurses Association Family Child Care Policy & Procedure Guidance Series (2021) (Guidance Series)** was created to support Family Child Care (FCC) Providers when establishing or building upon health and safety policies in response to the COVID 19 pandemic. The 2021 **Guidance Series** provides best practice considerations/components, sample language and rationale, so that FCC providers can evaluate their own policies, procedures, practices, and family communications and then identify changes or additions essential to promoting health and safety in their homes. The 2021 **Guidance Series** is based on the latest guidance, practices, or recommendations from the Connecticut Office of Early Childhood (OEC), Caring for Our Children (CFOC) National Health and Safety Standards and the Centers for Disease Control and Prevention (CDC).

1. HOW TO USE THIS GUIDE

The **Connecticut Nurses Association (CT Nurses) Policy & Procedure Guidance Series** (2021) is a resource for FCC providers. Using research informed and evidence-based practices, the **Guidance Series** provides information to assist FCC providers in creating or strengthening their childcare policies, procedures, or practices. Additionally, the **Guidance Series** provides rationale, and answers “why” the information provided is an important component of the policy, procedure, or practice. In understanding ‘why’, we hope that FCC providers will apply this information when making decisions about how activities will be implemented in their FCC homes.

The **Guidance Series** documents are organized as follows

- Overview
 - Provides a brief description of the specific topic being addressed.
- Policy Checklist
 - This section provides a comprehensive Checklist to assist in the development of, or build upon current policies, procedures, and best practices for FCC programs. The Checklist identifies five (5) best practice components/considerations, includes sample language and rationale so that FCC providers can evaluate their own policies, procedures, practices. The Checklist is based on the Connecticut Office of Early Childhood (OEC) Guidance, the Caring for Our Children (CFOC) National Health and Safety Standards and the Centers for Disease Control and Prevention (CDC.)
- Resources/References
 - This section includes best practice resources and references.
- Sample Policies/Procedures
 - Select policies and practices are provided in this section.

2. OVERVIEW

Confidentiality refers to the duty of anyone entrusted with health and other personal information to keep that information private ([CDC: Privacy and confidentiality, 2012](#)). For example, when family child care (FCC) providers are given annual physical exam and immunization records for children in their care, there is an expectation that they will keep that information to themselves and not share it with others.

FCC providers must maintain confidentiality to protect staff families and children. This includes how they receive information, store information, and when, why, and how they may share it with others. Each FCC provider must therefore respect the confidentiality of health and other personal information pertaining to the children and families they serve ([CFOC: Chapter 9 Administration](#)).

Sharing of confidential information must be done on a need-to-know basis and must be approved by parents/guardians in writing (for example, FCC providers talking to speech therapists when they provide speech therapy to children at the FCC). FCC providers should let parents know how their child care will handle confidential information, as this will help to build a trusting relationship. Policies and procedures show families that your FCC is a professional business, built on best practices, and is intentional in the activities and programs you have developed for the care and safety of children, families, and staff.

Some recommended protocols for protecting staff and children's personal information include

- Password-protect electronic records (stored on a computer) that contain confidential information.
- Locked, confidential storage cabinets.
- Proper shredding and disposal of staff and children's confidential records (when appropriate).
- Private space for confidential conversations in a working-from-home setting (such as, making telephone or video-conferencing calls from a private room to avoid the conversation being overheard).

Maintaining Confidentiality During COVID-19

Legal and ethical concerns for privacy and confidentiality continues, even during the COVID19 pandemic. Staff, families, and children's personal information regarding any COVID-19 related matters should be kept confidential. However, there are some important exceptions that are specifically related to keeping local communities safe and healthy. In Connecticut, if there is a case or suspected case of a reportable disease, such as COVID-19, and if a health care provider is not known to have made a report within the appropriate time, [child care providers](#) are among the persons who must report the reportable diseases to the [local health department](#). It is important to note that discussions with local health department staff are also confidential. This means that personal and medical information will be kept private and only shared with those who may need to know. To better understand how the health department keeps information private and confidential, access the *Principles of Case Investigation and Contact Tracing* located on the CDC website at <https://www.cdc.gov/coronavirus/2019-ncov/php/principles-contact-tracing.html>, or contact your [local health department](#) directly and speak with a staff member.

3. POLICY CHECKLIST

CONSIDERATIONS		
Items	Sample Language	Rationale/Resource/Reference
1	<p>Definition of confidential records or information</p> <ul style="list-style-type: none"> • Staff, families', or children's records mean <ul style="list-style-type: none"> ○ Records that are directly related to staff, families, or children (for example, child care enrollment forms or immunization records). ○ Records maintained by the program, or by a person representing the child care (for example, health care plans for children). ○ Information recorded in any way, such as print, electronic, or digital means, including media, video, image, or audio format (for example, pictures that families share with the child care for posting on their child's cubby, or emailed documents or other information communicated by parents/guardians to FCC providers regarding the health status of children). • Confidential records include <ul style="list-style-type: none"> ○ Child enrollment Form. ○ Emergency medical care form. ○ Adult and child health records. ○ Staff background checks. ○ Immunization records ○ Enrollment forms. ○ Training records. ○ Financial documents (includes payment records). 	<ul style="list-style-type: none"> • Child records mean records that: (1) are directly related to the child; (2) are maintained by the program, or by a party acting for the program; and (3) include information recorded in any way, such as print, electronic, or digital means, including media, video, image, or audio format. (https://eclkc.ohs.acf.hhs.gov/policy/45-cfr-chap-xiii/1303-23-parental-rights) <p>Family Child Care Home Checklist for Provider, Staff, And Household Member Records</p> <ul style="list-style-type: none"> • Sample checklist for FCC providers for some records required by regulation.
2	<p>Access to confidential information</p> <ul style="list-style-type: none"> • Only staff members of this FCC will have access to the locked cabinet. • We have a password-protected computer to protect staff, family, and children's confidential health and other information. 	<p>1303.20 Establishing Procedures</p> <ul style="list-style-type: none"> • A program must establish procedures to protect the confidentiality of any personally identifiable information (PII) in child records.
3	<p>Exchange of information</p> <ul style="list-style-type: none"> • Enrollment of children must be made in person by parents or guardians since it is the responsibility of parents or guardians to provide information to this FCC regarding your child(ren). We appreciate and understand that you know your children best and therefore, information shared either verbally or in writing, will be kept confidential. • Parents/guardian must review and sign this FCC's confidentiality policy. • Information you share about your family's health will be kept confidential. 	<p>Standard 9.2.1.4: Exchange of Information Upon Enrollment</p> <ul style="list-style-type: none"> • Parents/guardians should be fully informed about the facility's services before delegating responsibility for care of the child. The facility and parents/guardians should exchange information necessary for the safety and health of the child. <p>Standard 9.2.3.8: Information Sharing on Family Health</p> <ul style="list-style-type: none"> • Sharing family history of chronic disease or about challenges in the home, helps caregivers understand family stress and experiences of the child within the family. • When information is shared either verbally or in writing by families, FCC providers understand that it is shared in

			confidence and is meant to support children who may be responding to stressors due to challenges at home.
4	Storing, disposal, and returning records	<ul style="list-style-type: none"> Children’s health and other confidential information will be stored in a locked cabinet at this FCC. Storing, disposal, and return of staff and children’s confidential records will be done according to the Family Child Care Homes Statutes and Regulations. 	<p>CT Family Child Care Homes Statutes and Regulations</p> <ul style="list-style-type: none"> https://www.ctoec.org/wp-content/uploads/2019/03/family_statsregs.pdf <p>Family Child Care Homes Forms and Documents</p> <ul style="list-style-type: none"> https://www.ctoec.org/licensing/family-child-care-homes/
5	Release of information and written consent	<ul style="list-style-type: none"> This FCC will not release any confidential records pertaining to the child or family except in emergencies, or upon request of the Office of Early Childhood, police, or Department of Children and Families, unless the parent of the child gives us written permission to release this information. Verbal or written requests by parents/guardians for copies of their child(ren)’s confidential information, such as immunization records, will be provided directly to those parents/guardians. Please allow us adequate time to make copies of these records. Parents’/guardians’ must provide written requests for any/all confidential information to be released by this FCC to any third party (for example, the child’s school). The written request must be specific about <ul style="list-style-type: none"> to whom the record should be released for what purpose, and what specific document or parts of the record should be copied and sent. 	<p>CT Regulations: Confidentiality of Records. The provider and day care staff shall not release any records pertaining to the child or family except in emergencies, or upon request of the Department, police, or Department of Children and Families, unless the parent of the child gives the provider and staff written permission to release this information.</p> <p>9.4.1.3: Written Policy on Confidentiality of Records</p> <ul style="list-style-type: none"> Written releases should be obtained from the child’s parent/guardian prior to forwarding or sharing information and/or the child’s records to other service providers. <p>9.4.2.8: Release of Child’s Records</p> <ul style="list-style-type: none"> Upon parent/guardian request, designated portions or all of the child’s records should be copied and released to specific individuals named and authorized in writing by the parents/guardians to receive this information.
6	Maintaining Records	<ul style="list-style-type: none"> Only parents/guardians and FCC staff will have access to children’s confidential records that are maintained at this FCC. Staff and children’s confidential records will be kept, destroyed, and returned according to requirements (including timelines) set by the Connecticut Family Child Care Regulations. Parents have the right to inspect their child’s confidential records here at our FCC. Please schedule a time with us to review your child (ren)’s records so that we can have a staff member available to honor your request. 	<p>Connecticut Family Child Care Regulations 1303.23 Parental rights</p> <ul style="list-style-type: none"> (a) Inspect record. (1) A parent has the right to inspect child records. <p>1303.24 Maintaining records</p> <ul style="list-style-type: none"> (a) A program must maintain child records in a manner that ensures only parents, and officials within the program or acting on behalf of the program have access.
7	Reporting Communicable Diseases	<ul style="list-style-type: none"> The State Department of Public Health requires that FCC providers report certain communicable illnesses or diseases. As such, all communicable illnesses and diseases will be reported to the local health department by this FCC. 	<p>Standard 9.2.3.3: Written Policy for Reporting Notifiable Diseases to the Health Department</p> <ul style="list-style-type: none"> Reporting to the health department provides the department with knowledge of illnesses within the community and ability to offer preventive measures to

	<ul style="list-style-type: none"> Personal and health information that are shared with the local health department staff are confidential and only shared with those who may need to know. We encourage you to contact your local health department to better understand how they keep information private and confidential. The local health department's contact information may be found at https://portal.ct.gov/DPH/Local-Health-Admin/LHA/Local-Health-Administration---Site-Map 	<p>children and families exposed to the outbreak of a disease.</p> <p>State Department of Public Health</p> <ul style="list-style-type: none"> In Connecticut, if there is a case or suspected case of a reportable disease and if a health care provider is not known to have made a report within the appropriate time, such report of reportable diseases shall be made to the local director of health or other health authority within whose jurisdiction the person lives and the Department of Public Health by the day care center attended by any person affected or apparently affected with such disease.
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4. RESOURCES/REFERENCES:

Caring for Our Children (CFOC)

- National Resource Center for Health and Safety in Child Care and Early Education
<https://nrckids.org/>

Centers for Disease Control and Prevention (CDC)

- Principles of Contact Tracing
<https://www.cdc.gov/coronavirus/2019-ncov/php/principles-contact-tracing.html>

Connecticut Department of Children and Families (DCF)

- [Mandated Reporting](#)

Connecticut Office of Early Childhood (OEC)

- Family Child Care Home Checklist for Provider, Staff, And Household Member Records
family_child_care_staff-provider-household_member_records_sample_checklist.pdf (ctoec.org)
- Family Child Care Regulations
https://www.ctoec.org/wp-content/uploads/2019/03/family_statsregs.pdf

Connecticut State Department of Public Health

- Persons Required to Report Reportable Diseases, Emergency Illnesses, and Health Conditions
<https://portal.ct.gov/DPH/Epidemiology-and-Emerging-Infections/Persons-Required-to-Report-Reportable-Diseases>

Connecticut Local Health Departments

- Information about your local health department
<https://portal.ct.gov/dph/Local-Health-Admin/LHA/Local-Health-Administration---Site-Map>

5. SAMPLE POLICIES/PROCEDURES

Sample Confidentiality Policy

The following confidentiality policy has been developed to maintain and protect the privacy and confidentiality of staff, families, and children in our Family Child Care.

1. Staff, families, or children's records mean records that are directly related to staff, families, or children (for example, child care enrollment forms, or immunization records), records maintained by the program, or by a person representing the child care (for example, health care plans for children), and information recorded in any way, such as print, electronic, or digital means, including media, video, image, or audio format (for example, pictures that families share with the child care for posting on their child's cubby, or emailed documents or other information communicated by parents/guardians to FCC providers regarding the health status of children) .
2. Confidential records include child enrollment form, emergency medical care form, adult and child health records, staff background checks, immunization records, enrollment forms, training records, and financial documents (includes payment records).
3. Only staff members of this FCC will have access to the locked cabinet. We have a password-protected computer to protect staff, family, and children's confidential health and other information.
4. Enrollment of children must be made in person by parents or guardians since it is the responsibility of parents or guardians to provide information to this FCC regarding your child(ren). We appreciate and understand that you know your child(ren) best and therefore, information shared either verbally or in writing, it is shared in confidence will be kept confidential.
5. Parents/guardian must review and sign this FCC's confidentiality policy. Information you share about your family's health will be kept confidential.
6. Children's health and other confidential information will be stored in a locked cabinet at this FCC.
7. Shredding, disposal, and return of staff and children's confidential records will be done according to the [Family Child Care Homes Statutes and Regulations](#).
8. This FCC will not release any confidential records pertaining to the child or family except in emergencies, or upon request of the Office of Early Childhood, police, or Department of Children and Families, unless the parent of the child gives us written permission to release this information.
9. Verbal or written requests by parents/guardians for copies of their child(ren)'s confidential information, such as immunization records, will be provided directly to those parents/guardians. Please allow us adequate time to make copies of these records.
10. Parents/guardians must provide written requests for any/all confidential information to be released by this FCC to any third party (for example, the child's school). The written request must be specific about: to whom the record should be released; for what purpose; and what specific document or parts of the record should be copied and sent.
11. Only parents/guardians and FCC staff will have access to children's confidential records that are maintained at this FCC.
12. Staff and children's confidential records will be kept, destroyed, and returned according to requirements (including timelines) set by the Connecticut Family Child Care Regulations.
13. Parents have the right to inspect their child's confidential records here at our FCC. Please schedule a time with us to do review your child (ren)s records so that we can have a staff member available to honor your request.
14. Connecticut requires that FCC providers report communicable illnesses or diseases. As such, all communicable illnesses and diseases will be reported to the local health department by this FCC.
15. Personal and health information that are shared with the local health department staff are confidential and only shared with those who may need to know. We encourage you to contact your local health department to better understand how they keep information private and confidential. The local health department's contact information may be found at <https://portal.ct.gov/DPH/Local-Health-Admin/LHA/Local-Health-Administration---Site-Map>

Parent/Guardian/Staff/Name and Signature

Date

Disclaimer: This is a Sample Policy/Procedure only and may not include all the requirements for FCC provisions as outlined in the OEC Regulations.