

**OFFICE OF CHILDREN AND FAMILY SERVICES**

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| INFORMATIONAL LETTER | TRANSMITTAL: 99 OCFS INF-6  
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DIVISION: Development and  
Prevention Services

TO: Commissioners of  
Social Services

DATE: April 15, 1999

SUBJECT: Protective Services for Adults (PSA): Confidential  
Information Sharing Agreement

SUGGESTED

DISTRIBUTION: Directors of Social Services  
Protective Services for Adults Supervisors  
Agency Attorneys

CONTACT PERSONS: Any questions concerning this release should be  
directed to your district's Adult Services  
representative as follows:

Kathleen Crowe (518) 486-3451 or USERID ROF017  
Carole Fox (518) 474-3167 or USERID AX5050  
Michael Monahan (518) 474-9590 or USERID AY3860

ATTACHMENTS: Model PSA/OMH/OMRDD Agreement Concerning Information  
Sharing (available on line)  
Letter of Introduction (not available on line)

FILING REFERENCES

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Previous |Releases |Dept. Regs. |Soc. Serv. |Manual |Misc Ref  
ADMs/INFs|Cancelled| |Law & Other| |  
 | | |Legal Ref | |  
92 INF-26| |Part 357 |473 SSL | |  
	Part 403	20, 34, 136	
	Part 457		
		33.13 MHL	
		Article	
		27-F of	
		Public	
		Health Law	

## I. Purpose

The purpose of this release is to inform local districts of a Confidential Information Sharing Agreement which has been developed by the New York State Office of Children and Family Services (OCFS) in cooperation with the New York State Office of Mental Health (OMH) and the New York State Office of Mental Retardation and Developmental Disabilities (OMRDD). This agreement, which conforms to the applicable confidentiality laws and regulations of each agency, sets forth the conditions under which confidential information may be disclosed among local district PSA, OMH and OMRDD providers concerning individuals who are being mutually served. Safeguards have been included to ensure that information disclosed will not be used inappropriately by either party and that the confidential nature of the information will be protected.

## II. Background

One of the guiding principles of Protective Services for Adults (PSA) is that PSA is a community effort requiring cooperation among a number of agencies. This concept is supported by Section 473.2(a) of the Social Services Law (SSL) which states that: "the effective delivery of protective services for adults requires a network of professional consultants and services providers" and requires local social services districts to work "with other public, private and voluntary agencies including but not limited to health, mental health, aging, legal and law enforcement agencies, for the purpose of assuring maximum local understanding, coordination and cooperative action in the provision of appropriate services" to PSA clients. The SSL therefore anticipates the sharing of information necessary to appropriately serve the client.

Sections 20, 34, 136 and 473 of the Social Services Law, and Section 33.13 of the Mental Hygiene Law (MHL) set forth the standards for maintaining the confidentiality of clinical and case record information. Some local districts have from time to time experienced difficulty obtaining confidential information from agencies licensed by OMH or OMRDD when such information was necessary for the provision of Protective Services for Adults. This hesitancy or refusal to provide information is generally based on a belief that the sharing of such information is legally prohibited despite the fact that both the SSL and MHL allow for the exchange of information between service agencies as set forth in the attached agreement.

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This agreement, which has been sanctioned by the commissioners of OCFS, OMH and OMRDD respectively, will assist in facilitating a more cooperative relationship in the appropriate sharing of confidential information. Local districts are urged to contact local mental health and mental retardation and developmental disability service providers in order to sign this agreement and abide by its contents. When accompanied by the letter signed by the OCFS, OMH and OMRDD commissioners, local agencies should feel secure in entering into the agreement with your agency's PSA program. It is anticipated that many of the previously experienced problems in obtaining confidential information will be alleviated through the use of the Agreement.

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Donald K. Smith  
Deputy Commissioner  
Development and Prevention Services