



## **Notification and Explanation of Rights under Family Education Rights and Privacy Act**

The Family Educational Rights and Privacy Act (FERPA) affords parents/guardians of children receiving services under Early Intervention or Committee on Preschool Special Education (CPSE) certain rights with respect to their child's records. Giant Leaps Occupational Therapy, PC (Giant Leaps) shall give full rights under the Act to either parent, unless we have been provided with evidence that there is a court order, State statute, or legally binding document relating to such matters as divorce, separation, or custody that specifically revokes these rights. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students."

**THIS NOTICE DESCRIBES HOW MEDICAL INFORMATION ABOUT YOUR CHILD MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION ALONG WITH OTHER RIGHTS. PLEASE REVIEW IT CAREFULLY.**

If you have any questions about this notice, please contact Tammy L. Belcher, MS, OTR/L at (845) 268-2323.

### **WHO WILL FOLLOW THIS NOTICE:**

This notice describes Giant Leaps' practices and that of all employees, staff, and other office personnel.

### **OUR PLEDGE REGARDING MEDICAL INFORMATION:**

Giant Leaps understands that medical information about your child and his/her health is personal, and we are committed to protecting the privacy of this information. The practice creates a record of the care and services your child receives at this office. Giant Leaps needs this record to provide your child with quality care and to comply with certain legal requirements. This notice applies to all of the records of your child's care generated by this practice. This notice will tell you about the ways in which Giant Leaps may use and disclose medical information about your child. Giant Leaps also describes your rights and certain obligations Giant Leaps has regarding the use and disclosure of medical information.

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The following are types of documents that meet the definition of "record" in Early Intervention Program (EIP) federal and state regulations that would typically be created and maintained by Giant Leaps.

- Written correspondence with or regarding the child/family.
- Notes recording any relevant discussions with parents, other providers, or municipalities regarding the child and family.
- Documentation of written notice(s) (if any) sent to the parent by the provider, including date of notice.
- Any signed and dated parental consents relevant to service delivery and/or disclosure of information.
- Individualized Family Service Plans (IFSPs) and related documents, including IFSP amendments.
- Service authorizations.
- Additional support documents for providers of service coordination providers.
- Documentation demonstrating the provision of services, including session/progress notes.
- Group attendance lists.
- Child/family reports, including evaluations (with relevant medical reports) and ongoing assessments related to the services provided.
- Closure documentation and/or forms to demonstrate how and when the child transitioned from the Early Intervention Program or completed or ended early intervention services for other reasons.
- Physician's orders and other prescriptions.
- Other appropriate fiscal information necessary to substantiate the early intervention claims to the municipality.

**Policies Regarding the Maintenance of Medical Records:**

- All medical records at Giant Leaps containing individually identifiable information of children and families are kept in locked files or in rooms that are locked when the records are not in use. In those cases when records must be taken home or to meetings by staff, the records are maintained in a locked briefcase and are not disclosed to anyone other than those expressly authorized by statute or regulation.
- Giant Leaps shall preserve and retain all your child's records until s/he reaches age 22 in accordance with the laws and regulations that apply to occupational therapy in New York.
- Giant Leaps will not destroy any record that has an outstanding request to be inspected and reviewed.

**Policies Regarding Communication:**

- In circumstances where it is necessary for Giant Leaps to contact you by telephone, (e.g. to change or cancel an appointment, etc), all reasonable steps will be made to avoid conveying any private health information to any individual other than the parent or guardian.
- When involved in direct face-to-face communication, the patient's treatment/evaluation results will be discussed away from other patients and their families.

- You may request that we communicate with you about medical matters in a certain way or at a certain location in writing to Tammy L. Belcher, MS, OTR/L, Giant Leaps Occupational Therapy, 819 Tulip Drive, Valley Cottage, New York 10989. For example, you can ask that we only contact you at home, not at work, or at work and not at home. We will not ask the reason for your request. We will accommodate all reasonable requests. Your request must specify how and where you wish to be contacted. Your request will be honored immediately upon receipt.
- Parents/Guardians may elect to use electronic mail (e-mail) to communicate with Giant Leaps. E-mail is used to communicate general information such as clinic closings or educational meetings. E-mail is not used to discuss individual patient progress or to relay reports.
- Parents/Guardians may elect to use facsimiles to communicate with Giant Leaps. All facsimiles sent from Giant Leaps have a confidentiality notice on the cover sheet, and the fax machine is maintained in a secure location.
- In addition to the service providers listed on their child's IFSP or IEP, parents/guardians may elect to complete the **Optional Information Release Form** to give permission to Giant Leaps to collaborate with other professionals. The information release is included in our Clinic Policies and is also available for download on the Giant Leaps website, [www.GiantLeapsOT.com](http://www.GiantLeapsOT.com). Parents/Guardians may give the completed form in person to the therapist treating their child or mail it to Giant Leaps Occupational Therapy, 819 Tulip Drive, Valley Cottage, New York 10989. If the individual or organization authorized to receive the information is not a healthcare provider, then the released information may no longer be protected by federal privacy regulations.

#### **YOUR RIGHTS REGARDING MEDICAL INFORMATION ABOUT YOUR CHILD:**

You have the following rights regarding medical information we maintain about your child:

(1) **The right to inspect and review the child's records** within 10 working days of the day Giant Leaps receives a request for access. Parents or eligible students must complete the **Medical Record Access Request Form** (available for download at [www.GiantLeapsOT.com](http://www.GiantLeapsOT.com)) identifying the record they wish to inspect. Completed forms should be mailed to Tammy L. Belcher, MS, OTR/L, who serves as our Family Policy Compliance Officer, at Giant Leaps Occupational Therapy, 819 Tulip Drive Valley Cottage, New York 10989. Upon receipt of this completed document, the Family Policy Compliance Officer will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

Parents or eligible students can request copies of the child's records by completing the **Medical Record Copy Request Form** (available for download at [www.GiantLeapsOT.com](http://www.GiantLeapsOT.com)). Completed forms should be mailed to Tammy L. Belcher, MS, OTR/L at Giant Leaps Occupational Therapy, 819 Tulip Drive Valley Cottage, New York 10989. Parents and eligible students will be charged 10 cents per page and will receive copies within 10 working days of the receipt of this request. Payment must be made in cash and is due upon receipt of copies of records. If the copies need to be mailed to the parent or eligible student, payment must

be received by money order prior to the expedition of the request for copies. Copies will be provided within 5 working days if the request is made by as part of mediation or an impartial hearing.

(2) **The right to request the amendment of the child's records** that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the child's privacy rights under FERPA.

Parents or eligible students who wish to ask Giant Leaps to amend a record should complete the **Medical Record Amendment Request Form** (available for download at [www.GiantLeapsOT.com](http://www.GiantLeapsOT.com)). Completed forms should be mailed to Tammy L. Belcher, MS, OTR/L, at Giant Leaps Occupational Therapy, 819 Tulip Drive Valley Cottage, New York 10989. Giant Leaps will respond within 10 working days of their receipt of this request. If Giant Leaps decides to amend the record, they will notify the Early Intervention Official at the Rockland County Department of Health of that decision. The Early Intervention Official is responsible for:

- Informing the parent or eligible student of the right to an administrative hearing with regard to a requested amendment that was not agreed upon by Giant Leaps;
- Convening an administrative hearing to amend the record within a reasonable time after receiving a request from a parent for such a hearing;
- Adhering to requirements in EI program regulations for the conduct of the hearing;
- Ordering any amendment the municipality determines to be appropriate to be made to the EI record in question, notifying all appropriate parties of the ordered amendment, and notifying the parent when the record has been amended;
- And notifying parents when a requested amendment is not ordered, and informing parents of the right to include a statement in the record to be disclosed with the record reflective of their views; and, notifying the parent that the parental statement will be incorporated and disseminated as part of the record.

(3) **The right to consent to disclosures of personally identifiable information** contained in the child's records, except to the extent that FERPA authorizes disclosure without consent. Such disclosure without consent pertains to those individuals under specific conditions deemed appropriate by the Rockland County Department of Health and the New York State Health, Education, and Social Service Laws and Rule and Regulations. For instance, records MAY be disclosed without parent consent to: (a) state or local authorities auditing or evaluating Federal or State-supported EI programs or enforcing federal laws pertaining to such programs; and (b) a lawfully issued court order or subpoena.

A record of all parties obtaining access to records gathered, maintained, or used for the purposes of the EI Program and CPSE (except by parents and employees) are maintained in each child's chart. **The Access Log** includes the name of the party, date access was given, and the purpose for which the record was accessed. Parents or eligible students who wish to ask Giant Leaps to disclose those who have had access to a child's record should complete the **Access Log Request Form** (available for download at [www.GiantLeapsOT.com](http://www.GiantLeapsOT.com)). Completed forms should be mailed to Tammy L. Belcher, MS, OTR/L, at Giant Leaps

Occupational Therapy, 819 Tulip Drive Valley Cottage, New York 10989. Giant Leaps will respond within 10 working days of their receipt of this request.

**(4) The right to file a complaint with the U.S. Department of Education** concerning alleged failures by Giant Leaps to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Family Policy Compliance Department  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-5920

**(5) The right to access the FERPA Policy** for Giant Leaps which is posted on the Giant Leaps website, [www.GiantLeapsOT.com](http://www.GiantLeapsOT.com) and available in hard copy for on-site reference in a clearly marked binder on the bookshelf in the Giant Leaps waiting room.