



STATE OF CONNECTICUT
DEPARTMENT OF MENTAL RETARDATION



JOHN G. ROWLAND
GOVERNOR

PETER H. O'MEARA
COMMISSIONER

To: All DMR staff

KATHRYN du PREE
DEPUTY COMMISSIONER

Date: April 7, 2004

**AN IMPORTANT NOTICE REGARDING PROTECTED HEALTH INFORMATION
AND THE DEPARTMENT OF MENTAL RETARDATION
FIRE SAFETY GUIDELINES**

Some information included in a facility's "Site Specific Fire Safety and Emergency Plan" (see Part II of the DMR Fire Safety and Emergency Guidelines) such as data required in the template provided in Annex 2, - "Site Specific Fire and Emergency Plan Template" will include Individually Identifiable Health Information.

Therefore a completed emergency plan and an Evacuation Difficulty Score determination letter contain Protected Health Information (PHI) and are subject to privacy policy.

When faxing PHI a fax cover sheet should include the following, or similar information:

This emergency plan contains **PRIVILEGED AND CONFIDENTIAL INFORMATION** protected by Federal (HIPAA, Public Law 104-191) and State laws. It is intended only for the use of the named individual or entity. If you are not the recipient of this facsimile, or the employee responsible for delivering it to the intended recipient, you are hereby notified that any dissemination or copying of this facsimile is strictly prohibited.

Staff is reminded that to comply with HIPAA requirements for accounting of disclosures, facility staff should record any disclosure of PHI to appropriate authorities, such as to the Authority Having Jurisdiction (e.g., the Fire Marshal).

Two methods of recording disclosures are available. Refer to Part II-A Overview in the guidelines for further information.

A log entry is needed when the Fire Marshal reviews the DMR SITE SPECIFIC FIRE SAFETY PLAN when creating/approving it (e.g. the annual inspection). The log entry description for the disclosure form would be "Fire Marshal review of DMR SITE SPECIFIC FIRE SAFETY PLAN".

A log entry should also be made anytime the plan or a copy of the E-score determination letter is distributed to appropriate authorities by staff. The log entry description for this disclosure could be, for example: "Copy of DMR SITE SPECIFIC FIRE SAFETY PLAN provided to Fire Marshal" or "Copy of E-score determination letter provided to Fire Marshal".

You do not need to record disclosures of the E-score determination letter by the Southbury Training School Fire Department. STS FD will record disclosures they make to fire marshals (e.g. when they Cc: a fire marshal on the determination letter sent to facilities).

Please contact your HIPAA Privacy Officer to answer questions you may have.