

RESOLUTION # 329-94

WHEREAS, this county is a member of County Case Management Services (CCMS) and has entered into a 28E agreement to that effect; and

WHEREAS, paragraph 12 of the 28E agreement provides a procedure by which the 28E agreement may be amended if the amendment is approved by the member counties; and

WHEREAS, the Iowa Department of Human Services has requested that CCMS adopt the attached amendment to the 28E Agreement, which specifically provides for record access, calls for the protection of confidential information and requires notification in the consumer's file of record access; and

WHEREAS, the CCMS Board of Directors has unanimously approved this amendment;

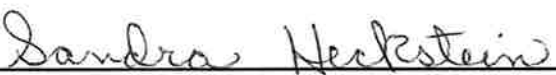
THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby approves the attached amendment on behalf of this county.



Chairperson, Board of Supervisors Don Hendrickson

Mitchell County

ATTEST:



COUNTY AUDITOR Sandra Heckstein

DATE: March 28, 1994

RESOLUTION

WHEREAS, CCMS needs access to consumer files in order to help case managers bring case files into compliance with case management standards; and

WHEREAS, the Department of Human Services maintains that the existing CCMS 28E Agreement does not specifically provide for record access, or call for the protection of confidential information, or require a notation in the consumer's file of record access; and

WHEREAS, Paragraph 12 of the CCMS 28E Agreement provides a procedure by which the agreement may be amended:

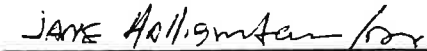
THEREFORE, BE IT RESOLVED BY THE CCMS BOARD OF DIRECTORS that Paragraph 8 of the CCMS 28E Agreement be amended as follows: (New language is underlined)

8. Powers and Duties. COUNTY CASE MANAGEMENT SERVICES shall have the power to contract with ISAC or any other public or private agency to provide the following services, as determined by the Board of Directors, to each member County:

....

(f) Operational reviews for compliance with Chapter 24 of the Iowa Administrative Code. Member Counties shall release personal identifying information essential for operational reviews to County Case Management Services in accordance with existing federal and state laws and regulations. COUNTY CASE MANAGEMENT SERVICES recognizes the confidentiality of this information, and will not disclose any information which personally identifies the consumer. When such information is released to COUNTY CASE MANAGEMENT SERVICES, a note shall be entered in the consumer's record and the consumer shall be notified of the release;


Robyn Wilson
Chairperson-CCMS


Jane Halliburton
1st Vice President - CCMS

Date: March 17, 1994



on agenda for Mon.

3-24-94

701 E. Court Ave. • Des Moines, Iowa 50309 • Phone (515) 244-7181 • FAX (515) 244-6397

To: Board of Supervisors Chairperson
From: David Vestal, ISAC staff
Re: CCMS 28E Amendment
Date: March 22, 1994

County Case Management Services (CCMS) has been having difficulty with the Department of Human Services over the issue of access to consumer files. DHS has maintained that the CCMS 28E Agreement does not sufficiently address this issue. Although we disagree, we have decided to amend the agreement in order to resolve the matter.

Paragraph 12 of the CCMS 28E Agreement provides that the agreement may be amended by resolution of the Board of Directors of CCMS by first adopting such amendment and then submitting it to the individual member counties and ISAC.

The CCMS Board of Directors **unanimously approved** the amendment on March 17, 1994.

According to paragraph 12, a separate explanation of the reasons for the amendment are to be included with the amendment. A copy of the explanation is **enclosed**.

Paragraph 12 requires that each county desiring to vote upon the amendment shall do so by resolution and return to CCMS a copy of the resolution stating the county's vote **within 30 days of the date that the county received a copy of the resolution** containing the amendment.

Enclosed is a copy of the resolution in favor of the amendment. If for any reason your county opposes the amendment, you will have to submit your own resolution to that effect.

Resolutions should be addressed to "County Case Management Services, 701 E. Court Avenue, Suite A, Des Moines, IA 50309-4901."

Any county not voting, according to paragraph 12, shall be considered to have approved the amendment.

If the amendment receives a majority of the votes, it shall become effective 10 days following the date the vote is tabulated. If approved, the amendment shall be filed and recorded as required by Iowa Code §28E.8.

If you have any questions concerning either the particulars of the amendment or the amendment process, please call either me or Deb.



EXPLANATION OF THE PROPOSED AMENDMENT

This amendment is necessary to satisfy the objections raised by DHS over access of ISAC case management employees to confidential consumer information.

ISAC employees cannot provide their case management oversight function if they do not have access to consumer files. The DHS objection is not to ISAC having access, but to the fact that the 28E Agreement does not specifically provide for such access, doesn't call for protection of confidential information and doesn't require that a notation be made in the consumer's file of such access.

DHS maintains that if these provisions are not added to the 28E Agreement, they will deny ISAC access to consumer files.

In order to satisfy these DHS objections, and to resolve the access issue once and for all, the CCMS Board of Directors urges passage of this amendment.