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California Department of Public Health



EDMUND G. BROWN JR.
Governor

OFFICE OF AIDS (OA)
AIDS DRUG ASSISTANCE PROGRAM (ADAP)

Management Memorandum
Memorandum Number: 2015-09

DATE: May 06, 2015

TO: ADAP ENROLLMENT WORKERS

SUBJECT: DISCLOSURE OF CONFIDENTIAL ADAP CLIENT INFORMATION

The purpose of this memorandum is to provide general guidance to all ADAP Enrollment Workers (EWs) regarding the disclosure of ADAP client information, as established in state law. EWs cannot share/release any ADAP client information, except as authorized by law. EWs may share only the minimum necessary as authorized by law. Attached for your reference and use are tables and flowcharts that outline the purposes for which EWs at an ADAP Enrollment Site that is a Health Care Provider, Public Health Department, and/or a Community Based Organization (non-medical provider) can share ADAP client information.

Additional Information Regarding Sharing ADAP Client Information:

- ADAP Coordinators and EWs should not discuss client eligibility or billing information with ADAP pharmacies, as this administrative function (including authorization to dispense ADAP medications) is contractually established solely between Ramsell and the participating pharmacies. Pharmacies should only contact Ramsell directly for client eligibility or billing information.
- ADAP clients who need translation services in order to complete their enrollment process may bring a friend or relative in with them at the time of their enrollment appointment(s) or your facility may use its contractually established professional translation services.
- ADAP clients may bring a friend or relative in with them at the time of their enrollment appointment(s) to assist with the enrollment process.
- You must be an ADAP EW who is a part of an agency/organization that has a valid, fully executed ADAP Enrollment Site Contract with CDPH/OA/ADAP to enroll individuals into ADAP and access the Ramsell system.

As a related reminder, all active EWs (and coordinators who are also EWs) are required to sign the California Department of Public Health Form ([CDPH Form 8689](#)) "Agreement by Employee/Contractor to Comply with Confidentiality Requirements" on an annual basis after you complete your annual ADAP Enrollment Worker Training.

If you have any questions regarding the confidentiality of ADAP client information, please contact your OA ADAP Advisor. The most current "OA/ADAP Staff Assignments by LHJ" list is available on the OA website:

<http://www.cdph.ca.gov/programs/aids/Documents/ADAPStaffLHJAssignments.pdf>.

ADAP will provide technical assistance on these tables and flowcharts during the next statewide ADAP Enrollment Worker call on Wednesday June 3, 2015.

Thank you,



Niki Dhillon, ADAP Branch Chief
California Department of Public Health

Attachments

ADAP Enrollment Site: Health Care Provider

| ADAP EW, <i>Employed by a health care provider</i>, can share ADAP Client Information with: | For Specific Purpose of: | Information Sharing Limits: |
|---|---|--|
| <p>If further clarification is needed, contact your ADAP advisor, Office of AIDS, California Department of Public Health. Verification of the identity of the person receiving ADAP client information is required. Please follow the protocols established by your office.</p> | | |
| Ramsell | <ul style="list-style-type: none"> ADAP eligibility & enrollment activities.ⁱ | <ul style="list-style-type: none"> Only share the minimum information needed for the specific purpose. E.g., Information to establish or verify ADAP eligibility.ⁱⁱ |
| Local Public Health Department Staff | <ul style="list-style-type: none"> Facilitating care and treatment such as linkage to care and case management.ⁱⁱⁱ E.g., Provider & EW can work together to prevent drug interruption.^{iv v} | <ul style="list-style-type: none"> Only share the minimum information needed for the specific purpose. E.g., Name, DOB, viral load, CD4 count. |
| Client's health care providers (e.g., treating clinician; or case manager or benefits counselor employed by health care provider; or pharmacist ^{vi}). | <ul style="list-style-type: none"> ADAP eligibility & enrollment activities. E.g., Provider & EW can work together to prevent drug interruption. | <ul style="list-style-type: none"> Only share the minimum information needed for the specific purpose. E.g., Name, DOB, viral load, CD4 count, etc. |
| | <ul style="list-style-type: none"> Diagnosis, care and treatment of the patient.^{vii} E.g., EW can get updated labs from health care provider. | <ul style="list-style-type: none"> Only share the minimum information needed for the specific purpose. Restricted to name, DOB, HIV test results, (viral load & CD4 count). |
| Covered CA certified enrollment counselor,^{viii} county health dept HIV clinic, Covered CA plan or Medi-Cal managed care plan | <ul style="list-style-type: none"> Enrolling ADAP clients in Medi-Cal, Medi-Cal Expansion, any Covered CA insurance plan, including OA-HIPP, for continuing client access to those programs and plans without disruption.^{ix} | <ul style="list-style-type: none"> Only share the minimum information needed for the specific purpose. E.g., Name, DOB, etc. Excludes HIV surveillance data. |
| <p>Note: Both the ADAP EW and the person (public health staff, health care provider, etc.) receiving ADAP client information may fill multiple roles and share information for multiple reasons. Eg., An ADAP client's health care provider may work within a local public health department or HIV clinic and an ADAP EW may work in an HIV clinic (i.e., provider) within a public health department.</p> | | |

ⁱ ADAP EWs, as agents of OA and with signed enrollment site contracts, may share ADAP client information with Ramsell for the administration of the program, Health and Safety Code (HSC) [Section 120970 \(i\)](#). **Note: Volunteer ADAP EWs can only share information with Ramsell.**

ⁱⁱ State and federal (HIPAA) law have a “minimum necessary rule” which means only the information needed for the task. For example, if W-2s are needed for financial eligibility determination, an ADAP client’s medical information would not be shared because it is not relevant to income.

ⁱⁱⁱ If an ADAP EW is a public health employee, he/she may share ADAP client information with the client’s HIV health care provider for the purpose of facilitating care and treatment (e.g., case management). HSC Section [121025 \(c\)\(2\)\(C\)](#)

^{iv} California law allows public health department staff and health care providers to share HIV patient data for the purpose of proactively offering and coordinating care and treatment services for the patient. HSC Section [121025 \(c\)\(2\)\(C\)](#)

^v See [OA Fact Sheet](#) on authority for health care providers to share HIV patient information with local public health departments.

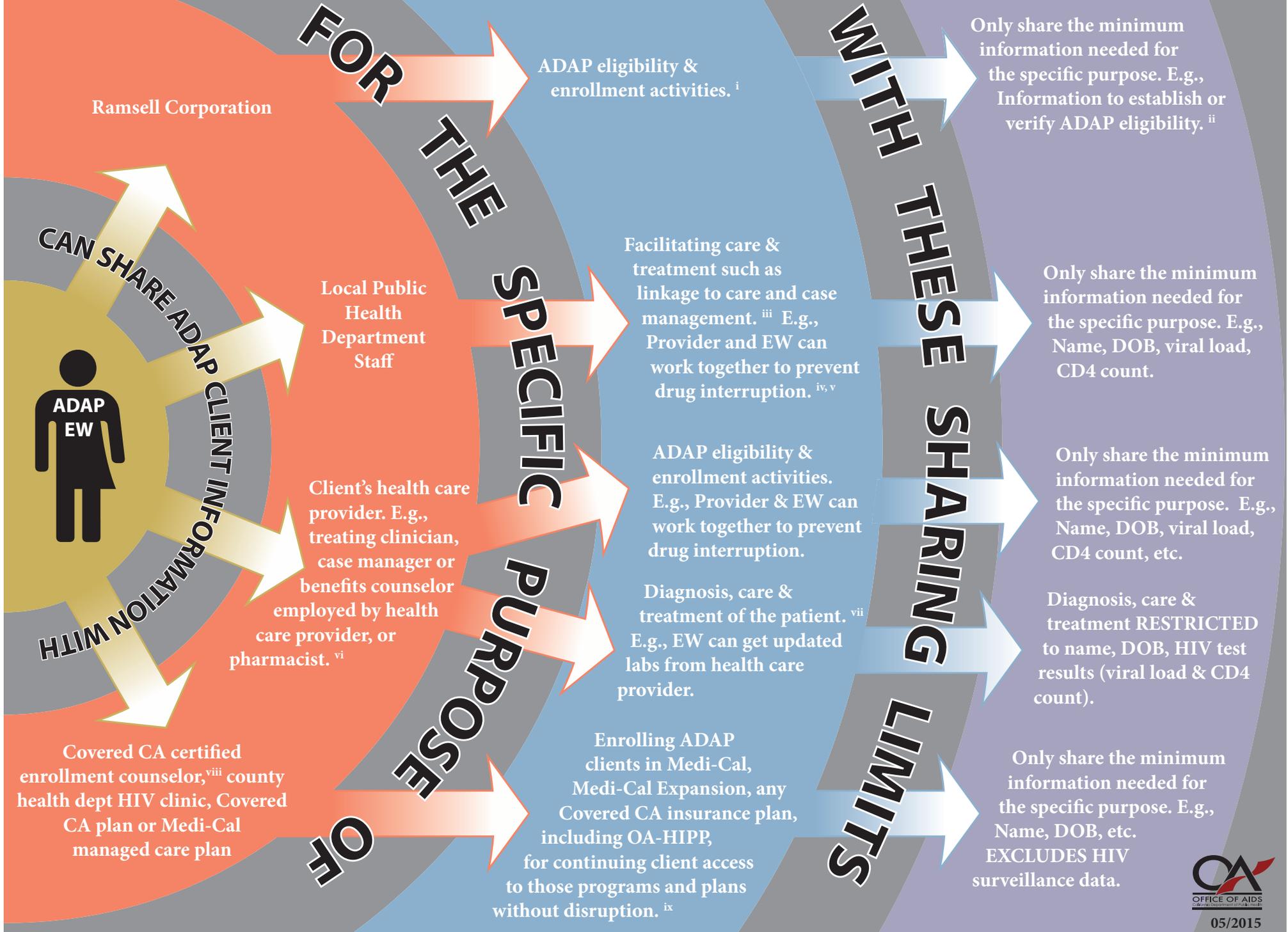
^{vi} An ADAP EW can inform a pharmacist that an ADAP client met with an EW, but cannot verify client eligibility because eligibility is ultimately determined by Ramsell. For verification of client eligibility, pharmacists should contact Ramsell. ADAP EW records cannot be used to confirm eligibility.

^{vii} If an ADAP EW is employed by a health care provider, he/she may share ADAP client information relating to HIV test results with a client’s other health care provider for the purpose of diagnosis, care and treatment of the patient. HSC Section [120985](#)

^{viii} See OA Fact sheet on facilitating enrollment of Ryan White clients in Covered California plans and Medi-Cal. <http://www.cdph.ca.gov/programs/aids/Documents/Senate%20Bill%20249%20Overview.pdf>

^{ix} ADAP EWs, as OA agents, may share ADAP data with Covered CA certified enrollment counselors for the purpose of enrolling beneficiaries in Medi-Cal, the bridge programs, Medi-Cal Expansion programs, and any insurance plan certified by the California Health Benefit Exchange or any other programs authorized under ACA, and for the purpose of continuing his or her access to those programs and plans without disruption. HSC Section [121026](#)

Employed by an ADAP Enrollment Site within a Health Care Provider



Ramsell Corporation

FOR THE SPECIFIC PURPOSE OF

ADAP eligibility & enrollment activities. ⁱ

WITH THESE SHARING LIMITS

Only share the minimum information needed for the specific purpose. E.g., Information to establish or verify ADAP eligibility. ⁱⁱ

CAN SHARE ADAP CLIENT INFORMATION WITH



Local Public Health Department Staff

SPECIFIC PURPOSE

Facilitating care & treatment such as linkage to care and case management. ⁱⁱⁱ E.g., Provider and EW can work together to prevent drug interruption. ^{iv, v}

Client's health care provider. E.g., treating clinician, case manager or benefits counselor employed by health care provider, or pharmacist. ^{vi}

ADAP eligibility & enrollment activities. E.g., Provider & EW can work together to prevent drug interruption.

Only share the minimum information needed for the specific purpose. E.g., Name, DOB, viral load, CD4 count.

WITH THESE SHARING LIMITS

Covered CA certified enrollment counselor, ^{viii} county health dept HIV clinic, Covered CA plan or Medi-Cal managed care plan

OFF

SPECIFIC PURPOSE

Diagnosis, care & treatment of the patient. ^{vii} E.g., EW can get updated labs from health care provider.

Only share the minimum information needed for the specific purpose. E.g., Name, DOB, viral load, CD4 count, etc.

OFF

Enrolling ADAP clients in Medi-Cal, Medi-Cal Expansion, any Covered CA insurance plan, including OA-HIPP, for continuing client access to those programs and plans without disruption. ^{ix}

WITH THESE SHARING LIMITS

Diagnosis, care & treatment RESTRICTED to name, DOB, HIV test results (viral load & CD4 count).

Only share the minimum information needed for the specific purpose. E.g., Name, DOB, etc. EXCLUDES HIV surveillance data.

ADAP Enrollment Site: Public Health Department

| ADAP EW, <i>Employed by Local Public Health Dept.</i>, can Share ADAP Client Information with: | For Specific Purpose of: | Information Sharing Limits: |
|---|---|---|
| <p>If further clarification is needed, contact your ADAP advisor, Office of AIDS, California Department of Public Health. Verification of the identity of the person receiving ADAP client information is required. Please follow the protocols established by your office.</p> | | |
| Ramsell | <ul style="list-style-type: none"> ADAP eligibility & enrollment activitiesⁱ | <ul style="list-style-type: none"> Only share the minimum information needed for the specific purpose. E.g., Information to establish or verify ADAP eligibility.ⁱⁱ |
| Other Local Public Health Department Staff | <ul style="list-style-type: none"> Disease control, investigation & surveillanceⁱⁱⁱ | <ul style="list-style-type: none"> Only share the minimum information needed for the specific purpose. E.g., Name, DOB, viral load, CD4 count. |
| Client's health care provider (e.g., treating clinician; or case manager or benefits counselor employed by health care provider or pharmacist ^{iv}). | <ul style="list-style-type: none"> ADAP eligibility & enrollment activities. E.g., Health care provider & EW can discuss a client's ADAP eligibility status and HIV test results as needed. | <ul style="list-style-type: none"> Only share the minimum information needed for the specific purpose. E.g., Name, DOB, eligibility expiration data, viral load or CD4 count. |
| | <ul style="list-style-type: none"> Facilitating care and treatment such as linkage to care and case management.^v E.g., Provider & EW can work together to prevent medication interruption. | <ul style="list-style-type: none"> Same as above. |
| Covered CA certified enrollment counselor,^{vi} county health dept HIV clinic, Covered CA plan or Medi-Cal managed care plan | <ul style="list-style-type: none"> Enrolling ADAP clients in Medi-Cal, Medi-Cal Expansion, any Covered CA insurance plan, including OA-HIPP for continuing client access to those programs and plans without disruption.^{vii} | <ul style="list-style-type: none"> Only share the minimum information needed for the specific purpose. E.g., Name, DOB, etc. Excludes HIV surveillance data. |
| <p>Note: Both the ADAP EW and the person (public health staff, health care provider, etc.) receiving ADAP client information may fill multiple roles and share information for multiple reasons. Eg., An ADAP client's health care provider may work within a local public health department or HIV clinic and an ADAP EW may work in an HIV clinic (i.e., provider) within a public health department.</p> | | |

ⁱ ADAP EWs, as agents of OA and with signed enrollment site contracts, may share ADAP client information with Ramsell for the administration of the program. Health and Safety Code (HSC) Section [120970 \(i\)](#). **Note: Volunteer ADAP EWs can only share information with Ramsell.**

ⁱⁱ State and federal (HIPAA) law have a “minimum necessary rule” which means only the information needed for the task. For example, if W-2s are needed for financial eligibility determination, an ADAP client’s medical information would not be shared because it is not relevant to income.

ⁱⁱⁱ If an ADAP EW is a public health employee, he/she may share ADAP client information with other public health staff when necessary for disease control, investigation & surveillance. HSC Section [121025 \(b\)](#)

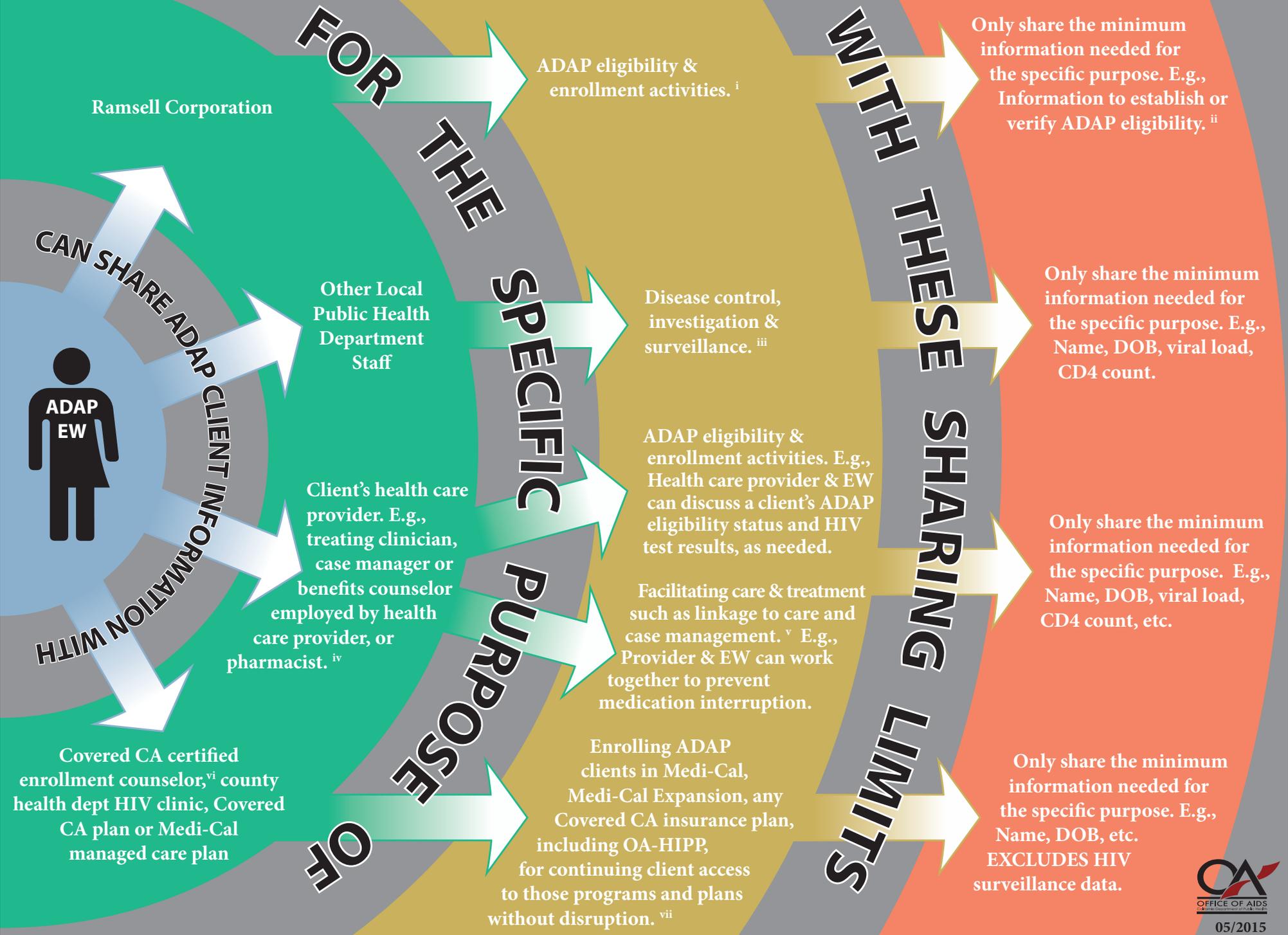
^{iv} An ADAP EW can inform a pharmacist that an ADAP client met with an EW, but cannot verify client eligibility because eligibility is ultimately determined by Ramsell. For verification of client eligibility, pharmacists should contact Ramsell. ADAP EW records cannot be used to confirm eligibility.

^v If an ADAP EW is a public health employee, he/she may share ADAP client information with the client’s HIV health care provider for the purpose of facilitating care and treatment, (e.g., case management). HSC Section [121025 \(c\)\(2\)\(C\)](#)

^{vi} See OA Fact sheet on facilitating enrollment of Ryan White clients in Covered California plans and Medi-Cal.
<http://www.cdph.ca.gov/programs/aids/Documents/Senate%20Bill%20249%20Overview.pdf>

^{vii} If an ADAP EW is a public health employee, he/she may share ADAP data with Covered CA certified enrollment counselors for the purpose of enrolling beneficiaries in Medi-Cal, the bridge programs, Medi-Cal Expansion programs, and any insurance plan certified by the California Health Benefit Exchange or any other programs authorized under the Patient Protection and Affordable Care Act, and for the purpose of continuing his or her access to those programs and plans without disruption. HSC Section [121026](#)

Employed by an ADAP Enrollment Site within a Local Public Health Department



ADAP Enrollment Site: Community Based Organization (non-medical provider)

| ADAP EW, <i>Employed by CBO (non-medical provider)</i> , can share ADAP Client Information with: | For Specific Purpose of: | Information Sharing Limits: |
|---|--|--|
| <p>If further clarification is needed, contact your ADAP advisor, Office of AIDS, California Department of Public Health. Verification of the identity of the person receiving ADAP client information is required. Please follow the protocols established by your office.</p> | | |
| Ramsell | <ul style="list-style-type: none"> ADAP eligibility & enrollment activities. ⁱ | <ul style="list-style-type: none"> Only share the minimum information needed for the specific purpose. E.g., Information to establish or verify ADAP eligibility. ⁱⁱ |
| Covered CA certified enrollment counselor, ⁱⁱⁱ county health dept HIV clinic, Covered CA plan or Medi-Cal managed care plan | <ul style="list-style-type: none"> Enrolling ADAP clients in Medi-Cal, Medi-Cal Expansion, any Covered CA insurance plan for continuing client access to those programs and plans without disruption. ^{iv} | <ul style="list-style-type: none"> Only share the minimum information needed for the specific purpose. E.g., Name, DOB, etc. Excludes HIV surveillance data. |

ⁱ ADAP EWs, as agents of OA and with signed enrollment site contracts, may share ADAP client information with Ramsell for the administration of the program. Health and Safety Code (HSC) Section [120970 \(i\)](#). **Note: Volunteer ADAP EWs can only share information with Ramsell.**

ⁱⁱ State and federal (HIPAA) law have a “minimum necessary rule” which means only the information needed for the task. For example, if W-2s are needed for financial eligibility determination, an ADAP client’s medical information would not be shared because it is not relevant to income.

ⁱⁱⁱ See OA Fact sheet on facilitating enrollment of Ryan White clients in Covered California plans and Medi-Cal. <http://www.cdph.ca.gov/programs/aids/Documents/Senate%20Bill%20249%20Overview.pdf>

^{iv} If an ADAP EW is employed by a CBO and acting as OA’s agent, they may share ADAP data with Covered CA certified enrollment counselors for the purpose of enrolling beneficiaries in Medi-Cal, the bridge programs, Medi-Cal Expansion programs, and any insurance plan certified by the California Health Benefit Exchange or any other programs authorized under ACA, and for the purpose of continuing his or her access to those programs and plans without disruption. HSC Section [121026](#)

Employed by an ADAP Enrollment Site within a Community-Based Organization (Non-Medical Provider)

