

NEBRASKA

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DEPT. OF HEALTH AND HUMAN SERVICES



Jim Pillen, Governor

February 22, 2024

Mr. Brandon Metzler
Clerk of the Legislature
P.O. Box 94604
Lincoln, NE 68509

Subject: Child Welfare Grievances Report

Dear Mr. Metzler:

Pursuant to Neb. Rev. Stat. § 81-603, the Department of Health and Human Services (DHHS) has developed a formal grievance process for child welfare cases. The child welfare grievances received for the fourth quarter of 2023 (October 2023 – December 2023) are summarized in the attached report. Grievances related to the Youth Rehabilitation and Treatment Centers (YRTCs) are included in a separate report from DHHS related to Neb. Rev. Stat. § 83-105.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bo Botelho".

Bo Botelho
Chief Legal Officer

Attachment



Department of Health and Human Services

Child Welfare Grievances Report

January 2024

Neb. Rev. Stat. § 81-603

Report De-identification Standard

The Health Insurance Portability and Protection Act of 1996 (HIPAA) governs the use and disclosure of protected health information (PHI) by certain parties known as “covered entities.” A covered entity is defined as (1) a health care provider, (2) a health plan, or (3) a health care clearinghouse.


The Nebraska Department of Health and Human Services (DHHS) is considered a covered entity since it acts as both a health care provider (the long-term treatment facilities) and as a health plan (government program that pays for health care). Due to its size and the complexity of the information it holds, DHHS operates as a “covered entity in full” for purposes of HIPAA. The fully covered entity status makes all personally identifiable information maintained, owned, or created by DHHS subject to the protection of HIPAA.

Under HIPAA, covered entities are prohibited from releasing PHI unless the information has been sufficiently de-identified pursuant to the HIPAA Privacy Rule (42 C.F.R. § 164.514). The HIPAA Privacy Rule allows for two methods of de-identification, safe harbor (42 C.F.R. § 164.514(b)(2)) or expert statistical analysis (42 C.F.R. § 164.514(b)(1)). DHHS will attempt to de-identify information under the safe harbor, which requires the removal of 18 identifiers (see 42 C.F.R. § 164.514(b)(2)(i) for the identifiers). If DHHS cannot de-identify information using safe harbor, then the information will be reviewed by a statistical expert to determine if it has been sufficiently de-identified prior to release.

Currently, DHHS has two roles that serve as statistical experts. The Chief Data Strategist and the Deputy Data Strategist. When assessing a report to determine if the information has been sufficiently de-identified, DHHS uses a probability calculation that considers the following factors:

- Data source and the associated nuances.
- Demographic characteristics, which include age, gender, race, ethnicity, and language spoken.
- Geographic location for both the service received and residence of the person receiving services.
- Time period of the report, if the time period of the report is shorter than a year such as quarterly this increases the probability of identification.

In addition to an overarching HIPAA requirement, DHHS is subject to numerous statutory requirements that protect the identity and personal information of the youth served by DHHS. For example, Neb. Rev. Stat. § 28-725 and 28-726 require records related to child abuse and neglect reports and investigations to be confidential. Neb. Rev. Stat. § 43-2,108 governs the confidentiality of juvenile court and probation records. This statute specifically identifies records provided to the juvenile court by agencies and institutions as confidential record information. The same de-identification standards apply to meet the confidentiality requirement of the above referenced statutes and the HIPAA de-identification statutes.



For this particular report, the information being released (1) relates to the last quarter of the calendar year, and (2) relates to a population that is between the ages of 0-19 years. Given the narrowed time period (3 months) and the age group of the report population, the probability of identifying the individuals involved in the reported incidences is high when using other publicly available information in combination with the information released. Therefore, releasing information when incidences experienced by this population occurred between one and five times, would allow for possible re-identification of the individuals. However, knowing that there were more than zero is still meaningful when interpreting this information. Masking those counts between one and five offers privacy protection for those children who were involved, while still releasing a level of meaning about those specific occurrences in the report population.

Categorization of Grievances

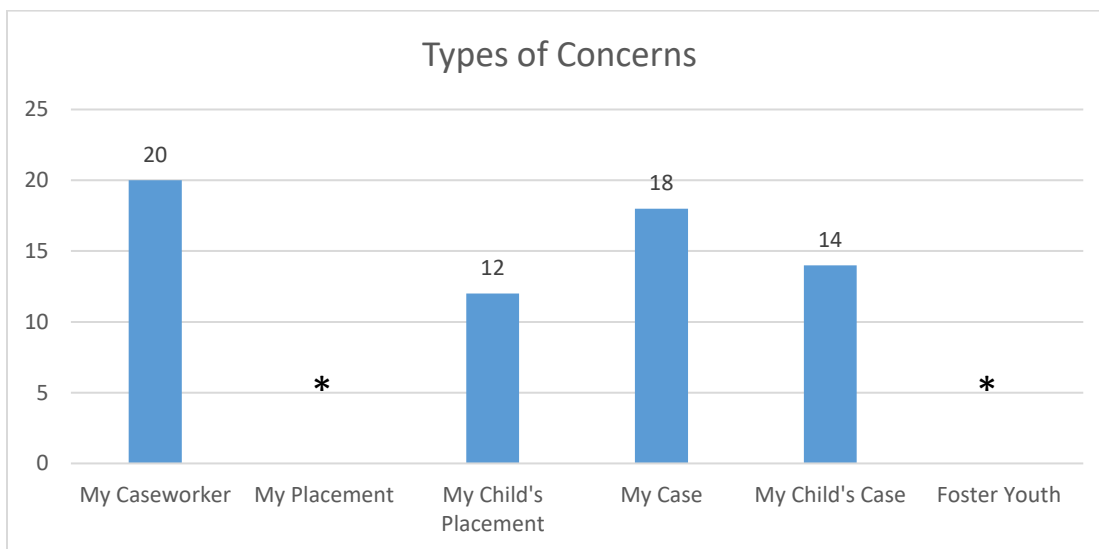
Grievances in this report were closed during the fourth quarter of 2023 (October – December 2023).

Complainants

A grievance can be filed with the Nebraska Department of Health and Human Services (DHHS) by youth, legal parents, legal guardians, legal custodians, or foster parents who have concerns that cannot be resolved with their child welfare worker. The process is open to families who are currently involved with the Division of Children and Family Services, either in an Initial Assessment or Ongoing Case (both court- and non-court involved). This process does not address issues involving finalized guardianships or adoptions. Twenty-seven grievances were filed and closed during the fourth quarter.

Types of Concerns

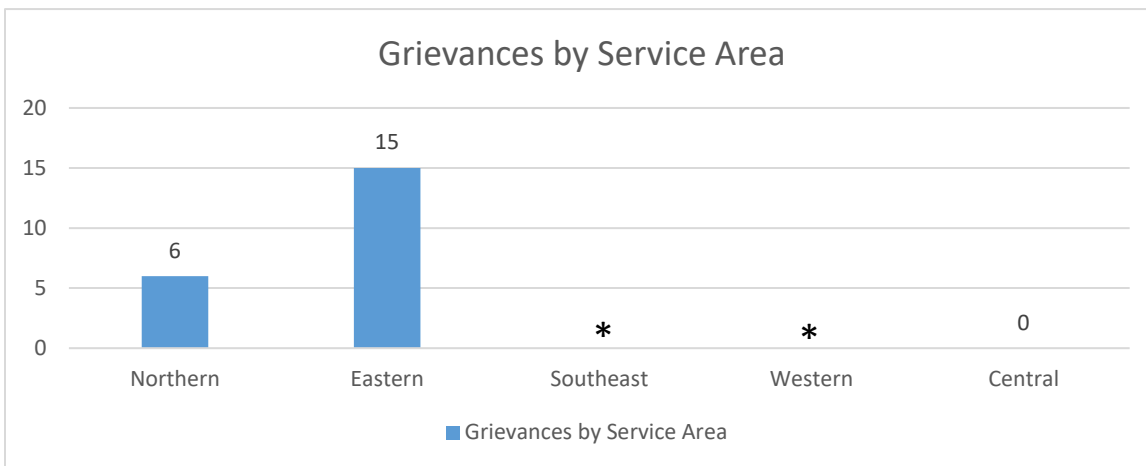
The grievance form allows for one or more categories as the type of complaint. Options include concerns about caseworker, placement, child’s placement, case, child’s case, or foster youth.



* All values between 1-5 are masked to protect privacy. See Report De-identification Standard (p. 2-3).

Service Area

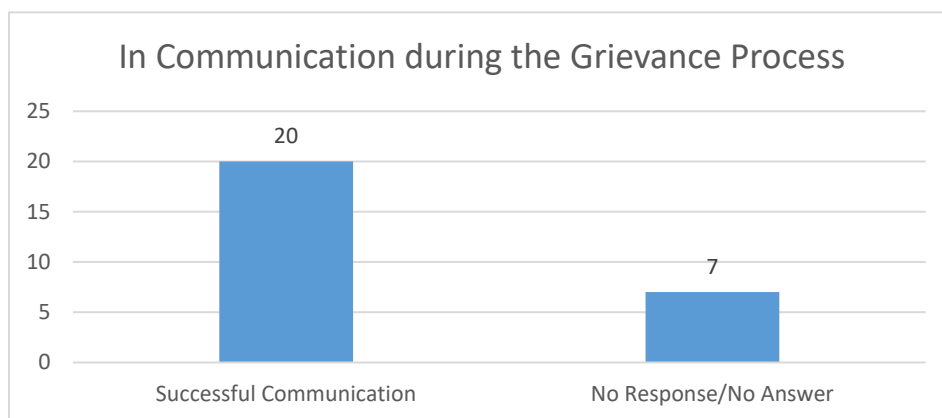
Child Welfare and Protection services are offered across five service areas in Nebraska: Northern, Eastern, Southeast, Western, and Central. Cases can also be out-of-state.



* All values between 1-5 are masked to protect privacy. See Report De-identification Standard (p. 2-3).

Number of Individuals in Communication with CFS during the Grievance Process

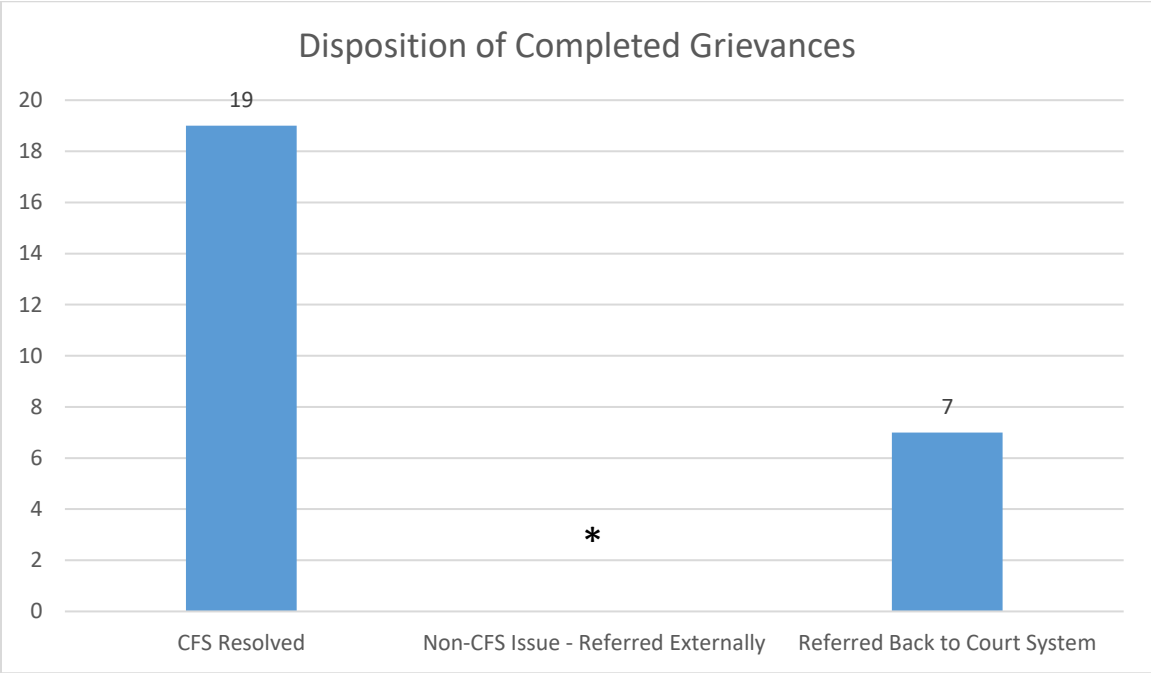
As part of the grievance process, multiple attempts to reach the individual who filed the complaint are made through email, text message, phone, or mail. The individual is encouraged to select the best method of contact while completing the grievance form.



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Disposition of the Completed Grievances

The CFS team strives to share information in the summary letter to a grievant as applicable, to ensure they are aware of who can handle the grievant’s concerns.



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