

Supportive Services for Veteran Families (SSVF) National Grantee Webinar

National Privacy Guidance for Sharing VA Homeless
Program Data with Non-VA Community Providers

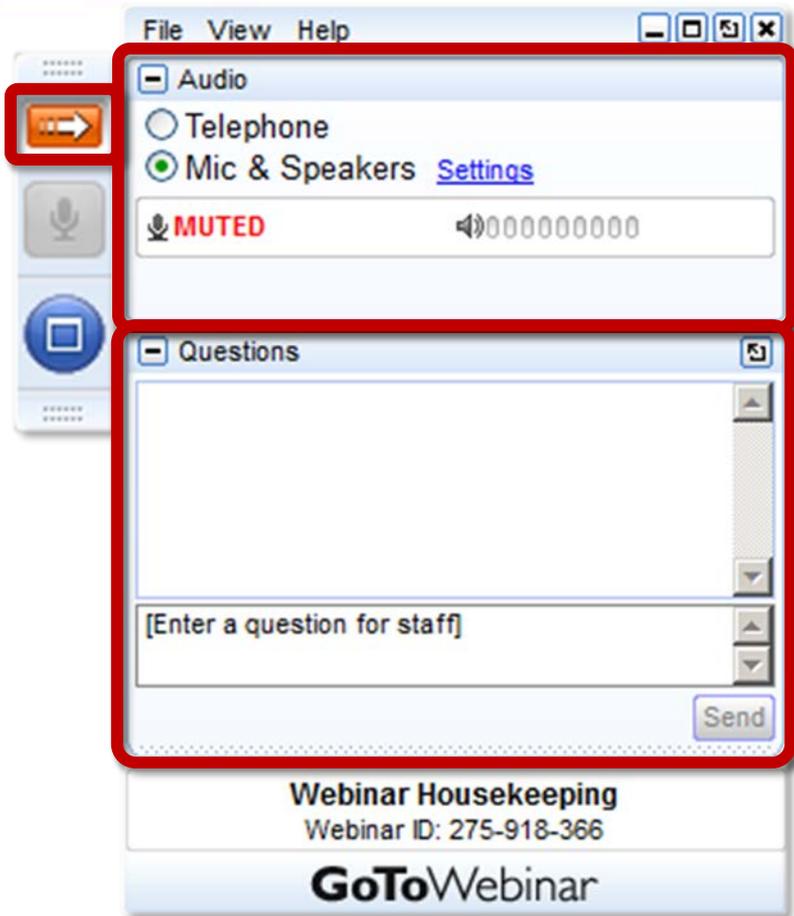
July 13, 2017 at 2:00 PM EDT

[Link to Webinar Audio Recording](#)

Webinar Format

- Webinar will last approximately 90 minutes
- Participants' phone connections are “muted” due to the high number of callers
 - **Questions can be submitted during the webinar using the Q&A function**
- Questions can also be submitted anytime to SSVF@va.gov

Questions



Your Questions

Submit questions and comments via the Questions panel

Panelists

- **John Kuhn**, National Director, Supportive Services for Veteran Families (SSVF)
- **Nicole Harelik**, VHA Homeless Programs, Clinical Operations
- **Pat Wolschon**, Director of Homeless Programming, John D. Dingell VA Medical Center (Detroit, MI)
- **Jamie Ebaugh**, Director for Supportive Housing, Southwest Counseling Solutions (SSVF grantee)
- **Adrienne Nash Melendez**, Coordinator, SSVF

Agenda

- Opening Remarks
- Community Planning Survey Overview
- VA Privacy Guidance
- Community Presentation: Detroit
- Questions and Answer

Opening Remarks

- National Updates

Community Planning Survey



Community Goal

End Veteran Homelessness



Adjust as Needed

Survey Purpose

- Collected information on progress in ending Veteran homelessness
- Not an evaluation but a supportive process. Encouraged honest and open responses that accurately depicted progress and needs.
- Assisted Federal Partners (VA, HUD, and USICH) with understanding successes and challenges to:
 - Tailor training and technical assistance to effectively address local needs

Community Planning Survey Background

- **Began February 2015**
 - Written plans developed by Priority 1 (Surge) funded communities
 - Word document; Mostly narrative
- **March – November 2015**
 - All community submissions including Gaps Analysis Tool
 - Excel version; general data points & narrative
- **January & June 2016**
 - New survey format; Standardized response options
 - Deeper dive into specifics of community planning efforts
- **November 2016 – January 2017**
 - SSVF Gaps Analysis Tool
 - Excel version; focus on resource allocation and rapid re-housing needs
- **April 2017**
 - VA, HUD, and USICH collaboration

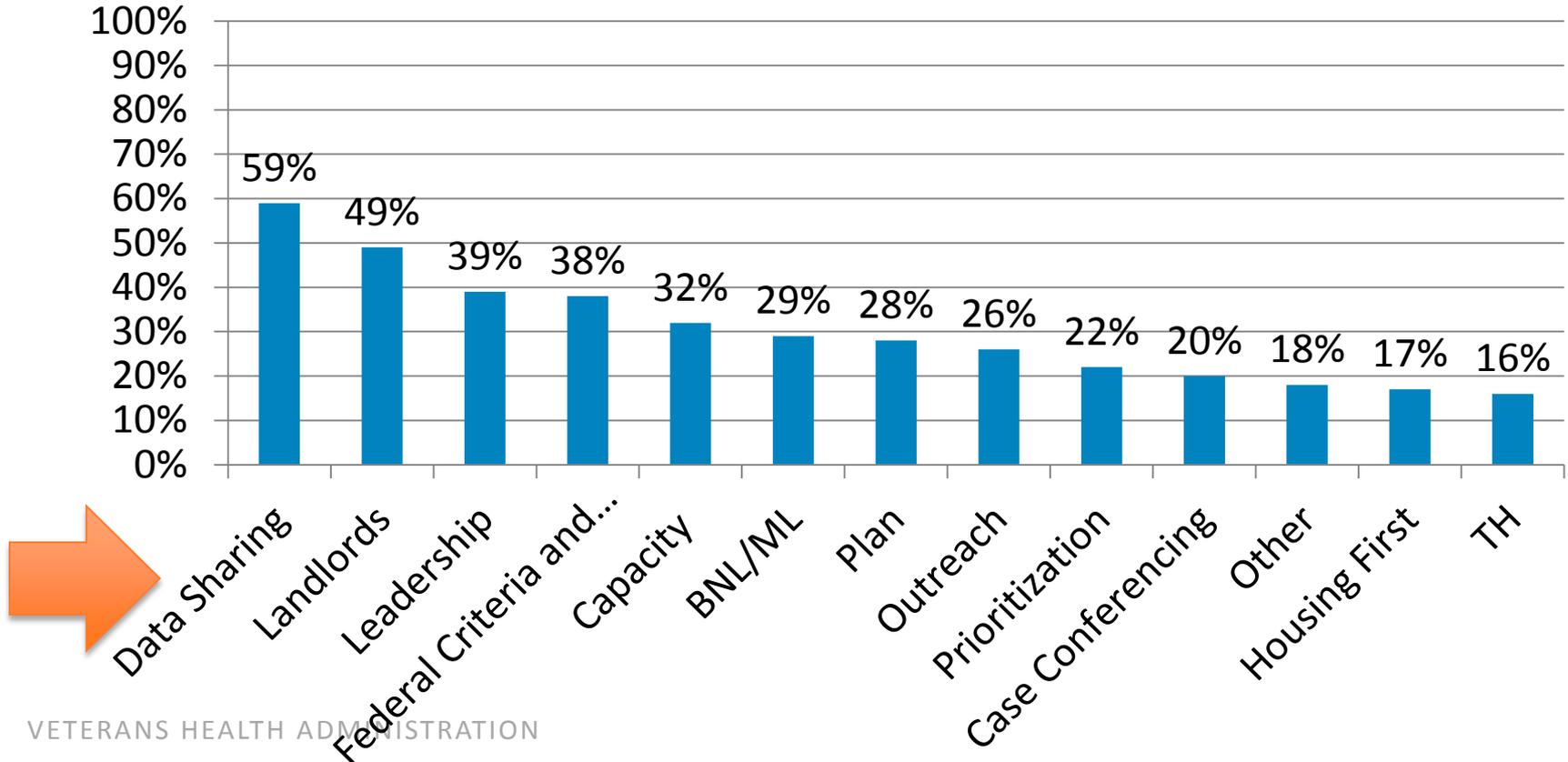
Community Planning Survey: National Data

- **Response Rate:**
 - 386 survey responses
 - 371 unique CoCs (over 95%)
- **Does your community have a written Community Plan to end Veteran Homelessness?**

Response	N	%
Yes	215	58%
In Progress	120	32%
No	35	9%

Technical Assistance

Would your community be interested in receiving new or different Technical Assistance related to ending homelessness among Veterans? **64.4% responded "yes"**.



Nicole Harelik, MBA, MPA

VHA Homeless Programs, Clinical Operations

VACO PRIVACY GUIDANCE: AUTHORITY TO MAKE DISCLOSURES TO COMMUNITY PARTNERS



U.S. Department
of Veterans Affairs

INTEGRATED
OPERATIONS
PLATFORM

VA Privacy Guidance

Authority to Make Disclosures to Community Partners

- Released by the VHA Privacy Office in collaboration with the VHA Homeless Program Office.
- Approved by VA Office of General Council.
- Disseminated to VHA Privacy Officers, VHA Leadership and VAMC Homeless Program Staff on May 9, 2016, followed by coordinated dissemination to community providers.
- Outlines the legal authority for the VHA Homeless Program Staff to disclose pertinent Veteran information, excluding 38 U.S.C. 7332-protected information, to community partners without a formal data sharing agreement or prior signed, written authorization from the Veteran if the requirements of the legal authorities are followed.



VA Privacy Guidance

Summary of Authority- Homeless Veterans

- If a Veteran is homeless, 24VA10P2 Routine Use #40 and HIPAA 45 CFR 164.512(j) would provide legal authority to disclose pertinent information on the Veteran related to obtaining housing and related services, such as the Veteran's homeless status, without a signed authorization in cases where a Veteran is in imminent risk.
- General Counsel ruled that homelessness, in and of itself is considered imminent risk.
- For this purpose, homelessness is defined as being literally on the streets.



VA Privacy Guidance

Summary of Authority-Veterans not Homeless

- If the Veteran is known to not be homeless, 24VA10P2 Routine Use #5 and HIPAA45 CFR 164.510(b)(1)(ii) would provide authority to disclose pertinent information on the Veteran related to obtaining housing and related services, such as the Veteran's homeless status, to a community partner aware of and trying to provide services to the Veteran (i.e., being on the BNL is evidence of the community partner awareness of the Veteran),
 - If the Veteran is present, they should be given the opportunity to object to the disclosure, or
 - If they are not present, VHA can use its professional judgement to determine if the Veteran would object and could make the disclosure based on that judgement.
- Regardless of whether or not the Veteran is homeless, the disclosure of 38 USC 7332-protected information requires a signed, written authorization from the Veteran.



How National Guidance Applies to the “By Name List” (BNL)

- In addition to using these authorities to disclose information necessary for the coordination of housing and homeless services, these authorities may also be used to develop and manage “By Name Lists” (BNL).
- If a Veteran is homeless and has a basic need which must be assessed or immediately addressed, the authorities in the guidance cover disclosure of pertinent information without a signed, written authorization (ROI).
- Information shared is based on clinical discretion and should be limited to the information needed to assess or address a Veteran’s basic need.
- VHA does NOT have legal authority to share health information protected under 38 U.S.C 7332 (any information related to the diagnosis of infection with HIV or sickle cell anemia, or the diagnosis of and treatment for drug abuse, alcohol abuse or alcoholism) with community partners UNLESS a signed, written authorization is obtained from the Veteran.
 - This includes disclosing information about where a Veteran is residing if that information suggests treatment for substance use.



Guidance Summary

- Regardless of whether or not the Veteran is homeless, the disclosure of protected information requires a signed, written authorization from the Veteran.
- In cases where the Veteran is present and not in imminent danger (i.e. is sheltered), the authority states that the person must be provided with the opportunity to object to the disclosure.
- Sharing only the minimum amount of information necessary **and** keeping an accounting of disclosures made to community partners is required.
- Professional judgment should be used to assess whether the information being considered for sharing helps the assessment of basic needs.



Authority to Make Disclosures to Community Partners FAQs

- **Which legal authorities cover disclosure of basic Veteran information included in the Veteran's record, including family or emergency contact information to better coordinate services and referrals with community providers around basic needs (housing, medical and safety)?**
 - The Privacy Act System Routine Use #40, Routine Use #5 and HIPPA 45 CFR
- **What information can be disclosed under the legal authorities outlined in the guidance?**
 - Information pertinent to the Veteran obtaining housing and related services, such as the Veteran's homeless status.
- **Is a Data Use Agreement (DUA) or Memorandum of Understanding (MOU) required for the disclosure of information covered under this guidance between VHA and Non-VA community partners?**
 - No



Authority to Make Disclosures to Community Partners FAQs

- **How is “homeless” and “at risk for homelessness” defined under these legal authorities?**
 - Homelessness is defined as literally homeless, where the Veteran’s living situation contributes to an imminent risk to his or her safety. A Veteran who is at risk for homelessness has a living situation which will place the Veteran in imminent danger if services or an intervention are not quickly provided.
- **VHA and Non-VA community partners collaborate to develop master lists of homeless Veterans in the community, also referred to as “By-Name Lists” (BNL). These lists are populated through information obtained from outreach, community Homeless Management Information Systems (HMIS), shelters, VA-funded programs, and any other providers in the community who may work with Veterans experiencing homelessness. In an effort to reconcile these lists, VHA staff may need to disclose Veteran information to community partners. Is disclosure of Veteran information covered for this purpose?**
 - Yes



Authority to Make Disclosures to Community Partners FAQs

- **Does an accounting of disclosure need to be documented for written release of Veteran information?**
 - Yes
- **Does an accounting of disclosure need to be documented for verbal release of Veteran information?**
 - No
- **Under this guidance, to whom can VHA disclose information?**
 - The legal authorities cover disclosure to community partners, including but not limited to health and welfare agencies and housing resources who assist in serving Veterans, utility companies in situations where VA needs to act quickly in order to provide basic and/or emergency needs for a Veteran and/or a Veteran's family. Basic need services include safety, shelter, housing and medical needs.



Points of Contact and Helpful Links

[Homeless Programs Operational Planning Hub](#)

[VACO National Privacy Guidance](#)

[VHA Privacy Guidance: Authority to Make Disclosures to Community Partners FAQs](#)

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Data Sharing in Detroit

JAMIE EBAUGH, LMSW SOUTHWEST COUNSELING SOLUTIONS

PATRICIA WOLSCHON, LMSW JOHN D. DINGELL VA MEDICAL CENTER



Key Players

- ▶ HMIS Administrators
- ▶ City of Detroit
- ▶ Continuum of Care Board Members
- ▶ VA Homeless Program Staff
- ▶ CSH Consultant
- ▶ SSVF Agencies
- ▶ COC Lead Agency
- ▶ Coordinated Assessment Model Staff
- ▶ GPD and Contract Residential Programs
- ▶ PATH Outreach Teams, Soup Kitchens, Day Drop In Programs

State of Michigan Assistance

- ▶ As of October 1, 2015 all homeless service agencies funded through State of Michigan \$ were required to use the VI-SPDAT to prioritize the use of funding resources.
- ▶ Michigan State Housing Development Authority developed a homeless preference for their Housing Choice Vouchers for those needing rental subsidy only.
- ▶ Robust HMIS data system and data sharing among the COCs to document chronic homelessness.

City of Detroit Assistance

- ▶ Active involvement of City of Detroit staff on the COC Board, committees, and By Name List process
- ▶ Coordination of city financial homeless/housing resources with the COC to prioritize funding by full community assessment of need
- ▶ Mayor Duggan joined the Mayor's Challenge to End Veteran Homelessness
- ▶ Mayor's commitment to 20% affordable housing units in all new housing developments in the city

VA Data Sharing Guidance

- ▶ Sharing of name, homeless status, and VI-SPDAT score done to get Veterans on the By Name List
- ▶ VA Release of Information used for VA to share protected health information as needed to pursue housing options

By Name List

- ▶ Separate entity outside of HMIS
- ▶ Until recently, multiple volunteers coordinated updates and maintained the list
- ▶ Southwest Solutions approved to use SSVF funds for full-time staff to coordinate the Veteran effort
- ▶ One staff person now inputs updates, coordinates meetings, and cases to be presented
- ▶ For sustainability the list must be in HMIS
- ▶ HUD VASH Voucher integration with BNL

Integration into HMIS

- ▶ HOMES/HMIS interface not yet possible
- ▶ Wish to avoid duplicate work
- ▶ Current workaround: SSVF staff inputs data into HMIS as it is submitted by VA staff
- ▶ All new Veterans identified assessed through VA Homeless Programs for access to all housing resources

VA Data for HMIS

- ▶ Revised VA/COC release of information
- ▶ Cover sheet with HMIS items not covered by HOMES, VA eligibility, transitional housing placement, HOMES data for both VHA eligible and ineligible Veterans, VI-SPDAT document
- ▶ VA staff worked with Privacy Officer and Information Security Officer to gain approval for this process

Developing COC BNL Processes

- ▶ Leadership only group to develop policies and procedures
- ▶ Line staff from all partners involved in BNL case conferences
- ▶ Leaders from City, SSVF, VA involved in case conference meetings to trouble shoot system problems/challenges in real time
- ▶ Case conferencing done in person
- ▶ Both groups meet bi-weekly
- ▶ Leadership from all GPD and Contract Residential Agencies must be involved for buy-in

Challenges

- ▶ Getting all partners to see themselves as part of the greater system
- ▶ Large number of GPD beds and financial disincentive to house quickly
- ▶ Staff turnover in agencies – need for constant re-education
- ▶ Creating the system, frequent changes, and need to capture all processes in simple policies and procedures for all to follow

Next Steps

- ▶ Finalize policies and procedures for BNL and housing of Veterans
- ▶ Obtain read-only access to HMIS for VA Homeless Program Staff
- ▶ Develop a system for partner accountability to keep system updated
- ▶ HMIS input access if HOMES/HMIS interface is not possible by FY19
- ▶ Integrate BNL in HMIS for sustainability

Contact Information

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Questions and Answers



Additional Questions

SSVF Program Office

Email: ssvf@va.gov

Website:

www.va.gov/HOMELESS/ssvf.asp

A recording of this presentation will be provided to webinar registrants and posted on the SSVF website.