



Policy Number:

26

Effective: May 1, 2008

Revised:

Subject: Confidentiality Of Consumer
Information/Physical Access To Consumer
Clinical Records

POLICY:

It is the policy of Camden Co. Developmental Disability Resources (CCDDR) that employees and board members will maintain confidentiality regarding consumers who receive services from CCDDR. Confidentiality is defined as the non-disclosure of private, personal information. State and Federal statutes regarding confidentiality protect information about individuals receiving services from the Department of Mental Health and CCDDR.

Further, it is the policy of Camden Co. Developmental Disability Resources that any files or records of personal information of consumers served by this agency that this agency possesses are the property of this agency and are maintained for service to persons being supported. It is the responsibility of all employees of CCDDR to insure personal information against loss, tampering, or use by unauthorized persons.

DEFINITIONS:

Personal Record:

Any information or data recorded in any medium, including but not limited to handwriting, print, files, and computer generated information.

Confidential Personal Information:

Personally identifiable records including:

- The name of the individual, the individual's parents or to the family members or guardian;
- The individual's address and phone number;
- A personal identifier such as the individual's social security number;
- A list of personal characteristics, diagnostic data, etc. which would make the individual's identity known and easily traceable;
- Other information that would make the individual's identity known and easily traceable.

Disclosure/Dissemination:

Permitting the release, transfer or other communication confidential personal information orally or in writing, or by electronic means, or by any other means to any party.

Access:

permitting any person/agency the opportunity to review confidential personal information, which includes the personal file, for the purpose of gathering information, program evaluation, copying reports, etc.

PROCEDURES:

- I. CCDDR staff members and volunteer staff will receive training on the issues of confidentiality prior to conducting responsibilities with consumers.
- II. Staff and volunteers will not share or disclose to outside entities personal information or Protected Health Information (PHI) about consumers to outside persons without prior written authorization/consent from consumer or their guardian. This authorization shall be obtained by completion of a CCDDR “Authorization To Disclose/Release Confidential Information” form. The authorization shall be in effect for no longer than one (1) year. Only information specific to the authorization is to be released.
- III. Information with regard to adult consumers who are their own guardian may not be shared with parents or other relatives of the consumer without a signed authorization from the consumer.
- IV. Consumer information will not be shared in public settings or in open meetings of the CCDDR Board of Directors.
- V. In compliance with this policy, CCDDR staff shall:
 - A. Adhere to the standards set forth in the CCDDR Notice of Privacy Practices.
 - B. Collect, use and disclose consumer Protected Health Information (PHI) only in conformance with state and federal laws and current consumer/guardian authorizations, as appropriate. CCDDR staff will not use or disclose PHI for uses outside of treatment, payment, or health care operations (TPO) without a signed authorization from the consumer/guardian.
 - C. Act as responsible information stewards and treat all PHI as sensitive and confidential. Consequently, CCDDR staff will:
 - Treat all PHI data as confidential in accordance with professional ethics, accreditation standards, and legal requirements.
 - Not disclose PHI data unless the consumer (or his or her authorized representative) has properly consented to or authorized the release or the release is otherwise authorized by law.

D. Recognize that, although CCDDR as an agency "owns" the consumer record, the consumer/guardian has a right to inspect and obtain a copy of his/her PHI. In addition, consumers or their guardian have a right to request an amendment to their record if they believe their information is inaccurate or incomplete. Our agency will—

- Permit consumers or their guardian access to their record when their written requests are approved by our agency. If we deny their request, then we must inform the consumer/guardian that they may request a review of our denial.
- Provide consumer/guardian an opportunity to request the correction of inaccurate or incomplete PHI in their medical records in accordance with the law and professional standards.

E. CCDDR will maintain a list of all disclosures of PHI for purposes other than TPO for each consumer. We will provide this list to consumers or their guardian upon request, so long as their requests are in writing.

F. All CCDDR staff will adhere to any restrictions concerning the use or disclosure of PHI that consumers or their guardian have requested and have been approved by CCDDR.

G. All CCDDR staff must adhere to this policy. Violation of this policy is grounds for disciplinary action, up to and including termination of employment.

VI. This confidentiality policy will be reviewed with staff upon hire and on an annual basis thereafter. This review, signed and dated by the employee, will be placed in their personnel file

VII. Employee Access To Consumer Clinical Record:

The following persons employed by CCDDR and the following agencies shall have authorized access to consumer clinical records within the CCDDR facility:

- All administrative staff including the Director and Administrative Assistant.
- All Service Coordination staff shall have access to the record for those on their caseload, and, if circumstances warrant, other consumers served by CCDDR.
- Rolla Regional Office staff
- Health and Human Services staff
- Consumer's physician and/or dentist
- Social Security or Medicaid representatives for eligibility of benefits determination.

VIII. Under no circumstances will individual clinical records be accessible to persons not authorized as per this policy. Access to records will not be permitted without specific consent of the person being supported or legal guardian.

IX. Individual/Parent/Guardian Access to Records:

The CCDDR Director shall give persons being supported or the guardian of an individual being supported access to the individual's clinical record, under the following conditions:

- The request shall be made in writing to the CCDDR Director. The request shall be kept in the individual's record.
- The CCDDR Director may deny access to any personal information if access is determined to be inconsistent with the individual's care, treatment or habilitation. The reason for withholding the record shall be documented in the individual's file and a copy given to the person requesting the information.
- The individual's record may be reviewed only in the presence of the CCDDR Director.

X. Only information generated by the agency will be given to persons being supported and/or guardian. Information from other facilities/agencies should be requested directly from the original source.

XI. NOTE: CCDDR's HIPAA Privacy Policy is contained in a separate section of these policies/procedures.

XII. All consumer records and information will stay at the CCDDR facility for a minimum of seven (7) years.

REFERENCES:

- 630.140 RSMo
- CARF Standards Manual, Section 2B
- CCDDR Hipaa Policies/Procedures