

Confidentiality Policy

Please note this document comes from Idaho North Central Health District. We have not revised it to fit a more generic use. It is provided here strictly as an example. When creating a policy for your use, please keep in mind all information regarding substance use disorder clients must follow 42 CFR Part 2 requirements.

Purpose:

The purpose of this policy is to provide guidance for handling confidential information including but not limited to HIV/AIDS surveillance, communicable disease reports and client records.

Definitions

Confidential Information/Material:

Any information that directly or indirectly could lead to the identification of a person or persons served by Public Health – Idaho North Central District.

Violation of Confidentiality:

The disclosure of private or confidential information to any unauthorized person either verbally, within hearing distance of others, telephone, mail, electronically or leaving confidential material visible and unattended in an unsecured area. Confidentiality is to be maintained at all times both on and off the job.

Security of Information/Material:

Physical measures taken to prevent access to confidential information stored in medical records room, filing cabinets, computer discs, hard drives, servers.

Hard Copy Information/Material:

All client information that is written, printed or saved on a floppy disc.

General Information

All employees, volunteers, college/university interns, work-study personnel, and other agency employees working with Public Health – Idaho North Central District clients are required to maintain confidentiality regarding other employees, clients and business establishments. A breach in confidentiality is grounds for immediate termination from employment or termination of the agreement for a voluntary placement.

All Public Health – Idaho North Central District employees, volunteers, college/university interns, work-study personnel, and other agency employees working with Public Health – Idaho North Central District clients are required to receive training in confidentiality, security issues and will sign a “Confidentiality Policy and Release of Information” form, which will be kept by the Human Resource Manager.

Confidential information about employees, clients or business establishments may be released to authorized providers and/or the client with a signed consent from the client. Requests for confidential information will be referred to supervisory staff.

All client records including clinical data, communicable disease reports and HIV/AIDS surveillance records are strictly confidential. Only personnel who have a “need to know” in the course of their job duties will have access to confidential records and databases.

All client hard copy information is kept in a locked/secured area. Confidential information kept in filing cabinets is locked/secured at the end of each business day. Staff will clear computer screens and store confidential information inside a desk or file cabinet when leaving the work area temporarily.

Additionally, HIV information is housed in a locked building, in a locked room, in a locked file cabinet.

All confidential written and printed material, which does not require storage (i.e. telephone messages, computer printouts, line listings) is shredded or recycled with a bonded company when it is no longer needed.

Records are the ultimate responsibility of the Director and that responsibility may be delegated to the Human Resource Manager or Division Directors. Medical records are destroyed based on the Records Retention Policy.

Confidentiality Policy

Court orders and subpoenas will be referred to the Division Director who will in turn refer immediately to the Director.

Environmental Health Services records and District records other than medical records are subject to Idaho Public Records Law, Idaho Code 9-337 through 9-350. The intent of this law is that all records maintained by public agencies are open to the public for inspection and copying at all reasonable times, unless the information is specifically exempted from disclosure by law.

Exemptions to Public Records Law (9-340)

Records that shall not be released for public review include the following:

- Client medical records;
- Industry “trade secrets”, section 9-340 (4) (i);
- Personnel Information, section 9-340 (3) (a); and
- Records may contain both exempt and non-exempt material. The public agency is responsible for separating the exempt from the non-exempt information and supplying the non-exempt record. The Law prohibits denying access based upon the fact that the record contains both types of material.

Complaint sources are to remain a confidential part of the departmental records unless the record(s) is the subject of a discovery request under the rules of civil procedure.

Postal Mail

When mail marked “confidential” is delivered, only the person to whom it is addressed or supervisory staff will open the envelope. Mail not addressed to a specific person will be opened and routed as usual.

Public Relations

Individual names of clients and information concerning medical data are not to be disclosed to any source, including news media, without written consent of the client/guardian. This includes releasing names of clients who received services for specific diseases, handicaps, or epidemiological investigations.

Pictures of clients for publicity purposes of the District or District programs may not be taken or used without written consent of client/guardian.

De-identified statistical information relating to the number of clients and types of services may be released for general use and information.

Inter-Agency

Information may be shared with appropriate agencies (on a need to know basis) and only when sharing is in conformity with contracts or Memorandums of Understanding/Agreement between agencies. All agency employees are held to agency confidentiality standards. Information may be shared with appropriate agencies with written consent of client/guardian.

See specific procedures regarding:

- Employee confidentiality.
- Client confidentiality and record release.
- Idaho Public Record Law.
- Electronic security including faxing, telephone, e-mail and computers.

Public Health may use and share patient information for treatment, payment, and business operations without patient permission. (See HIPAA, Notice of Privacy Practices)

Public Health – Idaho North Central District Employee Confidentiality Policy Affirmation

The Director, pursuant to powers and duties described in Idaho Code, Section 39-413, and in consideration that correct usage and safeguarding of information made available during the course of business is an essential element of responsible administration, and in acknowledgment of the public’s

Confidentiality Policy

right to be informed, prescribe the following administrative rule as the official rule of the Public Health – Idaho North Central District:

Definition of Violation of Confidentiality:

The disclosure of private or confidential information to any unauthorized person either verbally, within hearing distance of others, telephone, mail, electronically or leaving confidential material visible and unattended in an unsecured area. Confidentiality is to be maintained at all times both on the job and off the job.

Professional Responsibility

Confidentiality of employees, clients and/or establishments pertaining to District activities will be maintained at all times. This includes while on the job, after work and when no longer employed by this organization.

Many District records and information are confidential and are not open to the public or unauthorized District personnel. Therefore, the appropriate Division Director shall determine the confidential status of the records being requested, and in consultation with the Director either deny or approve the request for disclosure. In the absence of the Division Director, the Director will act for him/her.

Disclosure of Records

Medical records are not public records and require a written request from the client/guardian prior to releasing any information. Exam results and test results may be shared with patient healthcare provider or the referring provider for the purpose of continuation of medical services.

All writings in files are not regarded as public record and should not be open to the public because of the confidential nature of certain documents. However, official positions and/or actions that the District takes, and any writing expressing that position or action, is considered open to the public unless statutorily exempt.

Environmental Health Services records and District records other than medical records are subject to Idaho Public Records Law, Idaho Code 9-337 through 9-350. The intent of this law is that all records maintained by public agencies are open to the public for inspection and copying at all reasonable times, unless the information is specifically exempted from disclosure by law.

Breach of Confidentiality

In the event that a volunteer or employee becomes aware that he/she has revealed a confidence, he/she shall notify his/her supervisor immediately, no matter the time or day. If the appropriate supervisor is unavailable, the incident should be reported to the Director immediately, and as soon as possible to the Supervisor.

Affirmation:

I have read and understand the Public Health – Idaho North Central District Confidentiality Policy and agree to abide by this policy.

I understand that confidentiality is required both on and off the job.

I understand breach of confidentiality is grounds for immediate termination from employment.

Signature of PH-INCD Employee

Date

Confidentiality Policy

Signature of Human Resource Manager or Supervisor

Date

For volunteers, interns, work-study students:

As a volunteer, college/university intern, work-study student, or other agency employee, I have read and understand the Public Health – Idaho North Central District Confidentiality Policy and agree to follow the policy. I will immediately notify Public Health – Idaho North Central District supervisory staff and my instructor/organization if I breach confidentiality. I understand that I may be asked to leave my position at Public Health – Idaho North Central District immediately.

Please sign below and initial the way you sign and initial charts.

Print name of student/volunteer

Initials

Signature of Student/Volunteer

Date

School or Agency Name you are affiliated with

Date

PH-INCD Supervisor or employee

Date

Personnel Confidentiality

All inquiries/disclosures shall be coordinated through the District personnel office.

Confidentiality Policy

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