Policy Statement: All staff of the CCS, students and volunteers will maintain confidentiality of client records, contacts and other information in accordance with, or exceeding, all applicable laws including s. 51.30, 42 CFR Part 2, 45 CFR Part 164 and administrative codes DHS 36, 92, and 94, ethical standards, and professional codes.

Discussion and Procedures:

1. Rules and standards of confidentiality will be explained to staff, volunteers and students during orientation to all work positions within the CCS.

2. Personal or clinical information about a client cannot be disclosed without the client’s explicit permission, or his/her parent/guardian if applicable, as evidenced by a signed Authorization to Release Information, except for specific situations that are described by statute.

3. Authorizations to Release Information must be filled out fully and the client, and parent/guardian if applicable, must be informed that s/he may restrict the Release in scope, audience or length of time for which it is valid. Further, the client and parent/guardian will be informed that permission to release can be withdrawn at any time, except to the extent that action has already been taken.

4. Work rules and work culture will ensure that personal information about clients is not discussed in public places or in a manner that can be overheard by those without the need to know.

5. Exchange of information within the recovery team is allowed. This will be discussed with the client and parent/guardian and will be based on her/his choosing or agreeing to the make-up of the team. An acknowledgement of this exception to confidentiality restrictions will be incorporated into the Admission Agreement, Recovery Plan, or noted in the record.

6. Staff will presume in favor of confidentiality. When there is a question about how the law applies, what these guidelines mean or the best way to proceed in handling a particular confidentiality issue, staff will consult with the Service Director or the Administrator. DCDHS Corporation Counsel will also be consulted as needed. If such consultation is not possible, the staff’s decision and reasons for the decision will be documented in the record and reviewed with a supervisor in a timely manner.
7. Sending client-specific information via email is allowable only when the email is encrypted and passworded. Likewise, clinical or personal information transferred to portable media such as a flash drive, disc or tablet must be encrypted, with a password, and must have agency approval. It will be the responsibility of the employing agency to assure that confidentiality is maintained as it pertains to portable media.

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