

POLICY & PROCEDURES ON CONFIDENTIALITY OF CLIENT RECORDS

The Tribal Health Center will strictly adhere to the provisions of established state and local laws, rules, rules, and regulations.

THEREFORE:

1. All staff will protect a client's privacy and will no release information which is of a personal and/or potentially damaging nature.
2. The clients should be the primary source of information about himself.
3. Any information requested from a client should be limited to that which is necessary to provide services to the client.
4. Other offices, individuals, or agencies will be contacted only with the client's written consent, and only for the information specified in the consent.
5. Information will not be released about any client without the client's written consent, except in the following instances:
 - a. Life-threatening or bona fide medical emergency: if the client is subject to a life-threatening or bona fide medical emergency and information about the client is necessary to assist in the treatment of the client, the following procedure will be followed.
 - i. The staff receiving the call will record the information requested, the person requesting the information and the telephone number of the requestor and then terminate the call.
 - ii. The staff person who received the call will report to the Director and inform the Director of the request for information. The staff person making the disclosure will obtain approval from the Director prior to making the disclosure.
 - iii. The staff person who received the call will then recall the inquiring party to determine the party's true identity. When confirmed, the staff person who received the call will then release the information.
 - iv. A memo will be completed by the staff person and placed in the client's file. This memo will include the client's name and/or case number, date, and time of disclosure; nature of emergency; nature of information disclosed; name of staff person who disclosed the information and the name of the person and/or agency to which the information was disclosed.

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- b. Authorization due to Court Order. When authorized by a court order, the program may release information about a client without the client's authorization. The program will not authorize any release of information to a subpoena not accompanied by a court order. No law officer, whether Tribal, City, County, State, or Federal, has the authority to order the program to release information on any client if he/she does not possess a court order authorizing the release.
- c. Scientific Research, Management Audits, Financial Audits, and Program Evaluations. In any and all cases of the before mentioned circumstances, the Director must approve the release of information. The director will determine the credibility of the evaluators/researchers, their techniques, and insurance confidentiality. The Director will obtain written statement from the Evaluator/Program Researcher of any client identifying information, the nature and intended use of the information, and the assurance of maintaining confidentiality.
- d. State and Federal Government Agencies. State and Federal Government agencies may be furnished with client information as necessary to audit the program to assure compliance with their guidelines. No specific information on any client may be removed from the agency by the auditor without written notification to the agency. Only funding agencies will be provided with client information when a written report is necessary.
- e. Minor Clients. In the case of a minor client, who is in judgement of the Director, is incapable of rationally deciding consent to notification of a parent or guardian, and if such notification would substantially affect the life or physical well-being of the client or another individual, the program may communicate relevant facts to the parent or guardian.
- f. Disclosure of Third Party Payers for Client Services. Such disclosure will be made only to the extent of absolute necessity to secure payment. In all cases, a written consent will be obtained from the client.
- g. When Communication Does Not Consist of Disclosure.
 - i. When communication does not identify the client in any manner so that he/she may be identified by the public (i.e. statistical date).
 - ii. Communications, within the agency itself, that are made in connection with client care.
- h. Client Release to Authorities. Clients may authorize court and legal authority's access to information on their treatment by signing appropriate consent form. In cases where a client is accepted into treatment as condition of parole, probation, or in lieu of prosecution, such consent must be made if the client is to be accepted into treatment.

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6. Information received from another office will not be released to a third party by the Center without an additional written consent.
7. The Release of Information Consent Form will be completed properly and signed by the client before the Center will release any information. The original copy of the consent form will remain in the client's file; one copy will be given to the client, and one to the referring agency. The form will be initialed by the Director or designee prior to the release of any information, except in emergencies.
8. Client records will be kept in locked file cabinets. File/tabs will show only the client's case number, not the client's name. Access to the files will be limited to authorized staff that have legitimate reason for reviewing or using the files. Files will remain in the Center facility, and will be returned to the file cabinets immediately after use.
9. No information will be released over the phone, except in emergencies. All information released will be in written form.
10. Cases will not be discussed with other agencies without the client's knowledge and written consent.
11. Client records will be kept for a period of three years after discharge. They will then be destroyed by shredding.
12. Clients may have reasonable access to the information in their case files. The request must be made during normal working hours, and be approved by the Director.

VIOLATION OF CLIENT CONFIDENTIALITY: Any disclosure of information which is not more than \$500 in the case of a first offense and not more than \$5,000 in the case of each subsequent offense.