

ACADIANA C.A.R.E.S.
Policy and Procedure
Confidentiality

Policy/Procedure:

1. Acadiana C.A.R.E.S.' clients entrust the agency with important information concerning their HIV status, substance abuse history, and medical information. The nature of this relationship requires strict confidentiality. Employment with Acadiana C.A.R.E.S. carries an obligation to maintain confidentiality, even after an employee's separation from C.A.R.E.S.
2. Each Acadiana C.A.R.E.S.' employee, subcontracted employee, visiting professional and volunteer may be exposed to privileged patient information. Examples of such information are medical conditions and treatments, finances, living arrangements, sexual orientation, and relations with family members. Clients' right to privacy is a policy of C.A.R.E.S. and guaranteed by statutes and regulations. (See below.)
3. The following are Acadiana C.A.R.E.S. policy guidelines:
 - Client information is never discussed with any person not professionally affiliated with the client's care. Staff, associates and volunteers do not discuss a client's physical, emotional, spiritual, sexual, psychosocial, or financial status with anyone unless the information is pertinent to C.A.R.E.S. activities.
 - Acadiana C.A.R.E.S. staff carries documents that contain client names to other facilities. These materials are handled as discretely as possible, never left in unsecured/unaccompanied locations, and never placed in others' view unrelated to the specific Acadiana C.A.R.E.S. activities.
 - Upon resignation or termination of an Acadiana C.A.R.E.S. position, each employee remains bound by these policies to protect the confidentiality of HIV/AIDS, substance abuse treatment, and all other clients in C.A.R.E.S.' database and will be asked to sign an official form to this effect.
4. Employees read, understand, and agree to comply with these guidelines in the course of their work at Acadiana C.A.R.E.S. Intentional and involuntary violations of this policy may result in termination of employment.
5. Limitations:

There are limitations to the promise of confidentiality. Court decisions have underscored practitioners' duty to warn and protect others, even if it means breaking confidentiality.

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6. Reasons for Disclosure:
 - To provide needed professional services to the client
 - To obtain appropriate professional consultation
 - To protect the client or others from harm
 - Client requests that their records be released to themselves or a third party
 - Specifically for substance abuse treatment clients, court orders that comply with 42 C.F.R. § 2.13

7. It is important that client identities be protected in conversation. It is good practice not to use last names. Client files are kept in locking filing cabinets that remain locked when authorized personnel are not present. Client files do not leave the premises. Inactive client files are retained for three years in a locked file cabinet in a locked file room. After three years the files are destroyed by shredding. Client information stored in computers is entered into programs that require a password. Computers are locked when not assessing or entering information. When receiving visitors in the office, all information concerning clients is placed out of sight and access to visitors. Clients and client situations are not discussed in the reception area. Such discussions are confined to individual offices with closed doors.

8. When answering the phone, only first names are used in announcing phone calls. If a caller requests information about a client the call is referred to a case manager who can check for a release of information form. Staff members do not assume that callers' identities are what they state. To block caller ID, *67 is used when calling clients. Messages are only left when clients grant permission (usually during intake).

9. Letters to clients have information folded to the inside and envelopes only have the return address and "CONFIDENTIAL" stamped on them. Information concerning clients includes a confidentiality statement on a cover sheet. Clients must sign, and have witnessed, a release of information before photocopies of their file are released to another party or the client.

10. Items left in the reception area for pickup have only the first name and last initial. Instructions are given to the receptionist if someone other than the client will be picking up the item. In public C.A.R.E.S.' staff discretely acknowledges clients but allows client to choose whether to openly acknowledge the relationship.

11. Volunteers know the confidentiality policy, are held to the same standards as employees, and are protected by the same code of confidentiality as clients.

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12. Ways of Dealing with Inquiries:

- "We are a social service agency."
- "I do not have the authority to give out information."
- "Let me connect you with a case manager."
- "May I have your name and number and your call will be returned."

13. HIPAA and Other Privacy Rules

- National health information privacy standards have been issued by the U.S. Department of Health and Human Services (DHHS), pursuant to the Health Insurance Portability and Accountability Act of 1996 (HIPAA). HIPAA protects certain individually identifiable health data, referred to as protected health information (PHI). Acadiana C.A.R.E.S. follows HIPAA guidelines for safeguarding client-identifiable and protected health information.
- Part two of title 42 of the Code of Federal Regulations (CFR) is entitled "Confidentiality of alcohol and drug abuse patient records." The purpose of the regulations is "to insure that an alcohol or drug abuse patient in a federally assisted alcohol or drug abuse program is not made more vulnerable by reason of the availability of his or her patient record than an individual who has an alcohol or drug problem and who does not seek treatment." Acadiana C.A.R.E.S. follows 42 CFR II regulations concerning substance abuse treatment client confidentiality.
- State law controls the confidentiality of HIV information. In Louisiana HIV information cannot be disclosed when a medical release specifies that HIV information may not be disclosed. Acadiana C.A.R.E.S. follows state law for safeguarding HIV information.
- Agency policies and procedures concerning client information confidentiality or protected health information are communicated to all employees and adherence is required. If you have questions about these policies and procedures, please talk with your supervisor and/or the Human Resource Director.