



## PROCEDURE

<b>Title/Subject: Confidentiality</b>			
<b>Policy #: OPS - 305</b>	<b>Page 1 of 3</b>	<b>Adoption Date:</b>	<b>Revision Date: 4/19/07</b>
<b>Approved By:</b>		<b>Title: Chief Executive Officer</b>	
<b>Approved By:</b>		<b>Title: Program Vice President/CQI Chairperson</b>	
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The Florida Center for Child and Family Development (The Florida Center) assures the protection of confidential health, treatment and service information about our clients. Staff is required to comply with all applicable laws and regulations pertinent to our service delivery system including, but not limited to, those governing information on child abuse and neglect, mental health consumers, victims of domestic violence, drug and alcohol treatment, and HIV/AIDS.

All new personnel are provided with pre-service training regarding the confidentiality of client information and records. This information includes a thorough description of Health Insurance Portability and Accountability Act (HIPAA) of 1996 and other state laws that regulate confidentiality. Employees must sign a statement attesting to their understanding of the laws and regulations and this is kept on file with the Human Resource Department and updated as needed. Any violation of confidentiality must be reported immediately to management staff for appropriate personnel action.

Volunteers, members of the Board of Directors, contractors, auditors, students/interns and others who might view client or personnel records are required to sign an assurance that information contained in reviewed files will remain confidential.

All clients, or the legal guardians of minor children, are provided with information on their rights to confidentiality and are required to sign a statement assuring that they understand their rights. This process is completed during the Intake or initial visit with the client.

At no time is information regarding clients and/or relatives released to any person except under the following circumstances, and as allowed by law:

- ✓ the prior written consent of the client
- ✓ the prior written consent of the client's parent or legal guardian, when the client is a minor child

- ✓ under court order from a judicial system
- ✓ for the purposes of health care operations, such as quality assurance reviews by auditors, and contracting, licensing and accrediting personnel
- ✓ quality improvement activities

Client records are handled in a manner that protects the confidential nature of the information contained therein. All client records are kept in locked files in a locked central location, except when in immediate use by treatment personnel. Files must be signed out by the staff member and returned no later than the end of each business day.

### **Disclosure of Client Record Information:**

Child Abuse Reporting. Any employee who knows, or has reasonable cause to suspect, that a child has been abused, abandoned or neglected by a parent, legal custodian, caregiver, or any other person responsible for the child's welfare, shall report such knowledge or suspicion to the Florida Abuse Hotline - 1-800-96-ABUSE. If an employee is uncertain that the actions of the caregiver are sufficient to warrant an investigation, the Abuse Hotline will be called and Hotline personnel will make the determination. Should the Abuse Registry refuse the call, the call and outcome information will be documented in the client file, if applicable. Hotline calls that are accepted will be documented in the client file, if applicable, and the employee will generate an Incident Report in order to notify appropriate management staff.

Adult and Domestic Abuse Reporting. Any employee who knows, or has reasonable cause to suspect, that a vulnerable adult has been or is being abused, neglected or exploited shall immediately report such knowledge to the central abuse hotline. "Vulnerable adult" is defined as a person 18 years or older whose ability to perform the normal activities of daily living or to provide for his or her own care or protection is impaired due to a mental, emotional, physical, or developmental disability or dysfunction, brain damage or the infirmities of aging.

Judicial and Administrative Proceedings. The court or other authorized legal entity may order the release of confidential client information. In determining whether there is good cause for disclosure, the court shall weigh the need for the information to be disclosed against the possible harm of disclosure to the person to whom such information pertains. All court-ordered written requests for client information must meet specific guidelines as identified by the organization's legal counsel. Upon receipt of a court order demanding access to client information, the employee will notify their immediate supervisor. Legal counsel will be accessed, as necessary.

Serious Threat to Health or Safety. Any communication between an employee and his/her client shall be confidential. This privilege may be waived when there is a clear and immediate probability of physical harm to the client or other individual(s), or to society. The employee can communicate the necessary information only to the potential victim, appropriate family member, law enforcement or other appropriate authority.

Any employee who intends to disclose confidential information about a client should immediately notify his/her supervisor. The supervisor will assist the employee in determining the correct actions to take. When deemed appropriate or necessary, The Florida Center will seek legal counsel.

Legal counsel will be sought when special or unusual information is demanded by the courts, public officials, and law enforcement agencies. All legal consultations will be documented in the case record.

Attachments: Confidentiality Statements