

Catholic Charities of the Diocese of La Crosse, Inc.

Privacy/Confidentiality Policy

410.00 Confidentiality

410.10 General. Catholic Charities of the Diocese of La Crosse shall employ appropriate measures to safeguard client and agency information to ensure confidentiality.

410.12 Restricted Use. Certain information is restricted and may only be used by designated personnel. Staff will employ practices to ensure that information is not disclosed to others that do not need it in order to perform their responsibilities.

414.00 Client & Case Record Confidentiality

Catholic Charities of the Diocese of La Crosse will follow all regulations set forth by the Wisconsin Department of Children and Families and the Wisconsin Department of Health Services as well as the Department of Health and Human Services in Washington, D.C. that enforce the protection of clients' private personal information.

414.10 Minimum Disclosure. No employee shall knowingly disclose any confidential client information to other staff members without the client's permission unless the disclosure is necessary in treating or serving the client. In this event, the minimum amount of information necessary to treat or serve the client will be shared.

414.20 Client Authorizations. Employees will not discuss confidential client information with persons outside the agency unless the client has specifically consented to the release of the information. Each Program will use the agency Authorization for Release of Information Form (Form 414A) or a similar authorization specific to the program. Consent must be obtained from a parent or legal guardian if the client is a minor or incapable of providing informed consent. All Authorizations for Release of Information must expire within one year; if the Authorization is for a one-time release of information expiration should occur within 90 days. The original Authorization for Release of Information will be filed in the client's case record. The client will be provided with a copy of the Release of Information Form.

414.21 Restriction of Limitation. Clients have the right to request a specific restriction or limitation of the disclosure or use of their protected personal information contained in their case record.

414.22 Disclosures without Authorization. In certain instances, CCDL will release client information without the client's authorization. These instances include the following:

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- CCDL *must* disclose protected client information to the Department of Health & Human Services for compliance investigation purposes.
- CCDL *may* disclose protected client information without client authorization if it is allowed under the HIPAA Privacy Rule or required by law relating to:
 - Child abuse
 - Neglect
 - Domestic violence
 - Judicial and administrative proceedings
 - Law enforcement purposes
 - For certain public health activities including disclosures for the purpose of preventing or controlling disease, injury, or disability, and disclosures related to victims of child abuse or neglect
 - For health oversight (audits; civil, administrative, or criminal investigations; licensure or disciplinary actions)
 - If about decedents (to a law enforcement official if suspicion that the death resulted in criminal conduct or to coroners or medical examiners for the purpose of identifying the deceased or determining the cause of death)
 - For certain research purposes, if all criteria under the HIPAA Privacy Rule are met
 - To avert a serious threat to health or safety including a duty to warn pursuant to CCDL policy 822
 - For specialized government functions
 - For worker's compensation
 - For certain marketing activities, such as informing clients of new staff or programs. Client information cannot be disclosed to business associates or to an institutionally related foundation for the purpose of raising funds for its own benefit
 - For treatment or payment activities such as case consultation and insurance claims

414.23 Minimum Necessary. When disclosing protected health information, staff must limit the information disclosed to the minimum information necessary to carry out the given purpose or function.

414.24 Receive an Accounting of Disclosures Clients have the right to receive an accounting of all the disclosures provided to others where their authorization was not required. Catholic Charities of the Diocese of

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La Crosse will keep a record of all disclosures in the case record (Form 414A) for a period of seven years.

414.25 Informed Consent. The caseworker will ensure that the client is well informed of the reasons and/or benefits to consenting to the release of their information. Additionally, precautions will be instituted to ensure that requests for client information are valid and in the best interests of the client.

414.30 Reporting. All employees will report any actual or potential breaches of client confidentiality to the Privacy Officer of the organization.

414.40 Client Case Records. Client information related to treatment and service is kept in confidential client case records. Staff members are only provided access to the case records and client information required for them to carry out their job duties. Any client case record information stored in electronic form in the computer system will be deleted when it is no longer necessary to serve the client or is not required by law. All client information stored in electronic form will be appropriately safeguarded by the use of computer passwords. All client information stored in paper form will be kept in locked metal file cabinets inside locked rooms. Access to the cabinets will only be granted to staff members who need the client's information.

414.41 Record Retention. All case records will be kept for a minimum of 7 years after case closing unless specific regulations governing a particular program require records to be maintained beyond seven years.

414.42 Record Disposal in Event of Agency Closing. In the event that Catholic Charities of the Diocese of La Crosse is no longer operating, any case records that need to be retained will be transferred to the State of Wisconsin or the Chancery Office of the Diocese of La Crosse.

414.43 Staff Use of Case Records. Access to case records will be limited to only those staff members who require information in the case record to carry out their job duties. When an employee takes a record from their own file cabinet out of the office, takes a record from another employee's file cabinet, or takes a record from the closed records storage, a Record Checkout Form (Form 414E) must be completed. The Record Checkout Form will be filed in the front of the file drawer. This will help any staff member who is looking for the record to know when the record was checked out and by which employee. When records are returned, the Record Checkout Form should be removed and shredded.

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- 414.50 Master Appointment Books All master appointment books will be kept in locked metal file cabinets when not in use. The confidentiality of client information shall be preserved by listing only the client's first name and first initial of the last name in all appointment books, personal day planners, computer calendars, and personal digital assistants used by staff.
- 414.60 Database. Data from all agency services is entered and stored in the agency's computer system by the caseworker, program administrative assistant, or secretary, for the purpose of providing generic information for grants and other agency reports. The database is protected by a system of passwords and may only be accessed by appropriately authorized agency employees. All staff with such access are expected to follow the "need to know" standard in working with this data.
- 414.70 Transporting Client Case Records. Client case records should not be transported outside of Catholic Charities unless it is necessary for direct client service. In the event it is necessary to transport the records, employees will utilize locking briefcases or totes to secure the records. All material transported by vehicle shall be stored in the trunk of the vehicle or locked and concealed inside the vehicle.
- 414.80 Receipt Books. Receipt Books will be kept in a secured and locked drawer or cabinet when not in use. Care will be taken to ensure that other clients do not see any other client's information contained in these documents when in use.
- 414.90 Billing Files, Appointment Books, and Dictation Tapes. These materials will be kept in secure, locking cabinets or drawers when not in use. Dictation tapes will be erased after use.
- 414.100 Use of Cell Phones. Identifying client information will be avoided when using cell phones in public areas.
- 414.110 Chance Meetings Employees of Catholic Charities will not initiate contact with clients during chance meetings outside of the office.
- 414.120 Notice of Information Practices An attempt will be made to provide all clients with a copy of our Notice of Information Practices (Form 414B) no later than the date of first service delivery, detailing how we will handle their protected personal information. If the first service delivery occurs over the telephone, the Notice will be sent no later than the day following the telephone conversation. Clients will be asked to sign an Acknowledgment Form (Form 400A) indicating receipt of the Notice and this will be kept in their client case record.

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414.130 Staff Training and Acknowledgement All staff are required to read the confidentiality policies of Catholic Charities of the Diocese of La Crosse and sign an Employee Confidentiality Pledge (Form 414C). Any violation of a client's right to privacy may result in disciplinary action up to and including termination of employment. Staff will also receive training on the HIPAA regulations during orientation and annually thereafter. Staff will sign an acknowledgment attesting to such training (Form 414D).

423.00 Client Case Record Requests

423.10 General: Clients of Catholic Charities of the Diocese of La Crosse (CCDL) have rights with regard to the information contained in their client case record. The following policies are derived from the Code of Federal Regulations, Title 45, Public Welfare and Human Services and Wisconsin Statute sec. 51.30 and HFS 92, Wisconsin Administrative Code.

423.15 Outside Entities: When outside entities request client information, the agency must consider:

- Is the request legitimate, legal, valid?
- Do we have written consent from client or guardian?

423.20 Requests and Response: Clients must submit all requests regarding their case record in writing.

423.30 Access. Clients, or legal representatives, have the right to access their case record to inspect and have copies made of documents that pertain to their physical health or medications. This does not include psychotherapy notes, confidential information about family members or third parties who may be mentioned in the file or who have provided information requested to be kept confidential, or information that has been compiled in reasonable anticipation for use in civil, criminal or administrative proceedings. If the request is granted, the inspection will be conducted on Catholic Charities' premises and a professional staff member or Executive will be present.

423.31 Access to client records shall be limited to:

- Past or present client/client's guardian;
- Staff on a "need to know" basis;
- Requests for records of deceased clients; and
- Auditors, licensing or other authorized personnel consistent with the confidentiality policy.

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- 423.32 Client files and or information will not be left unattended in public or non-secured areas. All confidential information will be secured by a double lock system when not in use.
- 423.33 Response Time: CCDL must respond to the client's request to access within 30 days. If an extension is necessary, CCDL may extend the response time another 30 days.
- 423.34 Reasonable costs for providing the case record for inspection or copying may be passed along to the client.
- 423.35 When the case record is electronic, the record may either be printed to allow the client to view it, or the record may be viewed electronically by the client using a separate user account. Clients will not, however, be permitted to access their records through a staff account because this would cause a security risk.
- 423.36 Requests may be denied if it is determined that it would be harmful for the client to review the file information. If so, they have the right to have the information reviewed by a licensed health care professional, who will not be able to divulge information that may be harmful to the client.
- 423.37 If requests are denied, senior management will review, approve and enter into the client file the reasons for the refusal.
- 423.40 Amendment. Clients have the right to request an amendment of their case record.
- 423.41 Response Time: CCDL must respond to the client's request to amend his/her record within 60 days. If an extension is necessary, CCDL may extend the response time another 30 days.
- 423.42 Informing Others: If CCDL agrees to the amendment, it must obtain the client's identification of and agreement to notify all relevant persons with which the amendment needs to be shared.