

<p style="text-align: center;">York/Adams Drug and Alcohol Commission Treatment Policy and Procedure Manual</p>	<p><i>Number: C-12</i></p> <p><i>Policy: Confidentiality</i></p>
<p><i>Creation Date : 1/10/22</i> <i>Effective Date: 1/10/22</i></p>	<p style="text-align: right;"><i>Page: 1 of 3</i></p>

I. Purpose:

To outline policy to ensure confidentiality of an individual’s substance use information through adequate provisions for system security and protection of individual privacy.

II. Policy:

All persons currently or formerly screened, assessed, diagnosed, counseled, treated and rehabilitated for drug and alcohol abuse and dependence, shall be protected from disclosure of their names, identities, patient records and the information contained therein except as disclosure is permitted by state and federal statute and regulations.

YADAC, its contracted providers, and others are subject to the confidentiality requirements of the Pennsylvania Drug and Alcohol Abuse Control Act (71 P.S. §§ 1690.101, et seq.), the Public Health Service Act (42 U.S.C §§ 290ee-3, 290dd-2), and Federal Confidentiality Regulations (42 CFR Part 2). Drug and alcohol information is protected in many ways including, but not limited to, the following:

- **71 P.S. § 1690.101, et seq.** - established the Pennsylvania Advisory Council on Drug and Alcohol Abuse, addresses confidentiality requirements at 71 P.S. §§ 1690.108, and consent of minors at 71 P.S. §§ 1690.12.
- **28 Pa. Code § 709.28** - standards for licensing freestanding treatment facilities to include adherence to confidentiality requirements
- **42 CFR Part 2, Subparts A-E** - federal regulation governing patient SUD records
- **45 CFR Part 96** - federal regulation governing the privacy of health care information
- **4 Pa. Code § 255.5 and § 257.4** - state regulations governing patient records
- **42 Pa. C.S.A. § 6352.1** - state law clarifying what information may be released by YADAC and treatment providers to children and youth agencies and the juvenile justice system.

Confidentiality is one of the cornerstones guiding the treatment of substance use disorders. Staff working with individuals who have a substance use disorder must always be conscious of where and how an individual’s identifying information is discussed.

- Consent forms must include all the components of federal and state confidentiality regulations and include the information to be released that must relate to the purpose of the consent.

- Written procedures must exist for compliance with all federal and state confidentiality regulations. The procedures must include:
 1. Release of client-identifying information:
 - All persons currently or formerly screened, assessed, diagnosed, counseled, treated and rehabilitated for drug and alcohol abuse and dependence, shall be protected from disclosure of their names, identities, patient records and the information contained therein except as disclosure is permitted by state and federal statute and regulation.
 - Information shall only be released/exchanged after a valid consent has been voluntarily obtained. For a consent to be considered valid, it must include the following: name of the individual, name of the program disclosing the information; name of person, agency or organization to whom disclosure is made, specific information to be disclosed, purpose of disclosure, statement of the individual's right to revoke consent, expiration date of the consent dated signature of individual, dated signature of witness, and a copy offered to individual.
 - It is required to keep all client counseling and testing information and AIDS patients' identities, records and information and such records confidential. Information from these records shall not be released without the specified prior written and informed consent of the client in accordance with the confidentiality requirements contained in Act No. 1990-148, 35 P.S. Section 7601 et seq.
 2. Storage and security of client records, to include computer security:
 - To assure confidentiality of client information, contracted providers shall make adequate provision for system security and protection of individual privacy.
 - Counseling and testing records shall be stored in locked cabinets. Coded names, number sequences, and other Department-approved methods that assure confidentiality shall be permitted. It is required to keep all client counseling and testing information patients' identities, records, and information in such records confidential.
 - Records shall be maintained in a secure room, locked file cabinet, safe or other similar secured container when not in use and may only be transported in locked briefcases outside of the office.
 - Client record and client identifying information that is stored in a computer system must also be maintained and accessed only by appropriate staff members.
 3. Completion of required confidentiality training:
 - Individuals who have access to staff records, are minimally required to obtain a DDAP approved Confidentiality training certificate of completion within 365 days of hire. A copy of this certificate must be kept on-site and made available at the time of the SCA or DDAP QAA.
 - As deemed appropriate, staff may be asked to re-attend confidentiality training.
 4. Staff access to records:
 - In the normal course of employment and the fulfillment of assigned work duties and responsibilities, it is understand that individuals may have access to or view

confidential or sensitive information regarding clients. With regard to all such information, staff shall agree to observe a strict standard of confidentiality.

- Information contained in patient records is of a confidential nature and as such these records must only be accessed by appropriate staff.
- Staff with access to these records must be identified.

5. Disciplinary protocols for staff violating confidentiality regulations:

- Breach of confidentiality shall be subject to progressive disciplinary action, up to and including discharge of employment.
- Disciplinary action will occur if failure to adhere to confidentiality laws and/or policies and procedures occurs and such disciplinary action must be identified.
- It is understood that in accordance with Federal Law, any substantiated breach of client confidentiality is also punishable by a \$500.00 fine for the first violation and up to \$5,000.00 for any subsequent violations.
- As appropriate, the employer may alert the PA Certification Board of the Code of Ethical Conduct violation.

6. Revocation of consent:

- The process for revocation of consent must be documented appropriately and clients must be notified of their right to revoke a consent and how to do so.
- The process for revocation of consent must be documented on consent forms and must state that the notification may be made verbally or in writing to the designated consent holder.
- With regard to all such information, staff shall agree to observe a strict standard of confidentiality.

7. Re-disclosure:

- Knowledge and information of a confidential or sensitive nature, gained through employment may not be used, distributed or discussed outside of immediate work responsibilities.
- Re-disclosure of client information is prohibited without proper consent.

All staff who perform or supervise treatment and treatment-related services must acknowledge in writing that they have read the procedures.

Staff who do not directly perform or supervise services must sign a statement certifying that they will keep all information acquired through their employment duties confidential. The statement must specify that disciplinary action will be taken if confidentiality is breached.

Approved By:

Audrey Gladfelter

YADAC Administrator

1/10/2022

Date