

<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 : 6/1/20</i> <i>Effective Date: 7/1/20</i></p>	<p style="text-align: right;"><i>Page: 1 of 2</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;
 2. Storage and security of client records, to include computer security;
 3. Completion of required confidentiality training;
 4. Staff access to records;
 5. Disciplinary protocols for staff violating confidentiality regulations;
 6. Revocation of consent, to include how this is documented on the consent form; and,
 7. Notification that re-disclosure 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

6/1/20

Date