

SUBJECT: Confidentiality Policy
(1/20/18)

POLICY: All client information received and/or heard at the HHSA, is confidential and will not be shared outside the agency. It will also not be shared with personnel within the agency unless they have a right and need to know. (Reference §10850 Welfare and Institutions (W&I) Code and the California Health & Safety Code)

Violation of this policy may result in disciplinary action up to and including termination. Furthermore, violation of §10850 of the W&I Code is a misdemeanor and may result in a criminal prosecution.

PROCEDURE:

Agency employees who are approached outside of business hours regarding assistance will direct the person to come into or call the agency during working hours to request assistance or to the mental health crisis worker in instances where a mental health professional is immediately necessary.

Individual programs have separate requirements for confidentiality. It is the responsibility of the supervisor to inform and train the agency employee about differences in the specific confidentiality requirements for each program.

Agency employees who are related to an authorized representative of, or who are friends with a person obtaining services, should not access that person's file and information, nor should they involve themselves in the processing of the case or chart or provision of services. Refer to Conflicts of Interest in the Code of Ethical Conduct Policy for more details.

- A client can deem their case confidential from any worker, and we shall honor their request in most cases. This is different than a client not wanting a specific worker. If you are unsure of whether or not a person should be confidential based on the regulations you should always contact a supervisor for direction.

EXCEPTIONS TO CONFIDENTIALITY REQUIREMENTS

- a. A release of information has been signed by the client. Information can only be provided to those indicated on the release.
- b. The Director has authorized the release of the information.

- c. The client case has been referred to a Multi-Disciplinary Team and the information is releasable to the team members but will not be shared with clients from other agencies or outside of that work environment. See Welfare and Institutions Code §10850.1.
- d. Information is being released to an authorized representative of the client. The agency must have the authorization in writing.
- e. Information is determined to be public record and is releasable under the Public Records Act (Gov. Code, § 6250-6270). The Director or a Deputy Director will determine whether information is a public record or not in consultation with County Counsel.
- f. Reporting welfare fraud to a fraud investigator and cooperating with fraud investigations per Welfare and Institutions Codes §10850(e) and §11484.
- g. Providing information to law enforcement with a warrant for arrest per Welfare and Institutions Code §10850.3. Information will be provided to the Supervisory Welfare Investigator who will then release to law enforcement.

AUTHORIZED CLIENT REPRESENTATIVES

Agency employees are discouraged from becoming authorized client representatives except in rare cases. If an agency employee must be an authorized representative, he/she must obtain authorization from their supervisor/manager. If approved, the agency employee will not discuss the case unless they have a scheduled appointment during authorized time off.

REPORTING BREACHES IN CONFIDENTIALITY

Agency employees who are aware of a breach in confidentiality are charged with reporting the incident. Reportable breaches in confidentiality may occur during business hours at the workplace as well as after hours and outside of the workplace. These reports should be made in writing to the agency employee's supervisor/manager using the attached form.

The agency cannot guarantee the anonymity of the reporting individual should the report result in disciplinary or legal action.

REPORT OF BREACH OF CONFIDENTIALITY	
Date of Incident:	Name of Offender:
Details of Situation (include place incident occurred):	
Other Witnesses:	
Name of Reporter (printed):	
Signature:	Report Date:
Supervisor's Signature:	
Give a copy to the person making the report.	

E-MAIL

Confidential client information should only be sent via e-mail when absolutely necessary. When confidential client information is sent via e-mail, use "Confidential Client Information" as the subject line. Whenever possible, use client numbers rather than names or other easily identifying information.

EMPLOYEE INFORMATION

Employees who supervise evaluate and manage other employees or have access to employee information as a result of their duties shall protect the confidentiality of documents and information regarding employees and their respective personnel actions. Information about employees will only be released based on the following:

- a. A release of information has been signed and dated by the employee. Information can only be provided to those indicated on the release.
- b. Information is being released to an authorized representative of the employee. The agency prefers the authorization in writing.
- c. The Director or a Deputy Director will determine whether information is public record or not, and is releasable under the Public Records Act (Gov. Code § 6250-6270).

This policy shall be reviewed at least annually.

I have read and thoroughly understand the HHSA Confidentiality Policy and agree to abide by this policy. I also understand that a violation of confidentiality is a misdemeanor and may result in a criminal prosecution under §10850 of the Welfare & Institution Code. A violation of this policy or a violation of confidentiality is also grounds for discipline and may result in termination from employment/service with the Glenn County Health & Human Services Agency. This policy does not supersede any State, Federal, or County regulation or policy.

Employee Signature

Date

Print Employee Name

By: _____


Christine Zoppi, Director
Glenn County Health & Human Services Agency

2-5-18
Date