

Procedure Title:

**EMPLOYEE CONDUCT &  
DISCIPLINARY ACTION**

PROCEDURE NUMBER: 7-8-3

Policy Title:

**CONFIDENTIALITY**

Effective Date:

2/1/2003

Revision Date:

1/15/2003

**APPLIES TO:**

- Chapter 2380 – Adult Training Facilities
- Chapter 2390 – Vocational Facilities
- Chapter 3800 – Child Residential and Day Treatment Facilities
- Chapter 6400 – Community Homes For Individuals With Mental Retardation
- Chapter 6500 – Family Living Homes
- Supported Living Program

**PROCEDURE:****Client Records:**

1. All information pertaining to clients is strictly confidential and must be treated as such, by all employees. Essentially, this means there shall be no unauthorized discussion or dissemination of information regarding our clients.
2. All information contained in a client's file is considered privileged and confidential. The file is the property of Keystone whose responsibility it is to secure the information against loss, fire, theft, defacement, tampering, copying or use by unauthorized persons. If a record or notation was seen inadvertently or by subterfuge by a visitor, parent or another client, you must make an immediate notation on an incident report form and report the occurrence to your supervisor.
3. Only the Executive Director or his/her designee may approve the removal of records from any Keystone operated facility.

**Business Records**

1. There may be times when personal or management information may be available to you. Use of this information outside its intended purpose and without authorization is prohibited. Receipt of confidential information indirectly or in error must be reported to the Human Resources Manager immediately. Confidential information includes, but is not limited to performance reviews, disciplinary action, salary and personnel information.

2. The release of confidential personal information is permitted within the scope of your job responsibilities provided you have appropriate authorization and it is done for valid Keystone business reasons.
3. Employees must not provide any information regarding current or former employees to any person or organization who is not currently employed by Keystone. Any employee who received a request for any information concerning a current or former employee must refer the request to the Human Resources Manager.
4. Any violations of confidentiality or failure to report such violation is considered a major violation and subject to disciplinary action up to and including termination.

### **Confidentiality and HIPAA:**

1. The U.S. Congress signed the Health Insurance Portability and Accountability Act, better known as "HIPAA", into law on August 21<sup>st</sup>, 1996; effective April 2003. This section briefly outlines some of the key points your staff at Keystone must be aware of:
2. HIPAA defines confidentiality: Staff should make the general assumption that all records are confidential. Four common areas of confidentiality violations include; seeing, speaking, hearing, and using records.
3. Computers can make sharing information and treating clients easier and more efficient, but they can also make it easier to violate patient confidentiality. When ever questions of confidentiality arise, staff should consider the following:
  - Who should see this information?
  - A computer screen can display confidential information
  - Keep printed material hidden
  - Keep records face down
  - Monitor transmission of records via Fax machines
  - Call before sending or faxing confidential material
  - Discard confidential material in the appropriate manner
  - When speaking about a client, not present, consider this:
    - Ask in advance if you can leave messages and confirm appointments
    - Leave date and time only
    - Never leave details on a message
    - Never give details to a third party
  - Who should hear this information?
  - Do not announce names or details
  - Speak softly to avoid others from hearing.
  - Find a private place to speak.
4. When using confidential records, staff must remember to:
  - Only use records for the purpose of treatment

- Never leave files or file rooms unlocked
- Never leave computer files open

**NOTES:**