

## Policy on Confidentiality and the Use and Disclosure of Medical Information

As a human services provider CCAR Industries obtains, develops, stores, and releases information, including personal health information, in order to provide programming and services, coordinate and manage consumer care, and to conduct business or agency operations. It is the policy of CCAR Industries that all employees, treat all such written, and electronically generated information as well as personal knowledge about a consumer as confidential in accordance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA), Illinois Confidentiality Act, and any other applicable laws, statutes, or guidelines that pertain to confidentiality.

### Privacy Official

In order to carry out this policy, CCAR Industries has designated the Director of Human Resources as the agency's privacy official who is responsible for the development and implementation of the policies and procedures related to the confidentiality of consumer information. This person is:

Michael R. Finney, Ed.S  
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(217) 348-0127, ext. 405

### Security of Confidential Information

CCAR Industries shall implement procedures to safeguard all confidential information, including electronic data to prevent access by unauthorized persons. These safeguards shall include:

- All case records shall be stored in cabinets or areas with restricted access. Each program shall have a designated records custodian who shall be responsible for the security of case records.
- CCAR Industries shall develop procedures regarding the access to confidential information by employees, interns, and volunteers.
- Confidential information will not be posted or located in work or program areas or on desks or tables where unauthorized persons may have access. Personal notes and data collection shall be maintained in such a way that access to data is limited. Conversations shall occur in areas that prevent unauthorized individuals to overhear.
- Electronically maintained data shall not be stored on hard drives of personally owned computers. Agency computers on which consumer information is stored shall have passwords or limited access. Disks and CDs shall be maintained in such a way that access is limited.
- Case records shall be maintained for the period of time specified in the agency's Record Retention Policy. All records scheduled for destruction shall be shredded.

In addition to the above safeguards, CCAR Industries will follow the guidelines established in the Health Insurance Portability and Accountability Act of 1996 (HIPAA) to provide safeguards to protect the security and confidentiality of personal health information that may be transmitted electronically. Systems to secure confidential information shall be tested at least annually.

## Staff Access to Confidential Information

Access to consumer files and confidential data is restricted to a “need to know” basis.

Each program and/or department shall designate the type of information to which each staff member or paid consultants may have access. Information may be shared within the agency in order to:

- conduct staff training regarding the needs to a particular consumer or the appropriate delivery of services
- process referrals or determine eligibility for services or funding
- complete assessments or service plans
- provide the necessary services and care needed by the consumer
- facilitate program improvement including quality assurance reviews and program outcomes measurement
- complete scheduling or filing functions
- facilitate billing or reporting to funding or licensing entities

Information shared for these purposes as well as any other functions necessary for the provision of services, billing, or agency operations do not require consent from the consumer and/or his representative, however Business Associate Agreements shall be completed for all external entities routinely used by CCAR Industries for these purposes. These may include auditors, attorneys, external service coordination agencies, single point of entry entities or accreditation bodies.

Student interns, volunteers, and unpaid consultants are not permitted to access consumer files or other confidential information unless a written release of information has been signed by the consumer or other person entitled to access information. In this case only information necessary to complete their activities will be released.

## Persons Entitled Access to Confidential Information

Persons entitled upon request, to inspect a consumer’s record or receive confidential information include:

- the consumer if he/she is 12 years of age or older
- the parent or guardian of a consumer who is under 12 years of age
- parent or guardian of a consumer who is at least 12 but under 18 if the consumer is informed, but does not object
- legal guardian of a consumer who is over 18

- attorney or guardian ad litem who represent a minor 12 years of age or older in any judicial or administrative proceeding, provide that the court or administrative hearing officer has entered an order granting the attorney this right.
- An agent appointed under a consumer's power of attorney for health care or for property, when the power of attorney authorizes access

Note: When the term consumer is used throughout this document to indicate who can give consent it also includes any person from the above list.

Assistance interpreting the record may be provided without charge and will be provided if the person is under age 18. Access may in no way be denied or limited if the person inspecting the case record refuses assistance.

## Obtaining Consent to Release Information

The consumer may consent to release his/her records or other information to others, for any purpose they choose. When information is to be released (other than those situations identified in the Illinois Confidentiality Act as not requiring consent) a written consent must be obtained prior to releasing the information. Verbal confirmation that a release is in the mail cannot be accepted. The Executive Director will identify those professional staff member who may authorize the release of information based upon written consent. Questions regarding releasing information should be directed to the Program Director or Privacy Official.

The CCAR Industries' Authorization for Release of Information or any other such form containing the elements required by the Illinois Confidentiality Act shall be signed by the consumer or person entitled to give consent. The signature shall be witnessed by a person who can attest to the identity of the person so entitled. A copy of the consent and a notation as to any action taken shall be entered in the recipient's record. Blanket consents to the disclosure of unspecified information shall not be valid. A program may develop a standard packet of releases to be signed on an annual basis so that information can be shared with entities involved in providing services to program participants.

A consumer may, in writing, revoke the consent at any time. This does not affect any information that had been released prior to the time that consent was revoked. Written revocation is not valid until it is received by the designated records custodian or person authorized to disclose information. A consumer may also request in writing that CCAR Industries not use or disclose part of the information. CCAR Industries is not required to agree if it is in the consumer's best interest to permit use and disclosure. Any request of this type should be forwarded to the Program Director. If this issue cannot be successfully resolved at this level the issue will be forwarded to the Privacy Official. When a referral or current consumer elects to restrict the agency's ability to release or use information, a decision will be made to determine as to whether the agency can provide services under such a restriction. CCAR Industries reserves the right to deny

entrance or participation in any agency program if restrictions impact upon the agency's ability to adequately serve the individual.

A consumer may also request that any information to be sent be forwarded to an address other than his/her home. CCAR Industries will honor such request as long as it is reasonable and CCAR can be assured that the address is correct. If the consumer wishes CCAR will communicate by email. CCAR reserves the right to seek verification of the accuracy of any information necessary for billing purposes.

A consumer may request an accounting of any disclosures CCAR has made of his/her confidential information. This request can only span a period of six years, starting after the date of April 15, 2003. CCAR must provide information about all disclosures, except when the information was shared for treatment, payment, or operational purposes, a signed release is on file, or it was shared with the consumer or his/her family.

### Situations When Consent is Not Required Prior to Releasing Information

Under Illinois and federal law CCAR Industries may also share information as necessary to handle emergency situations, provide services, bill for services provided, or conduct routine business. Below are some examples when consent is not required to release information about a consumer.

- In an emergency situation when the consumer and/or representative is unable or unavailable to provide consent to release information necessary to provide medical services. Only information necessary to deal with the medical emergency may be provided.
- In the event of consumer death the CCAR Industries may disclose medical information to a coroner, medical examiner, or funeral director for the purpose of carrying out their duties.
- If a crime is committed on CCAR property or against CCAR personnel, information necessary to apprehend the alleged criminal may be provided to law enforcement personnel investigating the case including whether the individual is at the facility. CCAR also has the right to involve law enforcement or the planned victim, if necessary, when the consumer has made a specific threat of violence.
- A peace officer transporting a consumer to a mental health or developmental disabilities facility may be provided the consumer's name, address, age, and next of kin. Information regarding diagnosis or treatment require written consent.
- Information may be provided in situations as required by law such as a subpoena or court order, or a mandate to provide public health information about a communicable disease. Only information related to the case will be provided.
- When making a report of suspected abuse, neglect, or human rights violation the information necessary to complete the report and participate in the investigation can be shared without consent.
- When CCAR Industries is being reviewed for the purposes of licensure, audit, evaluation, statistical compilation, inspections or other similar purpose a

consumer's record may be used by the person conducting the review. Personally identifiable information may only be disclosed if the information is necessary to conduct the review.

- Name, social security number, and information concerning services that have been provided, currently being provided, or proposed to be provided to a consumer can be shared between agencies or departments of the State of Illinois for the purpose of coordinating services. These include agencies such as the Department of Human Services, Department of Public Health, and Department of Public Aid
- For the purposes of continuity of care, non-identifying information can be provided to community agencies funded by the Department of Human Services without consent. Identifying information can be provided if necessary for facilitating admission, treatment, planning, or discharge to another setting.
- Information necessary to obtain benefits can be provided if despite every reasonable effort, it is not possible to obtain written consent because the person entitled to give consent is not capable of giving or is not available to do so.
- Information may be shared with an attorney, legal advocate, or liability insurance carrier consulted by an individual staff or the agency regarding their legal rights or duties in relation to the consumer or services provided.
- Information necessary to complete the requirements of the Census Bureau may be provided without consent.

Other specific situations as identified in the Illinois Confidentiality Act, state or federal laws. If state laws are more stringent they shall apply.

## Ownership of Consumer Data, Copying, and Editing

All data regarding consumers generated by CCAR Industries staff, volunteers, or contractors is considered the property of the agency. All material obtained from external sources shall remain the property of the agency originally generating the material.

CCAR staff cannot authorize the release of information compiled by other agencies except to the person who originally consented to it being sent to CCAR Industries. If this specific information is essential, the requesting agency or individual must contact the agency to whom the information belongs.

Unless otherwise stated in the Confidentiality Act, records and communications shall remain confidential after the death of a consumer and shall not be disclosed unless authorized by the consumer's representative, as defined in the Probate Act of 1975, or a court order.

Information contained in the case record may be copied only for the purpose of transfer to a requesting agency or individual. CCAR Industries reserves the right to charge a reasonable fee for copying and mailing of records. Any information sent via e-mail, fax,

or mail shall be accompanied by a CCAR Industries' Cover Sheet that identifies the attached information as being confidential and discourages its re-release.

If the consumer believes that something in his/her case record is incorrect or incomplete, he/she may ask CCAR Industries to amend it by contacting the Program Director and completing the Request to Amend Consumer Information form. Requests to amend information can be accepted for documents generated by CCAR Industries. The completed form designating the information to be edited is entered into the case record. Whenever the disputed part of the record is disclosed, it shall be accompanied by the form. In certain cases, CCAR may deny the request. The consumer then has the right to file a statement with the Privacy Official disagreeing with the decision. The decision of the Privacy Official and the consumer's statement will be added to the consumer's case record.

## Staff Training

CCAR Industries shall provide training to all new employees and volunteers regarding this policy during orientation. They will be given a copy of the policy and be asked to sign an Employee Confidentiality Agreement Form acknowledging that they understand and will adhere to this policy. This form will be maintained in the employee's personnel file. Re-training on this policy shall occur at least every two years.

Staff breaching CCAR Industries' confidentiality policies and procedures may be subject to disciplinary action, up to and including termination.

## Complaints Regarding Confidentiality

If the consumer has any questions, would like a copy of this policy, or has any complaints regarding the security, usage, and releasing of confidential information they should contact their Program Director. If they feel that their complaint has not been satisfactorily addressed they may contact the Privacy Official and follow the agency's formal grievance procedure.

The consumer may also complain to the United States Secretary of Health and Human Services if he or she feels that CCAR Industries has violated their privacy rights. CCAR will not retaliate against consumers for filing a complaint.

## Changes in Policy

CCAR reserves the right to change its policy based on the needs of the agency and changes in state and federal laws. The current policy will be posted on agency bulletin boards. Consumers shall receive a copy on the first day of services or upon request. Copies may be provided on paper or by email.

Effective April 14, 2003