



Privacy Policy

PURPOSE: Certain employees of Endeavors are required to handle the information gained through staff records, staff training and service delivery in a responsible, sensitive and confidential manner. The discussion of client information, including content of client files, is carried out only with those who have need for, access to or permission to receive that information.

POLICY: It is the policy of Endeavors to maintain the privacy of our clients by carefully guarding their files, documentation of services or any client specific information provided to any member of the organization. As such, there shall be no verbal or written transfer of client files, documentation of services or client specific information to an external party or entity without prior written approval from the client or their assigned representative.

DEFINITIONS:

Covered Services – Services or programs offered or administered by Endeavors that obtain and maintain protected health information. Such services or programs must comply with the HIPAA Privacy Rule requirements for safeguarding the privacy of protected health information.

PROCEDURE:

1. Endeavors will not convey to any person outside of the organization that a client receives services from us or disclose any information regarding participation in such services unless:
 - a. The client signs a release of information.
 - b. There is a court subpoena or court order for such information.
 - c. The client states a specific threat to harm him/herself or others.
 - d. Knowledge of abuse or neglect of a child requires mandatory reporting to State and/or local authorities.
 - e. The disclosure is made to medical personnel in a medical emergency.
 - f. The disclosure is made to qualified personnel, with client signed permission, for research or evaluation purposes.
 - g. The disclosure is made as a result of an audit, in which confidentiality expectations extend to the auditing body.
2. In the event of the death of a child in placement, Endeavors will comply in full as required by legal authorities.
3. In the case of minors (under the age of eighteen) permission to release information must be signed by the parent/legal guardian.
4. Information is only to be released when an Authorization for Release of Information form is signed by the client and/or legal guardian and witnessed by program staff.
5. All requests for information that occur when a person is deceased will require probate court mandate or subpoena prior to releasing any client information.
6. Federal law and regulations do not protect any information about a crime committed by a client either at Endeavors or against any person who works for Endeavors, or about any threats to commit such a crime.
7. Certain services and programs provided by Endeavors are considered to be "Covered Services". As such, protected health information such as medical records and information pertaining to the identity of a patient and his or her diagnosis of, or treatment for, an alcohol and/or drug abuse-related disorder or condition, other mental health conditions, HIV-related diagnosis or test results are particularly sensitive. Unjustified release of such records may expose Endeavors to substantial fines and/or liability to the patient.
8. Records containing information pertaining to alcohol and drug abuse patients are subject to special protection under Federal statute [42 U.S.C. Section 290dd-2] and under Federal regulations found in "Confidentiality of Alcohol and Drug Abuse Patient Records", 42 C.F.R. part 2 ("substance abuse regulations").
9. In addition, individually-identifiable health information and records pertaining to alcohol and drug abuse patients are also subject to the Federal privacy regulations promulgated pursuant to the Health Insurance Portability and Accountability Act (HIPAA). The Substance Abuse and Mental Health Services Administration (SAMHSA) of the U.S. Department of Health and Human Services (DHHS) has prepared an analysis of the confidentiality provided under the substance abuse regulations and the HIPAA privacy regulations. The document, *The Confidentiality of Alcohol and Drug Abuse Patient Records Regulations and the HIPAA Privacy Rule: Implications for Alcohol and Substance Abuse Programs*, is posted on the SAMHSA website and can be found at www.sarnhsa.gov/HealthPrivacy/docs/
10. Endeavors will comply with all health information regulations as required by the Health Insurance Portability and Accountability Act of 1996 (HIPAA). Upon intake, all clients will receive written information pertaining to Notice of Privacy Practices which clarifies when information can or cannot be released per Federal HIPAA requirements.
11. Endeavors will comply with any local health authority regulations pertaining to the release of protected health information.