

CORNERSTONE BEHAVIORAL HEALTHCARE

MS.3&4 CONFIDENTIALITY

Information about individuals and families served by Cornerstone shall be kept in complete confidence. No information shall move beyond staff without the informed and written consent of the client/guardian/parent except as required by State or Federal Statute.

Provision for the protection of the client's right to privacy among staff shall be paramount, and information shall be shared only for clinical purposes. Release of Information by an employee (other than in response to legal mandates) without the client/guardian/parent's informed and written consent shall be considered grounds for disciplinary action up to and including dismissal.

A legally emancipated client and an un-emancipated client's legally responsible parents, guardians or custodians shall be notified upon admission or intake to Cornerstone, or any Cornerstone program, of: what records will be kept, including any duplicate records; how the client and legally responsible parents, guardians or custodians may see those records; the use to which the records will be put; what will happen to the records after the client leaves Cornerstone or Cornerstone programs; how to add information to the records; how to obtain copies of material in records; the limits of confidentiality, as provided below; and his or her rights to these rules and the Settlement Agreement in *Bates v. Peet*, as applicable.

The legally emancipated client or the legally responsible parents, guardians or custodians of an un-emancipated minor client shall be informed when the possibility exists that the costs of the client's care, treatment, education or support will be borne by a third party. Such information shall indicate that the clinical information may be used to substantiate charges. The emancipated client or the legally responsible parent, guardian or custodian of an un-emancipated recipient may indicate that he or she will bear such costs privately rather than allow the release of information.

Before any information is released to any agency or individual, a legally emancipated client or the legally responsible parent, guardian or custodian shall be notified in writing and give informed consent to this release through use of the Cornerstone's **Informed Consent for Release of Confidential Information** form. Clients shall be informed, at the time of signing an **Informed Consent for the Release of Confidential Information**, as to the identification of the specific information to be disclosed; notice of the right to review mental health records upon request at any reasonable time, including prior to the authorized release of such records; the name of persons or agencies to whom disclosure is to be made; the purpose to which the information is to be put; the length of time within which the information is to be disclosed, not to exceed six (6) months; and notice of the right to revoke consent to release at any time.

Cornerstone will provide to a legally emancipated client or an un-emancipated client's legal parent, guardian or custodian a written informed consent for release of case record material that discloses the client's identity to students when they temporarily become part of a treatment team, except if the student is involved in a professional program which has a formal relationship with Cornerstone.

Information may be released without informed consent, as provided by Maine statute (Section 34-B M.R.S.A. section. 1207, Sub-section 1B and 1C) in the following circumstances:

- a. Disclosure may occur as necessary to carry out the statutory functions of the DHHS or statutory hospitalization;
- b. Disclosure may be made as necessary to allow investigation by the Protection and Advocacy Agency for Persons with Disabilities in Maine, or the Office of Advocacy. Disclosure may be made to the DHHS to cooperate in a child investigation or other child protective activity pursuant to an interdepartmental agreement promulgated as a rule by DHHS.
- c. Disclosure may be ordered by a court of record subject to any limitations contained within the Maine Rules of Evidence.
- d. Disclosure may be allowed of biographical or medical information concerning the client to commercial or governmental insurers or any other corporation, association or agency from which the Department or licensee of the Department may receive reimbursement for the care, treatment, education, training or support of the client. Such disclosure may be made only after determination by Cornerstone's Executive Director or his or her designee that the information to be disclosed is necessary and appropriate.
- e. Disclosure may be made to persons involved in statistical compilation or research conducted in compliance with these rules pursuant to Section XI of The Rights of Recipients of Mental Health Services Who Are Children In Need Of Treatment. In the case of such disclosure, records shall not be removed from the facility and reports shall preserve the anonymity of the client. Data which do not identify the client, or coded data, may be removed from Cornerstone, provided the key to such code shall remain at Cornerstone.
- f. Information regarding the status and medical care of a client may be released by a professional, upon inquiry by law enforcement officials or treatment personnel, if an emergency situation exists regarding the client's health or safety.
- g. Confidentiality may be breached if there is a clear and substantial reason to believe that there is imminent danger of serious physical harm inflicted by the client on him or herself or upon another. Information regarding such danger of harm shall be immediately given to Cornerstone supervisory staff or appropriate professionals, civil authorities, and any specific person threatened by direct harm.

When Cornerstone provides mental health services to AMHI class members, it will supply data to the Department necessary to meet the Departments obligations under the AMHI Consent Decree, as provided in the Bates v. Glover consent decree.

An orientation regarding the Agency's principles and policy on confidentiality shall be provided to all new staff and with existing staff not less than once a year.

In signing a release of information, the client/guardian/parent will identify the specific information, which may be disclosed, the name of the person or agency to which the information may be given, and the purpose to which the information may be put. Releases are dated in accordance with the need of the material(s), not to exceed one year. Any release may be rescinded at any time by the client/guardian/parent and that rescission is effective immediately. The rescission should be communicated to the supervisor in writing or orally. Any oral rescission shall be noted in the file by the supervisor.

Materials which were obtained from another individual or facility through assurance of confidentiality shall not be available to the recipient or the legally responsible parent, guardian or custodian in reviewing the recipient's record. A summary description of such material shall be provided to the recipient or the legally responsible parent, guardian or custodian, and information shall be provided regarding the process to gain access to such material including aid in securing appropriate release of information.

Release of Information forms must be signed by the client/guardian/parent, before Cornerstone can provide or secure information about the client from other providers.

The following statement shall be written on all written confidential information, which is released:

"The enclosed information is confidential. It is released pursuant to the Policy on Confidentiality of Cornerstone. Re-disclosure of these records is not authorized without the written consent of the client or as required by State or Federal Statute."

While in the community, staff will make every effort to prevent the child and/or family's identification as a client of Cornerstone.

Cornerstone staff, students and volunteers will maintain sensitivity to the fact that electronic communications technology poses possible threats to a breach of confidentiality. All uses of cellular phones, facsimile machines, electronic mail and computerized information storage may inadvertently divulge confidential information to individuals unintended and unauthorized to receive this information. In order to protect client confidentiality, the following procedures will be used:

Cellular and Cordless Phones-- All use of cellular and cordless phones poses the hazard of others being able to listen in on conversations. To protect client confidentiality, the users of cell phones will inform the other party to their call that they are using a cell phone and therefore, identifying information should not be discussed.

Facsimile Machines--When confidential information is transmitted by facsimile machine, it is the responsibility of the Cornerstone representative that is sending or receiving such information to assure that only authorized individuals has access to the information. Faxing confidential information should always be preceded and followed by telephone calls that inform the recipient that the document is coming and to confirm its receipt. Do not fax a document if you cannot guarantee its receipt by the person you intend to receive it. Use of Cornerstone's **Fax Confidentiality Notice** shall be included with all documents to be faxed.

Electronic Mail-Electronic mail, or any confidential information exchanged between computers, is subject to the same considerations as facsimile.

Computerized Information Storage- Only Cornerstone staff with authorization is permitted access to computerized information storage. Computer files containing confidential information are "locked" by issuing a password that will prevent the file from being accessed by unauthorized individuals. No confidential client information will be stored on a hard drive without the information being password protected and deleted from the hard drive within 30 days. Once removed from the hard drive, data can be stored on a removal storage device and kept in a locked file. The Executive Director or designee will keep a master password list in a confidential manner.

 Donnan M. Ruble, VPC 1-8-15

Executive Director/Date

Reviewed and Revised: 12/13/10; 11/19/14