

# Catholic Charities Diocese of Palm Beach, Inc.

## Policy and Procedures Manual

No. of Policy 7003

**SUBJECT:** CONFIDENTIALITY AND PRIVACY PROTECTIONS

**POLICY:** Catholic Charities follows mandated statutory and ethical requirements as stated in HIPPA pertaining to confidentiality, which is the implicit or explicit agreement between a professional and his client to maintain the private nature of their communication.

### **PROCEDURES:**

- 1) All records constructed are to respect the integrity and privacy of the client.
- 2) The collection of any data relative to a client, whether by interview, observation or review of documents shall be conducted in a setting which provides maximum privacy and protects the information from unauthorized individuals.
- 3) Without a Release of Information, agency personnel cannot confirm or deny that a person or family are clients of the agency. Telephone requests for information on clients will not be honored without signed consent.
- 4) Records and information in the records may not be released EXCEPT under the following circumstances:
  - a) Informed Consent has been obtained from the client.
  - b) If a court order is received for records; however, any subpoena or court order received will be reviewed by the Clinical Records Team and legal counsel will be consulted, if necessary. Legal counsel should be consulted if any special or unusual information about a client is being sought by the courts, public officials, investigative units or law enforcement bodies.
  - c) Mandatory reporting to designated authorities if there is reason to suspect abuse, abandonment or neglect as prescribed by Florida law of a child or elderly person. Anytime a professional staff person feels that they must breach confidentiality in order to comply with mandatory reporting laws, the information must be reviewed immediately with the supervisor or with the Division Director.
  - d) If a client threatens harm to self or another person.
  - e) If the Department of Children and Families, the Sheriff's Office or the State Attorney's Office contacts the agency

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for the purpose of investigating cases of abuse, neglect or exploitation of children, disabled adults or elderly persons and produces appropriate legal authority.

- f) If the Agency for Health Care Administration is investigating a complaint against a worker arising from a complaint filed by a client, and produces appropriate legal authority, the waiver of confidentiality shall be limited to that action.
  
- 5) Catholic Charities takes a protective role with regard to the release of information about any persons served who are particularly vulnerable as a result of a mental disability or functional illiteracy.
  
- 6) Any conjoint files of couples, married partners, or family members need authorization of all parties before the file can be released to any one party or their legal representative. Each person may be given copies of his/her individual sessions, if applicable.
  
- 7) All visitors, monitors, and/or auditors will keep confidential all information seen or heard while visiting a Catholic Charities program, including computerized or electronic information. Each visitor, monitor or auditor will sign a statement agreeing to such confidentiality.

**AUTHORIZED DATE:** 12/06/00

**REVISED DATE:** 06/25/09