



## Confidentiality Policy

---

As an employee, contractor, consultant, or volunteer with UCAN (referred to as UCAN personnel), you will have access to information related to our clients and the business of our agency. Accessing this information should only be done on a need-to-know basis and must be related to the provision of services or program operations.

Clients' confidentiality is protected according to the Confidentiality Act of the Illinois Mental Health and Developmental Disabilities Code (IL-MHDD), the Health Insurance Privacy and Portability Act (HIPAA), HITECH and rules set forth by the Illinois Department of Children and Family Services (IDCFS), the Family Educational Rights and Privacy Act (FERPA) as well as best practice standards determined by UCAN. The content of agency client records, including those belonging to both manual and automated information systems, as well as photographs, video and audiotapes, shall be of a confidential nature and shall not be made available to the general public.

It is imperative that when explaining confidentiality rights to UCAN clients at intake or in the course of providing services, it must be done in a language or method of communication understood by the client and documented in the client's case record.

Illinois and U.S. law mandates that personal health information be kept confidential except under specific circumstances. Personal health information includes demographic, billing and medical information about the client. The fact that someone is receiving care is also to be kept confidential. This information cannot be shared with others except for the purposes of treatment, payment, and health care operations or with the consent of the client or as provided by law.

Information related to the business of UCAN is also confidential and proprietary. This includes billing and employment information, business plans, programs designed for clients, and any information on the day-to-day operations of UCAN. This information may only be shared in the context of your work responsibilities.

Your duty to keep confidential client and business information remains even after you are no longer employed by UCAN.

### **Disclosure of Client Personal and Mental Health Information:**

Except as otherwise permitted or required by law, UCAN staff shall not release any participant record in whole or in part without having received a written release of information signed by the participant and/or guardian (a "Release"). Disclosure of information is subject to the requirements set forth by the Illinois Mental Health and Developmental Disabilities Confidentiality Act, Health Information Portability Accountability Act and 42 CFR Part 2, which establishes guidelines for permitted disclosure of drug and alcohol treatment, and the Illinois Juvenile Court Act of 1987. The Agency will not permit re-disclosure of information obtained from another source. This policy applies to any and all records concerning any individual who has been a participant in an Agency program, regardless of whether or when the participant ceases to be active with the Agency.

Staff will review the Release with the participant and/or guardian to fully explain in language the individual understands the nature of the information being requested and to whom it will be released. Prior to the disclosure of any information, UCAN personnel responsible for the disclosure

will assess whether the reason offered for the disclosure is valid. Upon the decision that the disclosure is valid, the disclosure of personal or mental health client information to any person or agency other than DCFS representatives (for DCFS clients) shall require the prior written consent of the parent/guardian and all minor clients over 12 years of age. It is the responsibility of staff to ensure explanation of the Release, and its role in the provision of services. The Release form will state that by signing it, the participant attests to his/her full understanding of the Release. A copy of any and all requests to sign a Release, and the disposition of such requests, is required to be kept in the participant's file. Blank Releases are prohibited, even if they have been signed by the participant.

A release form for disclosure of confidential information must contain the following information:

1. the name of the person whose information will be released;
2. the signature of the person whose information will be released, or the parent or legal guardian of a person who is unable to provide authorization;
3. the specific information to be released;
4. the purpose for which the information is to be used;
5. the date the release takes effect;
6. the date, event, or condition upon which the consent expires in relation to the individual purpose for disclosure, not to exceed one year from when the release takes effect;
7. the name of the person(s) or organization(s) that will receive the disclosed information;
8. the name of the person or organization that is disclosing the confidential
9. information; and a statement that the person or family may withdraw their authorization at any time except to the extent that action has already been taken.

Consents will be maintained in the case record and a copy will be provided to the client and/or parent or legal guardian, as appropriate. Exceptions to the disclosure policy will also be documented in the client's case file, along with an explanation of the circumstances of the disclosure. UCAN conducts on-going reviews of case records via the supervisor assigned to the case record to determine that only appropriate disclosures have taken place.

UCAN will seek legal counsel, when determined necessary if special or unusual information is sought by the courts, public officials, investigative units or law enforcement bodies.

UCAN will strive to take extra precautions to protect its most vulnerable clients including children without permanent family ties and persons who have developmental or mental disabilities or have difficulty with reading and/or writing.

UCAN will also have on-going review of all decisions regarding computer applications and the management of computerized files to ensure it is in line with this policy.

UCAN will obtain informed, written consent from the client, or legal guardian, prior to recording, photographing, or filming. Specific practices around obtaining such consent can be found in the agency procedure to record, film and photograph clients.

#### **Exceptions to Disclosure Policy:**

The agency may, without prior consent of the parent/guardian and/or client, disclose client information to the following persons or categories of persons. Upon intake clients shall be notified of these circumstances and will be notified of such a release when it occurs. In all cases the least amount of information necessary shall be relayed.

- Law Enforcement/Judicial/DCFS/Office of the Inspector General: UCAN personnel may release personal information to municipal and sheriff's police and the state police, and to Illinois State's Attorney, when releasing the information is consistent with the client's safety

and well-being (for example, when a client has run away). Records can also be released by court order. If a records request is made via subpoena from an attorney, the records will not be released. The UCAN representative will contact the attorney and request a court order to release mental health records. Records can be released upon request by IDCFS if they are the guardian of the client or the Office of the Inspector General.

- Health Information: In cases where a client of UCAN poses a credible threat to the safety of an identified person(s) due to their status of having an infectious or contagious pediatric disease (e.g., informing a school that a youth has measles). For HIV/AIDS status, see below.
- HIV/AIDS Information: At no time should the HIV/AIDS status of any adult be disclosed without their written consent as their status is considered private. In the case of a minor for whom UCAN is the custodian, any disclosure of HIV/AIDS status is based on the need to know to provide service to the client. Best practice standards dictate that we inform the youth of those who need to know and work with them to obtain their consent or assent. If they assent it is explained again who exactly needs to know to provide services to the client and inform their guardian exactly who is being informed.
- Danger to Themselves: In cases where a client poses a credible threat to his or her own safety (e.g., where a client has a recent history of suicide attempts), persons responsible for the supervision or care of the client during the period of credible threat shall be apprised of the danger. The potential for dangerous, self-injurious behavior should be documented in the client record.
- Duty to Warn: In cases where a client of UCAN poses a credible threat to the safety of an identified person(s) (e.g., where a client has threatened to harm a schoolteacher), an authorized employee shall inform the threatened person(s) of the danger posed by the client and inform the police, documenting the warning. (Please see UCAN Policy on Mandated Reporting for complete information).
- Child Abuse/Elder Abuse Hotlines: In cases where it is believed that a UCAN client has been abused or neglected, the employee is mandated by law to report such information to the Illinois Child Abuse Hotline (1-800-25-ABUSE). In certain situations where it is believed that an older person is being abused, the employee is mandated by law to report such information to the Illinois Elder Abuse Hotline (1-866-800-1409). (Please see UCAN Procedure on Mandated Reporting for complete information).
- FOID (Firearm Owner Identification) Notification: Certain clinical staff at UCAN are mandated by law to report the name of any clients whose mental condition is of such a nature that it poses a clear and present danger to the client or others to the Department of Human Services. (Please see UCAN Policy on Mandated Reporting for complete information).
- Persons Conducting External Reviews of Agency Practice: The agency shall disclose that information necessary for the proper external review of agency practice and performance by authorized reviewing personnel, including but not limited to auditing, contracting, licensing or accrediting personnel. In such cases, the person(s) receiving information shall be notified by the agency that the information is confidential and such information is not to be further released.

- External Databases: When funder requirements include the use of an external database to track services provided, UCAN may enter client personal information into such databases.
  - Program Improvement: UCAN may share demographic and/or enrollment information with a third-party research partner for the sake of program quality improvement and evaluation. This data will be limited to name, date of birth and enrollment information. Information is not shared with any other entities. Additionally, UCAN maintains Data Sharing Agreements with third party entities to ensure that data is stored on secure servers which are protected by a network firewall and regularly maintained; access to data is limited to essential personnel only; security controls are regularly reviewed to ensure that appropriate physical, administrative and technical controls are in place to guarantee confidentiality, integrity and availability of all data.
- 

All UCAN personnel are expected to keep confidential a client's personal or mental health information and our business information. Breaching confidentiality of a client's personal or mental health information is a violation of law and could result in legal action against the employee. Additionally, breaching client confidentiality or the confidentiality of our business information may subject employees to disciplinary action up to and including termination.

I acknowledge that as part of my training on confidentiality I was trained regarding rules related to HIPAA. I have read and understand the UCAN Policy on Confidentiality and recognize that a breach in confidentiality of client or business information is not permissible by UCAN.

Date: \_\_\_\_\_

\_\_\_\_\_  
Name of UCAN personnel (PRINT NAME)

\_\_\_\_\_  
Signature

**Supporting Documents:**

- UCAN Consent to Release Information
- UCAN Procedure to Record, film and photograph clients
- Mandated Reporter Policy
- DCFS Rule 431 Confidentiality
- CFS 600-3 Consent for Release of Information · CFS 600-4 Sharing Information with the Caregiver