

Policy Title: Management of Protected Health Information

Policy Statement:

Alameda Behavioral Health Care Services and its Behavioral Health Plan have a commitment and obligation to monitor the privacy of both current and former clients, whether living or deceased and to monitor the confidentiality of the medical and other sensitive material that have been transmitted to, within, or sent from the organization.

In accordance with ACBHCS's *Compliance code of Conduct*, all organizational staff, and contractors are responsible to ensure the integrity and confidentiality of client and medical record information, compliance from employees they supervise and investigate and report any hazards or threats to the security or integrity of client information to appropriate staff within the organization.

The purpose of this policy is to ensure that ACBHCS's and its BHP staff and contractors have the necessary medical and other information to provide the highest quality medical care possible while protecting the confidentiality of that information to the highest degree possible so that patients do not fear to provide information to ACBHCS and its BHP staff and contractors for purposes of treatment. To that end, ACBHCS and its BHP staff and contractors will:

- Collect and use individual medical information only for the purposes of providing clinical services and for supporting the delivery, payment, integrity, and quality of those services. ACBHCS and its BHP staff and contractors will not use or supply individual medical information for non-healthcare uses, such as direct marketing, employment or credit evaluation purposes.
- Collect and use individual medical information only:
 - To provide proper diagnosis and treatment. (Treatment)
 - With the individual's knowledge and consent.
 - To receive reimbursement for services provided. (Payment)
 - for research and similar purposes designed to improve the quality and to reduce
 - The cost of health care. (Operations)
 - As a basis for required reporting of health information.
- Recognize that medical information collected about patients must be accurate, timely, complete, and available when needed. ACBHCS and its BHP staff and contractors will:
 - Use their best efforts to ensure the accuracy, timeliness, and completeness of data to ensure that authorized personnel can access it when needed.
 - Complete and authenticate medical records in accordance with the law, medical ethics, and accreditation standards.
 - Maintain medical records for the retention periods required by law, professional standards, and ACBHCS's requirements (Seven. [7] Years).

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- Not to alter or destroy an entry in a record, but rather designate it as an error while leaving the original entry intact and create and maintain a new entry showing the correct data.

- Implement reasonable measures to protect the integrity of all data maintained about patients.

- Recognize that patients have a right of privacy. ACBHCS and its BHP staff and contractors will respect patients' individual dignity at all times, their privacy to the extent consistent with providing the highest quality behavioral health care possible and with the efficient administration of the facility.

Act as responsible information stewards, treat all individual medical record data, and related financial, demographic and lifestyle information as sensitive and confidential consequently, staff and contractors of ACBHCS and its BHP will:

- Treat all individual medical record data as confidential in accordance with professional ethics, accreditation standards, and legal requirements.
- Not divulge medical record data unless the patient (or his or her authorized representative) has properly consented to the release or the release is otherwise authorized by law, such as *Tarasoffot* child abuse reporting and the like.
- When releasing medical record data, take appropriate steps to prevent unauthorized re-disclosures, such as specifying that the recipient may not further disclose the information without patient consent or as authorized by law.
- Implement reasonable measures to protect the confidentiality of medical and other information maintained about patients.
- Remove patient identifiers when appropriate, such as in statistical reporting and in medical research studies.
- Not disclose financial or other patient information except as necessary for billing or other authorized purposes as authorized by law and professional standards.
- Not dispose of patients' medical information negligently.
- Not intentionally share, sell, or use patients' medical information for any purpose not necessary to provide health care services to the consumer, except as otherwise authorized.
- Recognize that some medical information is particularly sensitive, such as HIV/AIDS information, mental health and developmental disability information, psychotherapy notes, alcohol and drug abuse information, and other information about sexually transmitted diseases or communicable diseases and that disclosure of such information could severely harm patients, such as by causing loss; of employment opportunities and

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insurance coverage, as well as the pain of social stigma. Consequently, staff and contractors will treat such

- Information with additional confidentiality protections as required by law, professional ethics, and accreditation requirements.
- Recognize that, although ACBHCS and its contractors own the medical records, the patient has a right of access to information contained in the record. In accordance with this law, staff and contractors will:
 - Permit patients access to their medical records except when access would be detrimental to the patient under' the so-called *therapeutic exception* to patient access. In such cases, staff and contractors will provide an authorized representative access to the patients' records in accordance with law, professional ethics, and regulatory requirements.
 - Provide patients an opportunity to request correction of inaccurate data in their records in accordance with the law and professional standards.

Section G of this manual contains updated policy information about clients' rights to access protected health information.

All staff and contractors must adhere to this policy. Violation of this policy is grounds for disciplinary action for staff employed by ACBHCS, up to and including termination of employment in accordance with personnel rules and requirements and may include criminal or professional sanctions in accordance with kw. BHP's contractors will be reviewed by ACBHCS-BHP's Credentials Committee in accordance with its medical information sanction policy and this may include removal from its provider panel and criminal or professional sanctions in accordance with law.

ACBHCS's *Authorization to Disclose Individually Identified Health Information* form is configured to include the legal requirements and standards of practice in requesting and releasing of Protected Health Information in accordance with State and Federal Regulations.

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I Approval Date:	October 4,1999
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1 Review Date:	March 17, 2003
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