

Freedom Recovery Policies and Procedures

2.G.1 Release of Information Policy

POLICY:

Freedom Recovery (FR) will obtain a release of information from a client before using or disclosing protected health information (PHI) for purposes other than treatment, payment and operations. Freedom Recovery will ensure full conformance to the requirements of all federal and state Laws and regulations pertaining to confidentiality, including: HIPAA, 42CFR part 2, and 45CFR parts 160 &164. Freedom Recovery will ensure full conformance to all Federal and State laws and regulations pertaining to the confidentiality of substance abuse and mental health information of the client.

PROCEDURES:

I. HIPAA COMPLIANT RELEASE OF INFORMATION ELEMENTS

The following information must be on a Release of Information in order for it to be valid:

- A. The full name and date of birth of the person.
- B. The extent and nature of information to be disclosed in clear and specific terms
- C. The type and amount of information to be disclosed in clear and specific terms
- D. The purpose or need for disclosure
- E. The name of the person, institution or agency disclosing the information
- F. The name of the person, institution or agency receiving the information
- G. The dated signature of the person, or as appropriate, the parent, representative or guardian, and the relationship to the person
- H. The name and dated signature of the staff person witnessing the client/guardian signature
- I. The date, event, or condition upon which consent will expire- six (6) months unless otherwise specified.

II. GENERAL GUIDELINES

- A. The clinical chart must contain a complete and signed Release of Information in response to requests for information regarding a person served, and for any current contact or collaboration with outside entities. No information regarding a client will be released without a properly signed and dated authorization form. A faxed release and signature is considered valid.
- B. These guidelines do not pertain to psychotherapy notes, as they are not considered as a part of the clinical chart at Freedom Recovery.
- C. All requests must be routed through the Program Director or his/her designee in order to be processed. If a request for information is mailed or given directly to a counselor, he/she must send the letter to the Program Director or his/her designee for processing.

- D. Responses to requests for information should be tailored to the specific request. No information should be sent that is not specifically requested, but relevant information that would help others trying to treat the client should be included.
- E. All letters must have the following redisclosure statement included before mailing.

Notice To Recipient Of Information: This information has been disclosed to you from records protected by Federal Confidentiality Rules. The Federal Rules prohibit the recipient of the protected health information from making further disclosure of this information unless further disclosure is expressly permitted by the written consent of the person to whom it pertains or as otherwise permitted by 42 CFR, Part 2. A general authorization for the release of medical or other information is **NOT SUFFICIENT** for this purpose. The Federal Rules restrict any use of information to criminally investigate or prosecute any alcohol or drug abuse client.

- F. Persons other than authorized Freedom Recovery personnel are not permitted access to client charts. Authorized reviewers, such as the CARF surveyors, etc., are exceptions to this rule.
- G. Auditors reviewing the charts must adhere to written procedures designed to ensure confidentiality, as follows:
 - 1. The auditor/reviewer must sign a statement giving the purpose and need for the information and how it will be used.
 - 2. The auditor/reviewer must sign a statement to protect the client's rights to privacy and confidentiality.
 - 3. Any phone calls releasing information must be documented in the chart. Oral disclosure requires a signed release and must be documented in the chart.

III EXCEPTIONS

FR will only release information without consent in situations mandated by Federal or State laws and regulations.

- 1. Disclosure of child or elder abuse as required by Ohio State law
- 2. Credible Threats of violence against another individual (Ref. Tarasoff Ruling)
- 3. Protection from clear and imminent risk of suicide.
- 4. Medical emergency where client is unable to communicate