

 Family Focus Inc.		Policy Number: AG-009
Subject:	CLIENTS RIGHTS TO CONFIDENTIALITY	
Section:	ADMINISTRATIVE GENERAL	
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	Revised Date:	
<input type="checkbox"/> New Policy	<input type="checkbox"/> Supersedes Policy Dated:	
Issued by: HR Administrator	Concurred with and Approved by: Jim Burns, Director Initial: _____ Board of Directors Initial: _____	
Cross Reference:	AG-010 DUTY TO WARN	
Distribution:	All employees of Family Focus, Inc.	

POLICY

Family Focus, Inc. will uphold the client's rights to confidentiality as outlined in the HIPAA standards (see *HIPAA Booklet*). This right includes client information and all mental health records, as long as Family Focus, Inc has possession of said records. Additionally, Family Focus, Inc. staff understands that they are legally bound to uphold the notion of confidentiality and privilege for all records up to six years after termination of treatment, at which time they will be disposed of in accordance to Indiana State Law and HIPAA.

Family Focus, Inc. will discuss limits of confidentiality with the client as well as provide them with the proper documentation to answer any questions. After which the client should sign the *Notice of Privacy Practices* form indicating that they received such information.

Specific Client Rights

Clients have the right to request to review or receive their files. The procedures for obtaining a copy of their information is as follows. Clients may request a copy of their records in writing with an original (not photocopied) signature. If the request is denied, the client must receive a written explanation of the denial. Records for non-emancipated minors must be requested by their custodial parents or legal guardians. The charge for this service is \$.10 per page, plus postage.

Clients have the right to cancel a release of information by providing us a written notice. If the client desires to have his/her information sent to a location different than the address on file, this information in writing (see *Request for Alternative Means of Confidential Information* form).

Clients have the right to restrict which information might be disclosed to others. However, if the agency does not agree (legally or clinically) with these restrictions, we are not bound to abide by them (see *Request for Restricted Use/Disclosure of Records* form).

Clients have the right to disagree with the records in their file. Clients may request that this information be changed. Although we may deny changing the record, they have the right to make a statement of disagreement or request the information be changed (see *Request to Amend Health Record* form).

Clients have the right to know what information in their record has been provided to whom. Clients may request this information in writing (see *Request for Listing of Disclosures of Client Records* form).

If a clients desire a written copy of this notice they may obtain it by requesting it from their assigned worker, or at the intake session.

Family Focus, Inc. staff understands that the clients own the rights to their own confidentiality, except when they are a minor or a legally incompetent adult, at which the parent or legal guardian of such client will have legal access.

Family Focus, Inc. staff understands that when working in a group therapy atmosphere that each client has a right to confidentiality and privilege, as well as the group as a whole. Furthermore, the group as a whole needs to come to a mutual understanding of the individual and groups rights of confidentiality.

Family Focus, Inc. staff understands that when participating in family or couples therapies that each client has his/her own right to confidentiality and privilege, as well as the family unit or couple unit.

Family Focus, Inc. staff will abide by HIPAA and The State of Indiana Code in regards to client records of the deceased.

Family Focus, Inc. staff should ensure adequate actions are in place to safeguard the client's records that are stored electronically and in a paper chart in accordance with the State of Indiana and HIPAA, and then deleted or destroyed per such guidelines after six years post termination of treatment (HIPAA, 4-14-03).

Family Focus, Inc. staff will take the necessary precautions per the State of Indiana and HIPAA when sending any client information through electronic messaging, faxes, and telephone calls, or any other medium that apply. (See policy *AG-004 Secure Mailing and Faxing*).

Family Focus, Inc. will only bill third parties after the client signs the waiver in order to release his/her record to such party.

Family Focus, Inc. will ensure that any addendums to HIPAA and the State of Indiana Codes will result in the amendment of the affected agency policies.

Family Focus, Inc. staff should protect their client's confidentiality in legal proceedings in accordance to Indiana State Law.

Family Focus, Inc. staff should maintain all aspects of confidentiality even after they are no longer employed by Family Focus, Inc.

Exclusions from Confidentiality

Family Focus, Inc. will only communicate with others regarding the client if said client gives written consent (see *Release of Information Consent* form) or in the following sanctioned situations;

1. In a criminal proceeding involving a homicide if the disclosure relates directly to the fact or immediate circumstances of the homicide.
2. If the communication reveals the contemplation or commission of a crime or a serious harmful act.
3. In the event that there is a referring physician, psychologist, psychiatrist, or counselor.
4. To anyone part of the Family Focus, Inc. staff that is involved in the treatment of the client.
5. To any person required by federal, state, or local laws to have lawful access to the treatment of the client.
6. To the Court if it orders any relevant information to be sent as progress or results of treatment, such as with a mental competency hearing.
7. If there is any type of civil or malpractice action against the clinician.
8. To any third party service in order for Family Focus, Inc. to receive payment for therapy/treatment of the client.
9. To any additional persons that the client gives specific written authorization to receive his/her information such as a legal representative.
10. Family Focus, Inc. has the right to, by Indiana State Law; inform the proper agencies or authorities without the permission of the client with regard to any duty to warn obligations.
 - a. When there is a risk of imminent danger to the client or another.
 - b. When there is a substantial suspicion of any type of abuse or neglect.