

Bergen County Special Services

Adult Services Program Policy

Protection of Health Information for Adults

The Board of Education recognizes the importance of protecting privacy and confidentiality of individuals served in the Adult Services Programs. BCSS Adult Services Programs will develop procedures to ensure health information is protected and disclosed in accordance with the Department of Human Services, Division Circular # 53A: *Health Insurance Portability and Accountability Act of 1996, Authorization for the Release of Records Policy and Procedures* and Section 11.5 of the *Supports Program Policies and Procedures Manual*, (Version 6.0).

DEFINITION

For the purpose of this policy, the words and terms listed shall have the following meanings:

“Protected Health Information (PHI) refers to individually identifiable health information maintained by BCSS Adult Programs.

“Authorization” refers to individuals listed on the Division of Developmental Disabilities “*Authorization for Disclosure of Health Information to Family and Involved Persons*”, DC53A-A2 Form completed by the legal guardian(s) of individuals served in Adult Services Programs.

PROTECTED HEALTH INFORMATION

Protected health information is initially obtained as part of the Adult Services Programs intake process. When a client is admitted to the program this information is used and maintained to ensure appropriate services and level of care for each individual. Information to provide services will be shared or used by Adult Services Program personnel based on the minimum necessary requirement as covered in the HIPAA privacy rule, section 164.502(b). Specifically, Adult Services Program personnel may view, use, disclose information only as it relates to the performance of their job responsibilities and in accordance with applicable legislation, laws and regulations. All information is privileged and confidential regardless of format: electronic, oral, written or observed.

Information of this type may provide a useful and necessary function for daily operations (i.e. staff training, audits). If used for such a manner, no person identifying information will be shared.

AUTHORIZATION

BCSS will obtain written authorization to use or share health information for purposes other than approved day program services, payment and program operations as covered under HIPAA section

164.508. For example, information may provide a useful and necessary function for daily operations and staff training. Authorization may be revised or revoked at any time. Clients without a legal guardian and/or legal guardians may ask any Adult Services Program site to restrict how medical information is used to provide day program services, perform daily operations or receive reimbursement for services, however, BCSS is not required to agree.

PROTECTING CLIENT PRIVACY

Client privacy will be maintained by the following:

1. Limited access to client records based on need to know and authorization provided by legal guardian(s). Records will be maintained in secure facilities.
2. Client care or discussion about client care will be kept private by meeting in private rooms within the facility and closing doors as needed.
3. Discussions with clients will be held in private areas and remain confidential unless otherwise specified by the legal guardian, the adult, if without guardian, and law enforcement.
4. Doors in health offices will be closed when providing treatment, administering medication and/or discussing health needs and plans.
5. Adult Services Programs will be in compliance with written guidelines specified in the client's "Authorization for Disclosure of Health Information to Family and Involved Persons".
6. Clients and legal guardians will receive a *Notification of Privacy Practices* on an annual basis and will have access to this Notification on the district website and at the program.
7. Electronic records will be kept secure and monitored for access.
8. BCSS adult program personnel will not leave computers logged on to any client information that may be seen by individuals passing by. Adult program personnel will maintain a confidential username and password for their computer.
9. Posted or written client information maintained at work stations and common areas must be kept covered from the public.
10. Paper records must be shredded or placed in closed receptacles; they must never be left in the garbage.

STAFF REQUIREMENTS

1. Newly hired employees will be trained on what is "Protected Health Information" and maintaining confidentiality regarding health protected information.
2. Staff will receive training annually on HIPAA regulations and the individual employee's role in protecting health information of clients in BCSS adult programs.
3. Staff will sign a HIPAA Acknowledgement Form after the annual training session.

NOTIFICATION OF PRIVACY PRACTICES

BCSS will provide Notification to advise legal guardians and authorized persons how protected health information will be used. This notification will detail privacy practices and client/guardian rights. BCSS

Adult Programs will make “good faith efforts” to obtain written acknowledgement that clients without legal guardians, legal guardians and authorized parties have received a copy of the privacy practices maintained in the adult programs. These notices will be posted and available in adult program sites.

JD: August 29, 2019