

Lancaster County Drug & Alcohol Commission Case Management & Clinical Services Policy & Procedure Manual	CMCS # 36 Policy: Confidentiality
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Effective Date: 07/01/2020	

**I. Purpose:**

To ensure confidentiality of an individual’s substance use disorder information through adequate provisions for system security and protection of individual privacy at the LCDAC level as well as the service provider level.

**II. Procedure:**

All persons currently or formerly screened, assessed, diagnosed, counseled, treated and rehabilitated for substance use or a substance use disorder, shall be protected from disclosure of their names, identities, patient records and the information contained therein except as disclosure is permitted by state and federal statute and regulations.

LCDAC, its contracted service providers, and others are subject to the confidentiality requirements of the Pennsylvania Drug and Alcohol Abuse Control Act (71 P.S. §§ 1690.101, et seq.), the Public Health Service Act (42 U.S.C §§ 290ee-3, 290dd-2), and Federal Confidentiality Regulations (42 CFR Part 2). Drug and alcohol information is protected in many ways including, but not limited to, the following:

- *71 P.S. § 1690.101, et seq.* - established the Pennsylvania Advisory Council on Drug and Alcohol Abuse, addresses confidentiality requirements at 71 P.S. § 1690.108, and consent of minors at 71 P.S. §§ 1690.12.
- *28 Pa. Code § 709.28* - standards for licensing freestanding treatment facilities to include adherence to confidentiality requirements
- *42 CFR Part 2, Subparts A-E* - federal regulation governing patient SUD records
- *45 CFR Part 96* - federal regulation governing the privacy of health care information
- *4 Pa. Code § 255.5 and § 257.4* - state regulations governing patient records
- *42 Pa. C.S.A. § 6352.1* - state law clarifying what information may be released by YADAC and treatment providers to children and youth agencies and the juvenile justice system.

Confidentiality is one of the cornerstones guiding the treatment of substance use disorders. Staff working with individuals who have a substance use disorder must always be conscientious of where and how an individual’s identifying information is discussed.

- Consent forms must include all the components of federal and state confidentiality regulations and include the information to be released that must relate to the purpose of the consent.

- Written procedures within LCDAC and all contracted service providers must exist for compliance with all federal and state confidentiality regulations.
  
- The procedures must include:
  1. Release of client-identifying information;
  2. Storage and security of client records, to include computer security;
  3. Completion of required confidentiality training;
  4. Staff access to records;
  5. Disciplinary protocols for staff violating confidentiality regulations;
  6. Revocation of consent, to include how this is documented on the consent form; and,
  7. Notification that re-disclosure is prohibited without proper consent.

All staff who perform or supervise treatment and treatment-related services must acknowledge in writing that they have read the procedures.

Staff who do not directly perform or supervise services must sign a statement certifying that they will keep all information acquired through their employment duties confidential. The statement must specify that disciplinary action will be taken if confidentiality is breached. (See Policy: “Confidentiality Statement”; “Confidentiality Statement for LCDAC Staff”)

As with all LCDAC contracted service providers, LCDAC keeps all individual files and records locked in filing/storage cabinets. All staff have access to these files as needed. Persons not affiliated with this office or its functions, are not allowed to access individual records.

As with all LCDAC contracted service providers, all protected health and other identifying information stored on employee computers is secure. PeopleSoft is accessible by LCDAC staff only and is password protected.

For staff employed by LCDAC, individual records at the LCDAC are kept on file on the computer in the Peoplesoft system. These files are protected by the same state and federal confidentiality regulations as paper files and are only available to be viewed or edited by the case management staff.

Approved By:



Rick Kastner LCDAC Executive Director

7/1/2021

Date