

**TUSCARAWAS COUNTY JOB & FAMILY SERVICES
AGENCY POLICY
CONFIDENTIALITY**

POLICY

Client and employee information is maintained in the strictest confidence. Client information that may pose a significant likelihood of serious harm to the client will not be released to them. Certain professionals may access client information deemed harmful to them upon documenting their willingness not to share that information with the client.

PROCEDURE

A. EMPLOYEES

1. All staff follow Public Records and Client Confidentiality laws and rules issued by the state of Ohio and the Ohio Department of Job & Family Services.
 - a. Each employee reads and signs the Statement of Acknowledgment of Responsibility in Matters of Confidentiality form, TCJFS 00016, as a term of employment.
 - b. Staff continually receive training and supervision on the relevance of confidentiality to their jobs through employee orientation, workshops, and on-the-job training.
 - c. Employees receive discipline, up to and including termination, for violating the laws of confidentiality.

B. NON-EMPLOYEES DOING BUSINESS WITH THE AGENCY

1. Work Experience Program Participants
 - a. Each participant reads and signs the Statement of Acknowledgment of Responsibility in Matters of Confidentiality form TCJFS 00016, as a term of work experience with our agency.
2. Foster and Adoptive Parents
 - a. Foster/adoptive parents receive instruction on the management of confidential information during preservice training, the initial home study process, subsequent recertifications, and throughout their tenure as foster/adoptive parents with the agency.
3. Contractors and Other Professionals
 - a. Staff explain and practice the maintenance of confidential information with contractors and other professionals doing business with the agency.

C. CLIENTS' RECORDS (See also Public Records Policy 100.40.0)

1. Access to Records
 - a. Clients are asked to submit a written request for case file information.
 - (1) The clients' written request itemizes information desire, reason the information is needed, and intended use of the information requested.
 - (2) The request is logged and given to the agency attorney to determine if such request can be provided.
 - (3) Requests are processed within a reasonable amount of time.

2. Children Services Records
 - a. Children Services records are confidential and not subject to disclosure under most circumstances. Pursuant to Ohio Attorney General Opinion 2007-025, this confidentiality prohibits the review of these records by clients as well.
 - b. In the event that a court hearing a matter which implicates these records issues an order to supply them for review, TCJFS legal counsel will take appropriate steps to ensure that the records are provided to the court to allow it to make a determination regarding what information may be shared with whom.

3. Public Assistance, Adult Protective, and Child Care Records
 - a. In the most extreme circumstances, a client will be refused access to his/her file when it is determined that said access would have a significant likelihood of serious harm to the client. The decision to deny access shall be made only by the Director in consultation with the agency legal counsel and/or other management employees.
 - b. When the director determines that access to the client's file will pose a significant risk of harm to the client, said decision shall be documented in the client's file by the Director.
 - c. The Director will allow access to the client's file by an appropriate professional upon execution of a release by the client allowing the same. Under these circumstances, the professional will be required to sign a statement indicating that information obtained from the file will not be released to the client.

4. Inclusion of Statement by Client
 - a. Clients have the right to include written personal statements into their case records. Such statements shall be made a part of the permanent case record.
 - b. When staff files a client's statement in his/her record, the client shall be provided with a copy of said statement.

D. OTHER RECORDS

Access to other agency records by clients and the public will be allowed on a case-by-case basis made by the Director in consultation with the agency legal counsel. Many of the records maintained by this office are public records and will be made readily available to the public. However, Federal and State confidentiality laws restrict the disclosure of client information in other files. A determination regarding the release of any information will be made and communicated to the requestor as outlined in C.1.a.(2) above.

E. DOCUMENTATION

1. Release of Information
 - a. Clients must sign and date a Release of Information form authorizing Tuscarawas County Job & Family Services to give information from the client's record to another office, agency, or individual.
 - **AND-**
 - b. Clients must sign and date a Release of Information form authorizing another office, agency, or individual to give information from its records to Tuscarawas County Job & Family Services.
 - c. Each Release of Information is specific to the client: the information to be released, the purpose for releasing information, the recipient of the information, and

the time limit within which the information is to be released.

d. A copy of each Release of Information is given to the client and filed in his/her case record.

2. Employees refer questions regarding the release of client information to their respective Supervisor, Administrative Assistant, In-House Counsel, or the Director.

3. Requests for information that are not covered by a client-signed Release of Information or a court order are referred to the In-House Counsel.

- OR -

4. The Director may determine that the Release of Information without client authorization is in the best interest of a family or an alleged child or adult victim.

a. The Director's written authorization specific to the client(s) is filed in the client's(s') case record.

F. INTRA-AGENCY INFORMATION SHARING

1. Workers assigned to the same client share information without a Release of Information.

a. Income Maintenance and Children Services staff share information about the same client when that information is necessary for the respective program's activities or to integrate services for the client. See Protocols for Confidentiality and Information Sharing.

G. PROCEDURE FOR DISSEMINATING INFORMATION TO A CHILD FATALITY REVIEW BOARD

1. Agency Director and/or Protective Services Supervisor will receive child fatality notification from the Tuscarawas County Child Fatality Review Board (CFRB) Chairperson.

2. Protective Services Supervisor will complete applicable sections of the Ohio Department of Health Child Fatality Review Case Report form, HEA 4631.

3. Protective Services Supervisor will scan agency records for pertinent data regarding children protective services reports on any children in the family within one year prior to the child's death.

4. Agency Director and/or Protective Services Supervisor will attend Tuscarawas County CFRB meeting for reviewing the child fatality case and share information gathered in Steps 2 and 3 above.

a. All materials, records, or products of the CFRB meeting are kept in a secured, locked compartment by the Chairperson or destroyed at the conclusion of the meeting.

H. HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996 (HIPAA)

Pursuant to the guidance of the Ohio Department of Job and Family Services, Tuscarawas County Job & Family Services shall comply with the applicable provisions of HIPAA (45 CFR Parts 160 and 164). Tuscarawas County Job & Family Services' employees must follow these provisions as the agency has access to Protected Health Information (PHI) as a participant in the health plans, including the Medicaid program, the Children Health

Insurance Programs (CHIP), and the Refugee Medical Program (RMP).

In some instances, other regulations specific to one of the above programs are more restrictive of PHI than the HIPAA regulations. In those instances, Tuscarawas County Job & Family Services' employees shall comply with the more restrictive rules and regulations.

I. EMPLOYEES PERSONAL INFORMATION

Information concerning employee discipline, personnel issues, and other personal information should not be shared, except as necessary to conduct agency business. Confidential and management employees are expected to adhere to the highest levels of discretion and not share employee information with anyone who does not have a legitimate business need for the same. All employees are to refrain from gossiping or involving themselves in personal matters of other employees.



David W. Haverfield, Director



Effective Date