

SUBJECT: PRIVACY AND CONFIDENTIALITY OF INFORMATION	REFERENCE #6002
DEPARTMENT: DURABLE & HOME MEDICAL EQUIPMENT	PAGE: 1 OF: 6
APPROVED BY: DAL	EFFECTIVE: 1/1/2019 REVISED: KAL

PURPOSE:

To effectively and efficiently preserve and maintain the privacy and confidentiality of client, staff and business entity information in compliance with applicable laws, regulations and standards.

DEFINITIONS:

- Privacy: An individual’s right to limit disclosure of personal information
- Confidentiality: The safekeeping of data/information so as to restrict access to individuals who have need, reason and permission for such access
- Protected Health Information: Health information that contains information such that an individual person can be identified as the subject of that information

POLICY:

- Confidentiality of data and information within Pure Vita Co. shall apply across all systems and automated, paper and verbal communications, as well as to clinical/treatment/service, financial and business records and employee-specific information.
 - All client information shall be secured against unauthorized access
- All new employees, including contracted staff and Board of Directors members, shall receive instructions about Pure Vita Co.'s Privacy and Confidentiality of Information policy and procedure during orientation.
- Significant changes to Pure Vita Co.’s Privacy and Confidentiality of Information policy shall be communicated to staff members, including contracted staff and Board of Directors members, in verbal and written formats. These formats shall include, but not be limited to, inservice programs, staff and/or committee meetings, memos, emails, etc. Receipt of the information shall be documented by recipient signatures (may include electronic signatures) and retained by the company.
- All clients’ protected health information and billing data shall be considered confidential and shall be disclosed at the discretion of the Administrator/Operations Manager only when authorized to do so by the client or his/her surrogate decision maker, when required by law, or on a need to know basis as necessary to carry out day-to-day business activities.

SUBJECT: PRIVACY AND CONFIDENTIALITY OF INFORMATION	REFERENCE #6002
DEPARTMENT: DURABLE & HOME MEDICAL EQUIPMENT	PAGE: 2 OF: 6
APPROVED BY: DAL	EFFECTIVE: 1/1/2019 REVISED: KAL

- Client information designated as sensitive, i.e., HIV/AIDS diagnosis, shall be disclosed at the discretion of the Administrator/Operations Manager only when authorized to do so by the client or his/her surrogate decision maker, in response to a court order, or when required to provide care, treatment and/or services.
- All employees'/contractors' personal data, human resource records, work-related information and pay records shall be considered confidential to be disclosed at the discretion of the Administrator/Operations Manager only when authorized to do so by the employee or the employee's surrogate decision maker, when required to do so by law, or on a need to know basis as necessary to carry out day-to-day business activities.
- All company business records and/or dealings shall be considered confidential to be disclosed only when authorized to do so by Administration when required to do so by law, or on a need to know basis as necessary to carry out day-to-day business activities.
- Home care records, human resource records, computerized data systems and billing records shall be protected from loss, alteration, unauthorized use or damage and stored in a locked, secure location.
- Computer files shall be password protected against unauthorized use, alteration or damage.
- Passwords shall not be shared and shall not be displayed. Passwords shall be changed periodically at the discretion of Administration
- Client, employee and company privacy shall be protected during performance improvement activities.
- Information regarding clients shall not be displayed in areas that are available to the public and unauthorized staff.
- All staff shall limit discussions of care, treatment and/or services to appropriate staff within the company and/or to pertinent individuals under contract who have legitimate needs for accessibility of the information for delivery of care, treatment and/or services, effective functioning of the company, research and/or education.

SUBJECT: PRIVACY AND CONFIDENTIALITY OF INFORMATION	REFERENCE #6002
DEPARTMENT: DURABLE & HOME MEDICAL EQUIPMENT	PAGE: 3 OF: 6
APPROVED BY: DAL	EFFECTIVE: 1/1/2019 REVISED: KAL

- Individual client identification shall be eliminated from performance improvement and other reports distributed beyond the group of individuals immediately responsible for the review or completion of data.

PROCEDURE:

- The Administrator or his/her designee shall review all requests for information to determine whether the request will be honored.
- Access to information and records, including computer access, shall be determined by the requesting individual's need to know as follows:
 - Company staff, including contracted staff directly involved in providing care, treatment and/or services to the client shall be permitted access to the client's healthcare records.
 - Company staff who require access to client records, employee records or agency records in order to accomplish their day-to-day tasks, shall be permitted access to needed records.
 - Telephone requests for employee or client information shall be referred to the Administrator/Operations Manager.
 - Requests for disclosure of client information to reimbursement organizations, healthcare organizations, physicians, licensing and/or accrediting bodies shall require a completed and signed consent form and shall be referred to the Administrator/Operations Manager.
- Consents of Release of Information Signatures:
 - Must be the original signature of the client or employee.
 - May be the signature of the surrogate decision maker if the subject has a court-appointed guardian.
 - May be a legally authorized representative of the client or employee.

SUBJECT: PRIVACY AND CONFIDENTIALITY OF INFORMATION	REFERENCE #6002
DEPARTMENT: DURABLE & HOME MEDICAL EQUIPMENT	PAGE: 4 OF: 6
APPROVED BY: DAL	EFFECTIVE: 1/1/2019 REVISED: KAL

- May be the signature of a family member if the client is unable to sign. If signed by a family member, the signature should be witnessed by an authorized company representative and the reason for the client's inability to sign documented.
- If the validity of a signature is questioned, the company has the right to require a notarized signature.
- Safeguarding of Records:
 - Original paper or computer client records, human resources files, payroll and billing records shall be filed and shall not be removed from the site of origin, except by court order or for transfer to and from storage facilities or other authorized sites as needed to accomplish the day-to-day business of the company upon direction of Administration.
 - Records should not be left in unattended areas accessible to unauthorized individuals.
 - Records shall be stored in a manner that minimizes the possibility of damage from wind, fire and water.
 - Back-up copies of computer records shall be maintained as necessary to ensure the integrity of the system

SUBJECT: PRIVACY AND CONFIDENTIALITY OF INFORMATION	REFERENCE #6002
	PAGE: 5 OF: 6
DEPARTMENT: DURABLE & HOME MEDICAL EQUIPMENT	EFFECTIVE: 1/1/2019
APPROVED BY: DAL	REVISED: KAL

Records may be photocopied by authorized employees as necessary to accomplish the day-to-day business of the company. The integrity and security of the records shall be maintained during the photocopying process, i.e., original records shall be kept face down and shall not be left unattended. Clerical and professional staff may copy documents when authorized to do so as outlined below:

Document(s)	Authority
Client Records or parts thereof	Administrator/Operations Manager, Branch Managers, Department Heads, Supervisors, others as designated by Administrator/ Operations Manager
Human Resources Records or parts thereof	Administrator/Operations Manager, Branch Managers, Department Heads, Support Service Managers, others as designated by Administrator
Billing Records	Administrator/Operations Manager, Branch Managers, Billing Supervisor, others as designated by Administrator
Payroll Records	Administrator/Operations Manager, Branch Managers

- Relevant copies of the client's record may be left in the client's home as necessary to assist the company's staff in providing care, treatment and/or services to the client. The client/family/surrogate decision maker shall be instructed to maintain the security and confidentiality of the information left in his/her home.
- All copies of records, except those left in the client's home for the express purpose of providing education and/or for reference, shall be destroyed by shredding by Pure Vita Co. at the time of the client's discharge. Copies used in the client's home shall be returned to the company's office for that purpose.

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SUBJECT: PRIVACY AND CONFIDENTIALITY OF INFORMATION	REFERENCE #6002
DEPARTMENT: DURABLE & HOME MEDICAL EQUIPMENT	PAGE: 6 OF: 6
APPROVED BY: DAL	EFFECTIVE: 1/1/2019 REVISED: KAL

Orientation and Education of Staff, including Contractors and Members of the Board of Directors includes:

- Review of the company's confidentiality policies and procedures
- Guidelines for photocopying records
- Guides for prevention of unauthorized disclosure of client and employee information
- The signing of a confidentiality statement that becomes part of each individual's human resources file