

III – PRIVACY AND CONFIDENTIALITY

Maintenance of Client Confidentiality

Policy: The Provider Agency adheres to relevant federal, state, and local confidentiality regulations and laws that protect client records and only releases confidential client records with written consent by the client, or the client's guardian, unless otherwise provided for in Federal, state, or local regulations and laws.

Purpose: To provide guidelines for ensuring maintenance of client confidentiality.

Scope: All Homeless Management Information System (HMIS) Provider Agencies, HMIS End-users and their clients.

Definitions: *Anonymous client:* A client entered into the database with a unique computer generated identifying code acting as a reference for that client.

Client: Any person who received, applied for, or was denied services by a Provider Agency.

Client's guardian: Any person legally responsible for a minor or an adult, according to Arizona Revised Statutes (A.R.S.). All references to "client" in this policy also apply to "client's guardian."

End-user: Any person given access to the database including staff and volunteers.

Maricopa HMIS database: The Homeless Management Information System's database, also known as HMIS database and/ or database.

Provider Agency: An agency authorized to participate in the HMIS.

Restricted client: A client whose name is known by only the entering Provider Agency, HMIS System Administrator II, and those agencies the client grants access to his/her name.

Procedure:

1.0 PROVIDER AGENCY'S RESPONSIBILITIES

1.1 Laws and Regulations:

A Provider Agency will abide by:

- All Federal Confidentiality Regulations including those contained in the Code of Federal Regulations, 42 CFR Part 2 (regarding disclosure of alcohol and/or drug abuse records).
- Health Insurance Portability and Accountability Act of 1996 (HIPPA) when applicable.
- Arizona state laws and Federal laws related to confidentiality and security of medical, mental health, and substance abuse information including Arizona Revised Statutes Title 12, Arizona Revised Statutes Title 36, 42 CFR Part 2, and all other relevant statutes, rules and regulations.

1.2 Client Consent

A Provider Agency will:

- Provide verbal explanation of Maricopa HMIS and arrange for, when possible, a qualified interpreter or translator for a client not literate in English or having difficulty understanding the consent form(s).
- Be prepared to explain (to the client) security measures used to maintain confidentiality.
- Explain the client's right to be entered as an anonymous client or as a restricted client, if client denies authorization to share basic identifying information or non-confidential service data.
- Obtain from the client a current, signed Client Acknowledgement of Data Entry into the Maricopa Homeless Management Information System form, when applicable to Provider Agency's policy and procedures.
- Prior to release of any client information beyond the basic client profile, obtain from the client a signed release of information form that meets the Provider Agency's standard release of medical, financial, and/or any other information regarding the client.
- Place all client authorization forms in an on-site filing system for periodic CI&R audits.
- Retain all client authorization forms for a five-year period upon expiration.
- Retain sovereignty in regards to denying a client service based upon client's willingness to be entered and shared into the HMIS database.
- Insure that all Provider Agency End-users will comply with the requirements for informed consent and client confidentiality.

1.3 Client Information/Data

A Provider Agency will:

- Enter client information into the database only AFTER obtaining a current, signed client consent, if deemed appropriate by the agency's policy and procedures.
- Share client information in the database to other HMIS Provider Agencies only AFTER obtaining a current, signed client consent to share information, if deemed appropriate by the Provider Agency's policy and procedures.
- Not solicit or input client information into the database unless the information proves essential in providing services, developing reports and providing data, and/or conducting evaluations and research.
- Not divulge any confidential information received from the client or the HMIS database to any organization or individual without a current client release form, unless otherwise permitted by relevant regulations or laws.
- Enter in the minimum data required by the HMIS. Any or all client data including client identifiable and confidential information may be restricted to other Provider Agencies.

2.0 PROVIDER AGENCY'S CLIENT RIGHTS

2.1 A client has the right to:

- Decline entrance into the HMIS database. However, the Provider agency determines whether or not to provide services to the client.
- Authorize sharing of personal information to other HMIS Provider Agencies.
- Determine what type of information will be shared and with whom (other HMIS Provider Agencies).
- Request entrance into the database as an anonymous client or a restricted client.
- Rescind acknowledgement and consent for the entry of future information and further participation by completing and sending the Rescinding Client Consent form to the HMIS System Administrator, either through a Provider Agency or registered mail. However, data already within the database will remain accessible to the Provider Agencies who have entered data on that particular client according to Federal and State laws.
- If a reason arises to completely remove a client and the client's data from the HMIS database, a request must be forwarded to the System Administrator, who will review the request with and obtain the HMIS User Group's approval prior to the client's permanent removal of all the client's information. All client confidential information will remain restricted while the HMIS User Group reviews the appropriateness of removing the client.
- Control release of medical information by giving advance consent prior to disclosures of health information, seeing a copy of health records, requesting a correction to health records, obtaining documentation of disclosures of health information, obtaining an explanation of privacy rights and being informed of how information may be used or disclosed (HIPPA Act of 1996).

Missing Persons

- Policy:** The Maricopa HMIS Project Team will assist in finding information about missing persons reports sent to them. Any information found on the client will **only** be sent to the Provider Agency seeing the client and they will make the final determination about distribution of the information to the client.
- Purpose:** To assist people outside the Maricopa HMIS Project in locating missing persons to provide them with information about inheritances, etc.
- Scope:** System-wide
- Background:** People have been requesting information from Provider Agencies about missing persons.
- Definitions:**
Client – any person who received, applied for, or was denied services by a Provider Agency.
Provider Agency – an agency authorized to participate in the HMIS.
ServicePoint – A web-based information management system for service providers of an agency, coalition, or region of any size which provides client tracking, case management, agency and program indexing, and reporting – all in a real-time environment.
- Responsibilities:** Provider Agencies and HMIS technical support staff.

Procedure:

- 1.0 Agency Notification of a Missing Person(s)**
- 1.1 A Provider Agency is notified by someone about a missing person or persons.
- 1.2 The Provider Agency may pass on the information to the HMIS technical support staff for research of the client within ServicePoint.
- 2.0 HMIS Technical Support Staff**
- 2.1 The HMIS technical support staff searches for the client within ServicePoint to see if they were seen or are being seen by a Provider Agency.
- 2.2 If found, the information obtained from the outside source is passed on to the Agency Administrator or primary contact at the Provider Agency. The information found or not found will **not** be given to the outside source or the Provider Agency giving the information unless the client was seen by that Provider Agency.
- 3.0 Provider Agency Receiving Missing Person(s) Information**
- 3.1 A provider agency receiving the information will determine if it is appropriate for the client to receive the information and will process it according to their decision.