


<b>POLICY TITLE:</b>		<b>Confidentiality of Client Information</b>	
		<b>CHILD AND FAMILY SERVICES AGENCY</b>	
<b>Approved By:</b>	<b>Date Approved:</b>	<b>Original Effective Date:</b>	<b>Last Revision:</b>
Tanya T. Trice	September 16, 2023	May 25, 2006	July 14, 2023

<b>I. AUTHORITY</b>	<p>The Director of the Child and Family Services Agency ("CFSA") adopts this policy to be consistent with the Agency's mission and applicable federal and District of Columbia laws and regulations, including D.C. Code Sections <a href="#">4-1302.03</a> (Access to Register; Release of Information Generally), <a href="#">4-1303.06</a> (Confidentiality of Records and Information), <a href="#">4-1303.07</a> (Unauthorized Disclosure of Records), ) <a href="#">7-231.24</a> (Confidentiality and Disclosure of Information from Vital Records or Vital Reports), <a href="#">Chapter 2B</a> (Data Sharing), Section <a href="#">7-1205.01</a> (Right to Access), <a href="#">7-1207.01</a> (Civil Liability), <a href="#">7-1207.02</a>, (Criminal Penalties), <a href="#">7-1202.05</a> (Power to Grant Authorization), and <a href="#">45 CFR § 164.524</a> (Access of Individuals to Protected Health Information). <b><i>This policy supersedes the Confidentiality Policy dated July 28, 2011.</i></b></p>
<b>II. APPLICABILITY</b>	All CFSA employees and personnel of CFSA contract agencies.
<b>III. RATIONALE</b>	<p>Information that concerns clients served by CFSA, its staff, and its contract agencies is considered confidential as required by law and best practice. Information gathered while providing services on behalf of CFSA to children, youth, and their families can only be used or disclosed in accordance with applicable federal and local law.</p> <p>This policy provides a summary about maintaining as confidential personally identifiable information contained within any medical, mental health, substance abuse, child fatality or near fatality, and criminal background records pertaining to children, youth and families who are involved with or receives services from CFSA.</p>
<b>IV. POLICY</b>	<p>It is the practice of CFSA to ensure that all client information, certain details regarding applicants for foster home licensure, and any other client related activity be kept confidential and protected from public or unauthorized disclosure.</p> <p>Client information collected, created, and maintained by, or on behalf of, CFSA shall only be released in accordance with applicable federal and District of Columbia privacy and confidentiality laws and regulations.</p> <p>This policy is intended to provide CFSA employees with a basic understanding of their responsibilities to protect and safeguard information they access as a result of their employment with the Agency. A violation of this policy can result in progressive disciplinary action.</p>

<b>V. CONTENTS</b>	<b>A. Managing Confidential Information in General</b> <b>B. Authorizing the Release of Confidential Information</b> <b>C. Disclosure of Confidential Information</b> <b>D. Protecting Confidential Information</b> <b>E. Civil Liabilities and Criminal Penalties for Unauthorized use or Disclosure of Confidential Information</b>
<b>VI. SECTIONS</b>	<b>Section A: Managing Confidential Information in General</b> <p>It is the responsibility of every CFSA employee, contractor, and resource parent to safeguard and maintain as confidential all information regarding individuals known to CFSA including children, members of their immediate family, relatives, family friends and anyone involved in the case.</p> <ol style="list-style-type: none"> <li>1. As a child welfare agency in the District of Columbia, CFSA, in accordance with applicable federal and local law, deems all information related to children in CFSA's care and all facts learned about those children, and their parents, relatives, family friends and anyone involved in the case shall be confidential.</li> <li>2. Any and all confidential information gathered during the course of one's employment or contract with CFSA is considered the Agency's work product.</li> <li>3. Hard copy original confidential information shall not be removed from a client's record except in copied form. The employee shall safeguard information contained in and control access to hard copy client files at all times. The responsibility to control and safeguard access to confidential client information also applies to staff while teleworking.</li> <li>4. Confidential information in a client's record may be reviewed by the client or have the information read to them by CFSA staff, but the information shall not be altered or removed from the record. Although the information in the record is the property of the client, the record itself is the property of CFSA. However, the client shall have the right of access to inspect and obtain a copy of their information in a designated record set (i.e., location of the information within the record), for as long as the information is maintained in the designated record set except for psychotherapy notes and information compiled in reasonable anticipation of, or for the use in, a civil, criminal, or administrative action or proceeding.</li> </ol>
	<b>Section B: Authorizing the Release of Confidential Information</b> <p>This section identifies those individuals who can authorize the disclosure of their protected information to persons or organizations they choose.</p> <ol style="list-style-type: none"> <li>1. A client (current or former) who is 18 years of age or older, or the client representative, shall have the power to authorize disclosure.</li> <li>2. Mental health professional or mental health facility, data collector, or employee may disclose mental health information upon the voluntary written authorization of the person or persons who have the power to authorize disclosure.</li> </ol>

	<p><b>Section B: Authorizing the Release of Confidential Information</b></p> <p>This section identifies those individuals who can authorize the disclosure of their protected information to persons or organizations they choose.</p> <ol style="list-style-type: none"> <li>3. A client (current or former) who is 18 years of age or older, or the client representative, shall have the power to authorize disclosure.</li> <li>4. Mental health professional or mental health facility, data collector, or employee may disclose mental health information upon the voluntary written authorization of the person or persons who have the power to authorize disclosure.</li> <li>5.</li> </ol>
	<p><b>Section C: Disclosure of Confidential Information</b></p> <ol style="list-style-type: none"> <li>1. Staff may disclose client information upon the voluntary written authorization of the person or persons who have the power to authorize disclosure (e.g., client, the client's parent or legal guardian). This includes the disclosure of medical and mental health records.</li> <li>2. Confidential information maintained by CFSA may be disclosed, without the consent of the client, for the following purposes: <ol style="list-style-type: none"> <li>a. identification of abuse or neglect or a child who may be at risk</li> <li>b. identifying service needs or resources for the child and family</li> <li>c. securing or providing treatment or direct service for the child or individual identified</li> <li>d. investigating or reviewing child fatalities by representatives of the Child Fatality Review Committee or homicides or suicides by representatives of the Violence Fatality Review Committee</li> <li>e. sharing data, conducting oversight activities, performing research, and coordinating with an agency or service provider to determine an individual's eligibility for treatment, service, benefits, supports, or assistance</li> </ol> </li> <li>3. Staff shall inform clients in a group session (e.g., Psychosocial, Substance Abuse, Medication Counseling, etc.) that they may not disclose or permit the disclosure of information relating to another client to any person except to prevent serious foreseeable, and imminent harm to a client or others.</li> <li>4. All documented information (e.g., identity of the person, diagnosis, and prognosis) furnished by or to the Addiction Prevention and Recovery Administration pursuant to the Choice in Drug Treatment program is confidential information and shall be disclosed only to medical personnel for purposes of diagnosis and treatment.</li> </ol>

	<p>5. If a staff member has any questions about the appropriate use or disclosure of confidential information, they should consult with their supervisor or other appropriate personnel (e.g., CFSA's Office of General Counsel) prior to making the disclosure.</p>
	<p><b>Section D: Protecting Confidential Information</b></p> <ol style="list-style-type: none"> <li>1. Protection of confidential information includes, but is not limited to: personally identifiable information ("PII") ,medical, mental health, substance abuse, child fatality or near fatality, and criminal background information.</li> <li>2. Protection of client PII (e.g., client name, case number, date of birth, social security number etc.) also extends to information that an employee documents in their personal notes (hand written information sometimes referred to as reference notes) which are not considered part of the client's record but may contain identifiable information and must be maintained in a secure manner to avoid unauthorized access. When personal hand written or reference notes are no longer useful, they should be shredded and destroyed. Until then, hand written reference notes shall be kept in a secured location (e.g., desk drawer or program file cabinet) locked and inaccessible to unauthorized individuals.</li> </ol>
	<p><b>Section E: Civil Liabilities and Criminal Penalties for Unauthorized use or Disclosure of Confidential Information</b></p> <ol style="list-style-type: none"> <li>1. An employee who fails to comply with the requirements of this policy shall be subject to progressive disciplinary action, up to and including dismissal, in accordance with <a href="#">Chapter 16 of the District of Columbia Personnel Manual</a> and applicable collective bargaining agreements.</li> <li>2. Penalties for unauthorized use or disclosure of confidential information may result in civil liabilities or criminal penalties.</li> <li>3. <b>Civil Liabilities</b> <ol style="list-style-type: none"> <li>a. Any person, who negligently violates this provision shall be liable in the amount equal to the damages sustained by the client plus the costs of the action and responsible attorney's fee.</li> <li>b. Any person who willfully or intentionally violates this provision shall be liable in damages sustained by the client in the amount of not less than \$1, 000.00 plus the costs of the action and responsible attorney's fee.</li> </ol> </li> <li>4. <b>Criminal Penalties</b> <ol style="list-style-type: none"> <li>a. Any person who willfully violates this provision (client's right to access and right to correct information) shall be guilty of a misdemeanor and find not more than \$1,000.00 or imprisoned for not more than 60 days or both.</li> </ol> </li> </ol>

	<p>b. Any person who knowingly obtains mental health information from a mental health professional, mental health facility, or data collector, under false pretenses or through deception shall be guilty of a misdemeanor and shall be fined not more than \$5,000 or imprisoned for no more than 90 days or both.</p> <p>5. CFSA employees and contractors shall inform clients who feel that their confidentiality has been violated because of employee misconduct can contact the following individuals:</p> <p>a. CFSA HIPAA privacy officer at (202) 442-6153,</p> <p>b. Office of the Ombudsperson for Children at (202) 227-8569 or (202) 227-0255 or by email at <a href="mailto:ombusforchildren@dc.gov">ombusforchildren@dc.gov</a> (for general) or <a href="mailto:ofc.complaints@dc.gov">ofc.complaints@dc.gov</a>,</p> <p>c. the Office of the City Inspector General at (202) 619-1343, or</p> <p>d. 311 (non-emergencies).</p>
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