

HIPAA Privacy Compliance

It is the policy of Bert Nash Community Mental Health Center to protect the privacy of client information and to assure that the disclosure of all such information, whether written, verbal, or electronic (including faxes), is conducted in compliance with all federal and state laws governing confidentiality. All staff members, medical staff, students, interns, volunteers, or other individuals having access to client information have responsibility to protect and preserve confidentiality for all clients. Client information is defined as any written, electronic or verbal information about current or former clients that is personal and private in nature, including his or her existence in treatment.

Center personnel will hold confidential all information obtained about clients related to their assessment, care, and treatment, and shall not divulge it without the client's authorization unless it is allowed by law (refer to Appendix B for K.S.A., 65.5603 Exceptions to Confidentiality). Authorization to release client information constitutes a signed written consent from the client or legal representative to view the clinical record or to obtain copies of the record; signed court order; or meeting the statutory requirement for protection of persons from harm. (see exceptions in KSA 65-5603 attached to Policy on Confidentiality)

Minimum Necessary Rule (HIPAA Privacy Regulation)

- HIPAA and State regulations require the minimum amount of disclosure necessary to meet the purpose of the request
- Conversations about clients should not take place in public areas
- Paper documents should not be left out in the clients view
- The only time we release all records is at the client request or if it is clinically necessary, and it must be documented
- If a client feels their Privacy rights have been violated, they have the right to file a complaint to the Office of Civil Rights. If enough complaints are filed, we will be audited for a compliance review.
- Civil or criminal charges can occur (Fines of \$25,000 for multiple violations within one year; Fines of \$250,000 and imprisonment up to ten years for intentional misuse of patient information)