

Fifth Judicial District  
Department of Correctional Services

Policy Manual

Page 1 of 1

Approved By:

  
Sally Kreamef, Director  
Fifth Judicial District  
Department of Correctional Services

Approval Date: 09/09

Unit: 5<sup>th</sup> Judicial District Substance Abuse  
Treatment Programs

Subject: Confidentiality of Client Records

## POLICY

The 5<sup>th</sup> Judicial District Substance Abuse Treatment Program provides confidentiality of all client substance abuse records and will ensure that information pertaining to the client or client records will be released only by specific written authorization in accordance with the Confidentiality of Alcohol and Drug Abuse Patient Records regulations, 42 CFR Part 2, effective June 9, 1987, which implement federal statutory provisions, 42 U.S.C. 290dd-3, applicable to alcohol abuse client/patient records, and 42 U.S.C. 290ee-3, applicable to drug abuse client/patient records and Chapter 125 of the Iowa Code.

## PROCEDURES

1. The Program will ensure that all staff and clients, as part of their orientation, are made aware of the confidentiality requirements. Documentation of confidentiality orientation will be recorded in the client's file and the employee's personnel file.
2. A written consent for release of confidential information must be signed by the client or former client before information may be released. The consent form will be kept in the client's file and must contain the following information:
  - A. The name of the program which is to make the disclosure
  - B. The name or title of the person or organization to which disclosure is to be made
  - C. The name of the client
  - D. The purpose or need for the disclosure
  - E. The extent or nature of information to be disclosed
  - F. Except when the client is a mandatory criminal justice system referral, a statement that the consent is subject to revocation at any time, date, event or condition upon which it will expire without express revocation
    - 1) Written consent is revocable except to the extent that the action has already been taken.
3. When participation by a client in the Program is made a condition of the release from confinement, the disposition or status of any criminal proceedings against the client, or the execution or suspension of any sentence imposed upon the client, the client may consent to unrestricted communication between any program in which the client is enrolled in fulfillment of a condition and the court granting probation or other post-trial or retrial conditional release, the Board of Parole and/or the Probation or Parole Officer responsible for the client's supervision. This consent shall expire 60 days after it is given or when there is a substantial change in the client's status, whichever is later.
4. If the client gives specific written consent, the content of the record may be disclosed to legal counsel upon written endorsement by the attorney to nongovernmental personnel for the purpose of collecting health insurance claims or other benefits or to a present or potential employer when employment is conditioned upon the status or progress in a treatment program.
5. Disclosure of information for research, management, audit or evaluation purposes must be specifically authorized by the District Director.
6. In a life threatening situation, or when a client's condition or situation precludes the possibility of obtaining written consent, the Program may release pertinent medical information to the medical personnel responsible for the client's care without the client's authorization and without the authorization of the District Director if obtaining authorization would cause an excessive delay in delivering treatment to the client. When information has been released under these conditions, the staff member responsible for the release of information shall inform the client and enter into the client's file all details pertinent to the transaction, which shall at least include the following:
  - A. The date the information was released
  - B. The person to whom the information was released
  - C. The reason the information was released
  - D. The nature and details of the information given
7. When a client commits a crime on program premises, commits a crime against a staff member or threatens to commit a crime on the premises or against a staff member, or there is clear and imminent danger to the life of the client or others, the Program may release information to law enforcement without the client's authorization. The report must be limited to the circumstances of the incident and the client's name, address and last known whereabouts.
8. In cases of suspected child abuse or neglect, the Program may report to the Iowa Department of Human Services – Child Protective Investigations Unit information related to the circumstances of the incident without the client's authorization.

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Nothing more may be provided in a follow up investigation unless the client gives written consent or a valid court order has been provided.

9. All confidentially regulations shall apply even after the client has terminated active involvement in the Program.