

# Big Bend Community Based Care Policy & Procedure

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<b>Series:</b>	1500: Consumer Rights	
<b>Policy Name:</b>	Confidentiality of Consumer Information and Privacy Protection	
<b>Policy Number:</b>	1501	
<b>Origination Date:</b>	2/2/2009	<b>Revised:</b> Board Meeting of 12/13/2018
<b>Regulations:</b>	415.1071, F.S. 456.082, F.S. 39.2021, F.S. 39.202, F.S.	39.202, F.S. 65C-28.004, F.A.C.

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## Policy

It is the policy of Big Bend Community Based Care, Inc. (BBCBC), to protect the confidentiality of information about consumers and assume a protective role regarding the disclosure of confidential information.

## Procedure

- A.** All information regarding past, present and future consumers and/or their relatives is considered to be confidential and is covered by these procedures.
- 1. Need-to-Know Basis.**
- a.** Information is shared among staff, agencies, and foster parents only on a need-to-know basis.
    - i.** Under no circumstances will a staff member share information about past, present and future consumers outside his/her responsibilities and duties as a staff member working on a specific case.
    - ii.** If approached by individuals seeking information outside these parameters, the staff member will decline to offer information.
  - b.** Staff will practice extreme diligence in sharing information only in staff secure areas and will not discuss consumers in any area where members of the public may hear.
  - c.** Volunteers who work with BBCBC and its network providers are also subject to the need-to-know rule.
    - i.** Staff that oversees the work of volunteers will share minimal information with volunteers about specific consumers, sharing information only to the extent that it impacts the scope of the volunteer's work with the consumer.
    - ii.** Volunteers are required to sign a confidentiality statement.
  - d.** Staff will continue to caution Foster Parents to share only need-to-know information with other Foster Parents.
  - e.** All BBCBC staff, providers, volunteers, and caregivers will receive appropriate training on confidentiality and ethical standards.

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- f. Consumer records may be reviewed by designated BBCBC staff and by individuals specified within Florida Statute (F.S.), as directed and approved, when related to quality improvement activities.

**B. Access to records.** All requests must be made in writing and dated. Some of these requests may come in the form of a subpoena or summons and may require a special review by our legal team. As such, all records requests must be addressed to the attention of the Chief Operating Officer (COO). Within thirty (30) days of receipt BBCBC will provide a response to the records request. This policy pertains to records requests at BBCBC as well as our Child Welfare subcontractors.

**C. General Requirements for Release of Information.**

1. Information in case records generated as a result of child abuse and neglect investigations is confidential and may be released only under specific circumstances outlined in the referenced Florida Statutes.
2. Any information requested that pertains to the finalized adoption of a child or a child's sibling will be processed through DCF as required by Section 63.162, F.S., and 65C-16.016, F.A.C. These requests usually require a court order.
3. If a case record contains medical, psychological, or psychiatric reports, school records, or information about consumers received from domestic violence centers that BBCBC has obtained through consent of the subject, the information will not be released without written authorization of that subject. The person requesting access to the record should not be told of the existence of any such report and referred to the generating source. These reports are confidential and are not ours to share without the consent of the subject.

**D. Special Requirements Related to HIV/AIDS Records.**

1. Case narrative will not contain any reference to the child's HIV infection or AIDS.
2. BBCBC and subcontract providers will disclose the medical condition of an HIV/AIDS positive child to adopting or substitute care parents prior to the decision to adopt or accept the child into the substitute care home, but will not disclose the name of the child. Only after the parents have made the commitment to adopt or accept the child into the home will the name of the child be provided.
3. The substitute care parents will be provided with written documentation of the complete medical history and condition of a child placed in their care, including HIV/AIDS status. This documentation will be maintained by the substitute care parents and held as confidential information with access strictly limited to the child's physician(s) and other providers of medical and dental care when treatment is required.
4. Medical documentation needed for school enrollment, daycare or similar purpose will be provided separately by the physician and may not contain any reference to the child's HIV/AIDS status.
5. With the exception of the child's medical records provided to substitute care parents (and to the child's natural parents or other legal guardian), case material which discloses that the child has HIV infection or AIDS will be kept within the file in a "Confidential Information" envelope used to safeguard sensitive case information.
6. The child's case records will not be segregated or flagged in any way which would permit their identification as case records of HIV-infected children.

**E. Entities with Allowable Access.**

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1. Employees or agents of BBCBC, DCF, and investigation agencies responsible for child investigations, adult investigations, ongoing child or adult protective services, or licensure or approval of adoptive homes, foster homes, or other homes used to provide for the care and welfare of children (NOTE: Licensing files are public record; therefore, any abuse or neglect records will be kept segregated to avoid inadvertent disclosure).
2. Employees or agents of the Department of Juvenile Justice who are responsible for provision of service to the child.
3. State attorney of the judicial circuit in which the child resides or in which the alleged abuse or neglect occurred (access includes name of reporter).
4. Court access shall be limited to inspection *in camera*, unless the court determines that public disclosure of the information is necessary for the resolution of an issue then pending before the court.
5. Any additional persons or entities authorized by subsection 39.202(2)(i), F.S.
6. Employees or agents of a counterpart social services agency in another state, if related to case specific activity.