

### 2.3 CLIENT CONFIDENTIALITY

**Policy:** Title X clinics must provide and maintain confidentiality for clients and their medical records. Confidentiality protects the client's right to privacy and protects the client's clinical records from loss, alteration, unauthorized use, or damage.

**Procedure:**

1. Title X clinics must have a written policy regarding release of client information when not requested by the client. This policy should consider:
  - a. The requesting individual's or agency's involvement with the client's clinical care
  - b. The Montana Uniform Health Care Information Act (*Title 50.16.5*)
  - c. The Health Insurance Portability and Accountability Act (HIPAA) (see MT TX FP Administrative Manual, Policy 2.11, *HIPAA Compliance*)
  - d. Clinic personnel authorized to release information
2. All Title X clinics must assure client confidentiality and provide safeguards for clients against the invasion of personal privacy.
3. Title X clinic staff must be aware that no staff may discuss any client outside the clinic or with anyone other than appropriate staff members within the clinic.
4. All Title X clinic staff must sign a confidentiality statement upon employment or when working as a volunteer in the clinic and renew the confidentiality statement annually (see MT TX FP Administrative Manual, Sample 9.11, *Sample Orientation Checklist and Acknowledgement Statement*).
5. All information obtained about a client by the Title X family planning staff shall be considered privileged communications.
6. Client information shall be held confidential and shall not be divulged without the client's written consent except as is required by law or may be necessary to provide services to the client with appropriate safeguards for confidentiality.
7. Information may be disclosed in summary, statistical or other form which does not identify particular individuals.
8. Medical records must be readily accessible and available upon request by the client. Medical records must be released upon receipt of a release of records request signed by the client. When information is requested, clinics should only release the specific information requested.
9. HIV information should be handled according to state law (*MCA 50-16-1009*).

***50-16-1009. Confidentiality of records -- notification of contacts -- penalty for unlawful disclosure.***

*(1) A person may not disclose or be compelled to disclose the identity of a subject of an HIV diagnostic test or the results of a test in a manner that permits identification of the subject of the test, except to the extent allowed under the Uniform Health Care Information Act, Title 50, chapter 16, part 5, the Government Health Care Information Act, Title 50, chapter 16, part 6, or applicable federal law.*

*(2) If a health care provider informs the subject of an HIV diagnostic test that the results are positive, the provider shall encourage the subject to notify persons who are potential contacts. If the subject is unable or unwilling to notify all contacts, the health care provider may ask the subject to disclose voluntarily the identities of the contacts and to authorize notification of those contacts by a health care provider. A notification may state only that the contact may have been exposed to HIV and may not include the time or place of possible exposure or the identity of the subject of the test.*

*(3) A person who discloses or compels another to disclose confidential health care information in violation of this section is guilty of a misdemeanor punishable by a fine of \$1,000 or imprisonment for 1 year, or both.*

10. Upon request, clients transferring to other providers must be provided with a copy or summary of their record.
11. All Title X clinic staff must be oriented about the importance of confidentiality.
12. The WMHS must be contacted when a request for confidential information is made and objections are raised against the program's use of the policy on confidentiality.
13. All Title X clinics must immediately report to WMHS any breach of confidential information in accordance with the MT TX FP Administrative Manual, Policy 2.11 *HIPAA Compliance*.