

## CONFIDENTIALITY AGREEMENT

Equitas Health (Equitas Health) recognizes that one of the most sensitive aspects of providing healthcare to individuals is the matter of confidentiality. Security of any potentially sensitive information is of the utmost importance for all persons associated with Equitas Health. Our reputation in the community is based on trust. And to maintain that sense of trust, we assure all patients, clients, volunteers, donors, and others required and requested confidentiality.

At Equitas Health, maintaining the confidentiality of all sensitive information regarding Equitas Health patients and clients (collectively, “**Equitas Health Clientele**”) is of the utmost importance. Equitas Health, and its employees, board of trustees, agents, and volunteers are obligated under federal and state law to protect certain Confidential Information. Therefore, the Equitas Health’s Board of Trustees has adopted the following Policy on Confidentiality and Security, which applies to the board of trustees, staff, interns, externs, agents, contractors, and volunteers of Equitas Health, as well as auditors, funders, and accreditors performing any form of oversight (collectively, “**Equitas Health Personnel**”).

For purposes of this policy, “Confidential Information” is defined as any medical or personal information maintained by Equitas Health, including past, present, and future physical or mental health and/or substance abuse conditions and/or treatments, demographic information, registration records, family records, test results, alcohol and substance abuse records, conversations, research records, volunteer information, donor information, and financial information in any medium, whether oral, written, or electronic regarding employee or clients. “Confidential Information” does not include information relating to employees’ terms and conditions of employment.

The principle of confidentiality must be maintained in all programs, departments, functions, and activities. Adherence to the confidentiality policy and principles includes the following:

### CLIENT CONFIDENTIALITY

- Access to client files, including medical and pharmaceutical records is granted only to the clinical staff, regional Program Managers, Program Director, Chief Operating Officer, and Chief Executive Officer or others approved by the Chief Executive Officer as necessary to conduct the business of the agency. Access to specific client information is granted to compliance, legal, information/technology, and finance staff with supervision from the Client Services Director, the Client Services Department, Chief Operating Officer, or the Chief Executive Officer to conduct the business of the agency.
- Staff, volunteers, and contractors will not discuss any individual’s record with unauthorized individuals, whether on or off duty. All staff members, volunteers and contractors are required to sign a confidentiality acknowledgment stating their responsibility and commitment regarding client information.
- Equitas Health Personnel must abide by Equitas Health’s HIPAA Policies & Procedures.



- Equitas Health Personnel may not share Confidential Information about Equitas Health Clientele with anyone other than those persons directly involved with the care of that individual and such other persons deemed by an Officer or a Director of the agency to have a need to know the Confidential Information.
- Equitas Health Personnel must not discuss general information concerning the agency's relationship with Equitas Health Clientele, including services offered or donations provided. For instance, Equitas Health Personnel cannot say such things as, "I can't tell you his name, but . . ." or omit saying something that would identify Equitas Health Personnel to a third party. Omitting the names of the party(ies) involved does not ensure confidentiality.
- No information about individuals or records will be released to state, federal, or other agencies that enable the identification of any person by name, address, social security number, or other coding procedures absent presentation of a valid subpoena, court order, specific legislative or administrative authorization for such disclosure, or to prevent clear and immediate danger to person or persons.
- We may disclose health information to a health oversight agency for audits, investigations, inspections, or licensing purposes. These disclosures may be necessary for certain state and federal agencies to monitor the health care system, government programs, and compliance with civil rights laws.
- We may disclose health information for public health reasons in order to prevent or control disease, injury or disability; or report births, deaths, suspected abuse or neglect, non-accidental physical injuries, reactions to medications, or problems with products.
- Equitas Health can disclose medical status for treatment, payment, and healthcare operations.
- If our staff, volunteers, or contractors are presented with a subpoena or a claim of entitlement to confidential information, the Chief Operating Officer or Chief Executive Officer will consult legal counsel before disclosure is made.
- If records are inspected by an outside agency, the individual(s) who inspect the records must be specifically authorized to do so by the Chief Operating Officer or Chief Executive Officer. The taking of notes, copying records, or removal of records is specifically prohibited in such cases without a valid subpoena, court order, specific legislative or administrative authorization for such disclosure, or to prevent clear and immediate danger to person or persons.
- Equitas Health personnel should never confirm to another person, without prior authorization from the Client Services Director or program coordinators, that an individual has been in contact with Equitas Health. This includes the fact that an individual is or is not served by our organization.

- Equitas Health Personnel must confirm that Equitas Health is not restricted from contacting any patient by telephone, email, fax, or other, or restricted from leaving telephone messages. All employees will ensure the patient is who they say they are by using a “two-step patient identifier rule”. Each patient will be asked at every encounter for their name and date of birth. When leaving a telephone message (either on a machine or with another person), Equitas Health Personnel should not identify themselves as calling from Equitas Health without the client’s permission to do so. Instead, the Equitas Health Personnel should simply leave his or her name and telephone number.
- To ensure patient/client privacy, Equitas Health Personnel must use a two-step verification when calling patients/clients to ensure the individual answering the phone is in fact the intended recipient. Equitas Health Personnel should confirm the first name of the recipient and confirm the birthdate, last four digits of the individual’s Social Security Number, or some other comparable unique number of the patient/client.
- Equitas Health staff often discuss Confidential Information on the telephone. As a result, all Equitas Health Personnel and others may have only limited access to work areas where Confidential Information is being discussed, for instance, the Medical Center, the Client Services Department areas, and/or the Pharmacy work areas. In this way, staff can feel free to conduct the business of the agency without concern for breaching confidence. Equitas Health Personnel providing tours of the facility must not include the patient/client areas as part of a tour for this reason unless given consent by an Officer or Director.
- Unless otherwise approved by a supervisor, client files and protected health information in paper form should never be taken out of the Equitas Health office where the file is maintained.
- See IT policy regarding confidentiality policy for electronic files.
- All professional/client records will be disposed of in ways that maintain confidentiality.
- Upon termination of employment with Equitas Health, the employee shall maintain client and patient confidentiality.
- Equitas Health Personnel shall obtain a signed release before disclosing Confidential Information. Equitas Health Personnel must obtain a Release of Information when appropriate if disclosure of Confidential Information is deemed to contain protected health information (“PHI”) as defined in Equitas Health’s HIPAA Policies & Procedures. If the disclosure does not involve PHI and not regulated under HIPAA or Equitas Health’s HIPAA Policies & Procedures, Equitas Health Personnel must nonetheless obtain written consent to disclose the information. The following circumstances are some examples of when Equitas Health may not require a signed release:
  - **Emergencies** - When an individual’s condition represents an immediate threat to the safety of self or others, Confidential Information may be disclosed which would assist in preventing the danger.

- **Reporting abuse** - The duty to report abuse, including abuse of children, elderly persons and adults with mental retardation or developmental disabilities, supersedes any requirements to protect Confidentiality Information.
- **Reporting a felony** - Persons who know that a felony has been or is being committed may report such activity to law enforcement. Exceptions include disclosures made during treatment for drug and alcohol abuse, during counseling for victims of sex crimes, and disclosures subject to “privilege” (determined in court proceedings for certain licensed professionals).
- **Duty to warn or to prevent injury to third parties** - Persons have a duty to warn others threatened by a client under the following circumstances:
  - a. there must be a reasonable basis to believe that injury will occur,
  - b. the threatened injury must be serious and directed to another person, not property,
  - c. the victim must be identified or reasonably identifiable,
  - d. and the victim must be unaware of the threat.

### DONOR CONFIDENTIALITY

- Equitas Health Personnel may only grant access to donor records to assigned clerical staff, any Officer or Director and their designee(s) as needed to conduct the business of the agency.
- Questions regarding donor information should only be directed to the Chief Advancement Officer.
- Equitas Health Personnel may share or release donor lists and/or donor information to any other individual or organization, including in newsletters or other public forums, unless the donor asks to remain anonymous or excluded from certain lists or newsletters.
- Donor confidentiality does not extend to grant funders and other organizational bodies who contribute grant money to Equitas Health.

### VOLUNTEER CONFIDENTIALITY

- Equitas Health Personnel may share volunteer lists - internally or externally - unless the volunteer asks to remain anonymous. And if so, Equitas Health will take steps to ensure that the volunteer is not listed on any print or electronic materials. \*See the Equitas Health’s Notice of Privacy Practices

*I have read the foregoing Confidentiality Agreement as it applies to me and I agree to abide by it. I understand that if I should be found to be in breach of this policy my relationship with Equitas Health may be terminated, and additional action may be taken, as required and allowed by law. This agreement will survive the termination of my official relationship, employment, or contract with Equitas Health.*

Print Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Role/ Relationship: \_\_\_\_\_ Date: \_\_\_\_\_

Staff/Witness Print Name: \_\_\_\_\_ Staff/ Witness Signature: \_\_\_\_\_

Date: \_\_\_\_\_