



POLICY AND PROCEDURE MANUAL

Chapter:	Rights Protection		
Title:	Release of Confidential Information		
Policy: <input type="checkbox"/>	Review Cycle: Triennially	Adopted Date: 5.2023	Related Policies: Confidentiality & Privacy Rights & Responsibilities Record Retention Consent to Treatment and Services
Procedure: <input checked="" type="checkbox"/>	Author: CEO/Designee	Review Date: 5.2023	

Purpose:

This procedure supports compliance with Hopeful Horizons’ (HHs’) policy on confidentiality and privacy and related laws that protect client confidential and protected health information (PHI). The procedure details the steps required to obtain, document and retain informed consent to release confidential client information.

Scope:

This policy applies to

- All HH Staff Selected HH Staff, as specified:
- HH Board Members HH Volunteers/Interns
- Other: Contract Direct Service Providers

Procedure:

HHs’ employees, volunteers/interns and contract direct service providers may disclose personally identifying information or individual information if the service participant gives them explicit, informed, written, reasonably time-limited consent to do so. Service participants must be clearly advised of the possible consequences of any release of confidential information by HHs’. Information shall be released in accordance with HHs’ approved procedure and documented on the organization’s approved form. Care and service may not be restricted due to a client’s refusal to release protected information.

- A. At the start of service, HHs’ shall review clients’ rights and responsibilities for treatment and the Notice of Privacy Practices with the service participant. A sign affirmative attestation for both documents shall be retained in the client’s record.
- B. Before service participants authorize the release or disclosure of their information by a HHs employee, the service participant should review the information to be released and evaluate the benefits and drawbacks of releasing that information. The HHs employee will ensure that the service participant is informed of the scope of the information to be disclosed, the purpose for which the information is to be released, the duration for which the release is valid, and the ramifications of disclosure, including whether a partial disclosure of information might legally require full disclosure of all confidential information.
- C. Releases must be in writing, signed, and dated in ink by the individual authorizing release. The written release must:
 - Be specific as to the information being released;
 - Include the purpose for the information being released;
 - Designate the individual or agency the information is going to; and
 - Specify a time limit for the release (which typically should not exceed 30 days).

- D. If needed, a release can be extended if the employee reaffirms, in writing, with the service participant that the release is still valid.
- E. Whenever possible, HH should witness the service participant's signing of the release. The release form shall state that it is revocable at any time by the service participant. After the release is signed, written authorizations will be placed in the service participant's file.
1. If the service participant gives informed, written, reasonably time-limited consent for release of confidential information, the designated staff person shall release the specific, limited information per the survivor's request. Under no circumstances should a staff person release more information than authorized by the survivor in the limited release.
 2. If a survivor indicates that they are interested in signing a broad release to share a large amount of information (for example, their entire case file), staff should exercise care to ensure that the participant fully understands the implications of this release. In addition, staff should try to ensure that the survivor has not been coerced into signing a release. A release of this nature shall be reviewed by a supervisor and/or program director before any information is disclosed. In the absence of a supervisor and/or program director, the Chief Executive Officer (CEO) shall review the consent for release and related documents before any information is disclosed.
 3. If a service participant verbally revokes an authorization to release information or records, staff should attempt to get that revocation in writing. However, even without written revocation, staff must honor the verbal revocation immediately and not release any information. This information must be noted on each release that is revoked and include the date and time of the revocation.
 4. Generally, in cases involving unemancipated minors, the minor's non-abusive parent or legal guardian must sign the release as well as the minor. In some instances, there is an appropriate interest in and legal justification for keeping a minor's treatment/service information from their parent and to exclude the parent from decisions regarding information disclosure:
 - a. The minor meets criteria under South Carolina law and can consent to treatment without parental approval/knowledge.
SC Code of Laws, 63.5.340-350: Minors 16 years or older can consent to any health care services that do not require an operation inclusive of mental health counseling. Minors under 16 can consent to health services of any kind when, in the judgment of a person authorized by law to render a particular health service, such services are deemed necessary.
 - b. The parent/guardian has consented to a confidential relationship between their child and the service provider.
 - c. The service provider reasonably believes a minor is, or may be, subject to abuse, domestic violence, or neglect.
 - d. If the child's treatment /service is under the direction of a court or court-appointed individual.
 5. If a service participant has been legally adjudicated as unable to sign legal documents and a legal guardian has been court appointed, then the guardian has the right to consent to disclosure of confidential information maintained by HH. The legal guardian must provide

a certified copy of their order of appointment. The service participant shall still be advised that disclosure is anticipated.

6. Blank release forms or release of information forms created by another agency, even if signed by the service participant, are not effective to release confidential information from HH.
7. Information released by email or facsimile shall include the following statement: "This transmission may contain identifying information that is protected from disclosure by applicable federal and/or state law. This communication is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copy of this communication is strictly prohibited and may subject the violator to civil and/or criminal penalties. If you have received this communication in error, please notify us immediately and destroy all copies of this message and its attachments."
8. The consent to release information and documentation of information released shall be maintained in the client's record.

Communication and Training:

HHs' staff receive initial orientation inclusive of the organization's policy and procedures regarding privacy and confidentiality. As policies and procedures are reviewed and updated, staff shall receive information about related changes. Staff shall receive routine annual training on policies and procedures related to confidentiality and privacy of client information.

Definitions:

1. Confidentiality: is defined as the assurance that the access to information regarding a client's HHs' services shall be strictly controlled and that any violation is not only a breach of faith but has the potential to threaten the safety and life of the client and their children. Breach of confidentiality in the context of HHs' services is a potential violation of federal law and may compromise the organization's funding.
2. Confidential Information: includes any written or spoken information shared in confidence between a service participant and a counselor/advocate in the course of that relationship, which includes any information that might identify the location or identity of someone who has sought services. Confidential communication includes all information received by the service participant and any advice, report, or working paper given or made by the counselor/advocate. Any and all knowledge, advice, records, logs, client and organizational records, or working papers (including electronically maintained records relating to a service participant) are confidential and are not to be shared with a third party. Communications are confidential even if the service participant shares the information with third parties, who are working to further the interest of the service participant, in the presence of the counselor/advocate. Confidential documents received from other agencies (for which a service participant had to execute a written release) are confidential and part of the scope of confidential communications.
3. Informed Consent: means providing all relevant information about the nature and consequences of signing a release of information. This includes advising the client to consider how the information may be used once released from HHs' services and the possibility of the abuser obtaining the information.

4. Service Participant: is any person, including any adult, youth, child, or family who contacts HH or receives any services from HH, whether those services are received by telephone, fax, electronically, or in person and whether those services are sought for themselves or for someone else.
5. Staff Person: for the purposes of this procedure a staff person is an employee, volunteer/intern or contractor providing direct services to HH clients.

Other Related Materials:

Release of Confidential Information – Procedure
 Client Rights and Responsibilities – Adult Version
 Client Rights and Responsibilities – Child Version
 Consent to Release Confidential Information – Adult Version
 Consent to Release Confidential Information – Child Version
 Facsimile Transmittal Sheet

References/Legal Authority:

[The Violence Against Women Act Reauthorization Act of 2022, Federal Register, January 2023](#)
[Family Prevention and Services Program](#)
[Health Insurance Portability and Accountability Act of 1996](#)
[Minor’s Consent to Health Services, SC Code of Laws, Section 63.5.340-350](#)
[Victims of Crime Act](#)

Change Log:

Date of Change	Description of Change	Responsible Party
4.2023	Updated to the new procedure template. Clarified procedures for obtaining consent to release information including document storage and retention.	N. Miller