

Morgan Support Services
Clinical Confidentiality: What you Need to Know

State and federal laws protect the confidentiality of information regarding the people we support. That information can only be released with explicit permission of the legally responsible person. Confidential information is defined in North Carolina General Statute 122C-3 as including but not being limited to

- Clinical records, either paper or electronic
- Personnel files, either paper or electronic
- Verbal information relating to the people supported

Also:

- **Photographs**
- **Videotapes**
- **Audiotapes**

If you follow the policies and procedures that the agency has put in place regarding how you are to treat the information you read and hear about while working for us, you won't have to worry about being in violation of the laws regarding confidentiality. Keep in mind that these policies and procedures include everything you hear, see, or read about the people we support. That includes folks' names and the fact that they are receiving services through us.

The agency has specific procedures regarding what you are to do with written documents. You can't leave things lying around the facility because not everyone who is walking through the building has permission to read what is written on those documents. You can't take paperwork with you in your car or any time you leave the building. You must return all paperwork to the places you've been instructed to keep it when not in use.

The agency has specific procedures regarding what you are to do with your access to electronic documents. **You can't share your login or password information with anyone, including anyone who works for the agency.** You can't have the information pulled up on a screen where it can be seen by anyone other than yourself unless it is to have an authorized supervisor assist you with technical issues. **You are not allowed to access any electronic documents or clinical information of any kind unless you are officially on the clock working for the agency at the time. For most employees, that means you can't access any electronic documents or clinical information from home or any time other than around 9:00am to 3:00pm Monday through Friday, or a little earlier or later if you clock in earlier or clock out later.**

You can't discuss folks we support with people who don't work for our agency. That includes your family and friends, and it also includes other people who also may know the folks we support. Confidentiality applies to anything you see or that you might overhear while you are working, not just the information about the person or people with whom you are assigned to work.

The confidentiality that applies to information about the people we support is the same confidentiality that applies to your own personal medical records. How would you feel if you knew that the receptionist at your doctor's office was reading your file and talking about your medical records on the phone with her friends? What if your doctor mentioned at a family gathering that you were his patient and talked about the results of your latest medical examination with everyone at the table? You expect for people who know personal things about you to keep that information confidential, and the people we support have that same right to expect confidentiality.

If you are asked a question and you don't know whether you are allowed to answer, refer the person who is asking the question to a member of MSS management. If you have any questions about with whom you can discuss what information, ask your Administrative or Clinical Supervisor.

These guidelines apply to photographs and social media. Each person we support has the right to say whether we are allowed to take pictures and how we can use those pictures. If the legally responsible person has stated that no pictures are to be taken, you can get in trouble for having a picture of that person on your phone or posting a picture of that person on social media. In addition to exposing the agency to risk, you can be held personally responsible for the breach of confidentiality.

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It isn't just a matter of respect – it's a matter of law. Failure to comply with confidentiality guidelines is a Class 3 misdemeanor. Staff members who violate confidentiality rules may be subject to a fine of up to \$500. You will be subject to disciplinary action, suspension, and possible termination.

How can you find out whether you're allowed to take pictures or videos of someone you support? You can check the person's PVA status in Therap at any time to check on the current status. If there are only NO and/or MAYBE entries across the board for a person, that means you are not allowed to take any pictures or videos of the person. If there is a YES anywhere across the board, you can take photos, video, and/or audio (depends on the category where the YES is) but you can only use them for the purposes indicated by YES. If there is a MAYBE, you can ask a Leadership Team Member to seek written permission from the LRP to use the photo, video, and/or audio for the that purpose.

If a person has NO entries in any categories where the person expresses a desire for there to be a YES, you can talk to a Leadership Team Member about the possibility of advocating for the person with his/her LRP to allow a MAYBE or even a YES to be put in that category. Unless or until that permission level changes, however, you must abide by the wishes of the LRP.

To acknowledge this training, follow this link:

<http://mssconfidential.online/confidentialityagreement>