

## Confidentiality Form

### Summary of State (43A O.S. 3-422 & 3-423) Confidentiality Rules

Client records and clinical information are confidential and are protected under the provisions of 43A O.S. paragraphs 3-422 and 3-423; and of (U.S.) 42 CFR Part 2. For clients that have not been referred by the criminal justice system, the policies and procedures of Street School, Inc. shall include, but not be limited to:

1. Medical records and all communications between client and doctor or psychotherapist are privileged and confidential; with such information limited to persons/agencies actively engaged in treatment of the client or related administrative tasks.
2. Privileged/confidential information shall not be released to any person or entity not involved in the client's treatment without the written, informed consent of the client, or his/her guardian, or parent of a minor child.
3. Identifying information may be released without the consent required above when:
  - A. It is required to fulfill any statutory required for reporting of child abuse (10 O.S. par 7005(1.7) and abuse of elderly or incapacitated adults (43A O.S. par. 10-104);or
  - B. As provided by 10 O.S. par. 7005 (1.1) through 7005 (1.3);or
  - C. On the order of a court of competent jurisdiction; or
  - D. Holders of contracts with ODMHSAS having signed a qualified service agreement (43A O.S. par. 1-109 (A) (2), as provided by said contract. These facilities shall have policy and procedures to permit transmittal of records and information regarding the care and treatment of a specific client as necessary and appropriate between them and/or the ODMHSAS, and/or another contracted holder of a qualified service agreement.
4. Restricting personal access of present or former clients to their records in a manner conforming to 43A O.S. par. 1-109 (B)
5. With the consent of the client, providing information to responsible family members as provided and limited in 43A O.S. par 1-109 (C) (1-5).
6. The reviews of records by state or federal accrediting, certifying, or funding agencies may occur to verify services and/or facility compliance with states and/or regulations.

### Summary of Federal Confidentiality Rules (42 CFR Part 2)

The confidentiality of alcohol and drug abuse client records maintained by this program is protected by Federal law and regulations. Generally, the program may not say to a person outside program that a client attends the program, or disclose any information identifying a client as an alcohol or drug abuser, **Unless:**

1. The client consents in writing
2. The disclosure is allowed by a court order
3. The disclosure is made to medical personnel in a medical emergency or to qualified personnel for research, audit, or program evaluation, or
4. The client has agreed, through the Street School media release form, to speak, be interviewed, or to have his/her picture published for fundraising or community outreach efforts.

Violation of the Federal law and regulations by a program is a crime. Suspected violations may be reported to appropriate authorities in accordance with Federal regulations.

Federal law and regulations do not protect any information about a crime committed by a client either at the program or against any person who works for the program or about any threat to commit such a crime.

Federal laws and regulations do not protect any information about suspected child abuse or neglect from being reported under state law to appropriate state or local authorities.