

SPECIAL PROGRAMS FOR YOUTH	Policy Number: 1.1407
Policy Title: Confidentiality	Written: 3/15/2013
Corresponds to: Title 15, Article 8, Section 1407	Revised: 12/21/18

I. POLICY

- A. SPY shall comply with all applicable confidentiality laws as outlined in keeping with the San Francisco Department of Public Health Community Oriented Primary Care (COPC) policies. These policies include:
 - i. COPC Policy No. 13.10 "Health Information Services: Confidentiality, Security, and Release of Protected Health Information";
 - ii. COPC Policy No. 13.11 "Medical Record Documentation";
 - iii. COPC Policy No. 3.03 "Shadow Charts";
 - iv. COPC Policy No. 8.05 "HIPAA Privacy Policy".
- B. Juvenile Probation Department staff will share information in the youth's case file with SPY when relevant. The nature and extent of information shared shall be appropriate to treatment planning, program needs, protection of the youth or others, management of the facility, maintenance of security, and preservation of safety and order.
- C. SPY will share protected health information (PHI) only as outlined in the relevant COPC policies. These policies permit sharing PHI with JPD staff as required to coordinate care for youth.
- D. Medical and mental health services shall be conducted in a private manner such that information can be communicated confidentially.

II. PROCEDURES

- A. The health record shall be maintained separately from records concerned with the custodial care and supervision of the youth (e.g., detention and probation records)
- B. All health records shall be confidential and secure, and shall be safeguarded against loss, defacement, tampering and use by unauthorized persons.
- C. No health records are to be removed out of the SPY clinics/offices except for transfers except under special approved circumstances such as a specifically worded subpoena which requests the original record.
- D. Unauthorized persons are not to enter the health records area. The area should be secured when no supervision is available. Orientation should review Department policies regarding use and disclosure of Protected Health Information, as outlined in COPC Policy No. 8.5 "HIPAA Privacy Policy".
- E. An annual review of HIPAA policies is required for all staff members, and a confidentiality statement is signed as part of a new employee orientation. Additional confidentiality forms are signed for access to electronic PHI
- F. Breach of confidentiality concerning clients/patients may lead to proceedings for termination of employment or volunteer service and may jeopardize the license of the professional employee.
- G. All information gained through evaluation and treatment shall remain confidential,






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except in the case where the detainee is exhibiting the following:

- i. Suicidal ideation
- ii. Homicidal ideation
- iii. Grave disability
- iv. Threatening to harm or kill an identified third party as required under the Tarasoff Ruling to suitably protect potential victims.
- v. Court Order, subpoena or search warrant.
- vi. Information required by statute.
- vii. Vital statistics
- viii. Diseases and conditions classified as reportable (e.g., specific infectious diseases and conditions characterized by lapses of consciousness).
- ix. Wounds inflicted by deadly weapons and injuries inflicted upon any person in violation of penal law
- x. Suspected child abuse and knowledge of abuse of elderly or disabled
- xi. Coroner's request
- xii. For purposes of research or audits following SFDPH policies and procedures and in compliance with HIPAA statutes.

H. Communication between medical and behavioral health staff and youth which may include PHI will be conducted in locations where privacy from other youth and non-SPY staff can be maintained, with the exception of situations such as medical emergencies where seeking privacy could negatively impact patient health.

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Policy# 1407	Approved by:
Review date:	 <p>Digitally signed by Mona Tahsini Date: 2020.02.05 15:22:16 -08'00'</p> <p>Mona Tahsini, MFT Director, SPY</p>  <p>Helena Chan 2020.02.05 15:57:16 -08'00'</p> <p>Helena Chan, MD Behavioral Health Medical Director, SPY</p>  <p>Digitally signed by Debi Hines Date: 2020.02.26 11:28:00 -08'00'</p> <p>Debi Hines, RN Nurse Manager, SPY</p>  <p>Digitally signed by Luis Recinos Date: 2020.05.11 11:22:15 -07'00'</p> <p>Luis Recinos Director, Juvenile Justice Center</p>  <p>Digitally signed by Katherine Miller Date: 2020.05.27 09:24:19 -07'00'</p> <p>Katherine Miller Chief Probation Officer, Juvenile Probation Department</p>