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| ***Policy Name*** | **Release of Consumer Information** |
| *Revised Date* | June 8, 2022 |
| *Approved by* | Linda L. Carney, President/CEO |
| *Most Recent Reviewed Date* | June 11, 2024 |

**Policy:**  Ensure verbal and written information regarding consumers is released in a manner that protects individual’s right to confidentiality. Information in consumer’s record is not public information. Information shall not be released without individual’s written permission, except as the law permits or requires. CODI shall make reasonable efforts to limit use and disclosure of confidential information.

Unless encrypted, externally emailing Protected Healthcare Information [PHI] and Personally Identifiable Information [PII] is prohibited.

**Procedure:**

1. Information may be released in written or verbal form. Release of information shall occur upon receipt of valid authorization, except as noted in G.1-2. Authorization is determined by presence of each of the following:
   1. Upon admission, person served or legal guardian shall complete, sign, and date Release of Information Form indicating individuals authorized to receive consumer information.
   2. Specific content of information to be released.
   3. Person to whom information is to be released.
   4. Release of Information Form including notification that release of information authorization expires six (6) months from authorization date unless otherwise noted. This form shall be updated semi-annually unless otherwise noted and maintained in the consumer’s case record.
2. Requests for Information:
   1. All requests for release of written information shall be submitted to CODI’s VP of Quality Improvement (VPQI), Taran Winchester. Requests shall be answered within thirty (30) business days from date of receipt. If information cannot be provided within this period, requester shall be informed in writing of reason for delay and anticipated availability date. VPQI shall maintain a log of released information.
   2. Requests for externally generated information incorporated into CODI’s records shall not be honored. Requester shall be advised to seek records from original source.
   3. Request for verbal information shall occur only with a written authorization to release information signed by consumer or guardian.
3. Discretionary Release of Information:
   1. Information contained within individual records may seriously affect an individual’s mental or physical health if disclosed to the individual. Such information may include materials requiring an explanation or interpretation to assist in its acceptance or assimilation to avoid an adverse impact. The following guidelines apply to minimize the risk of a release of information adversely impacting a person served:
      1. VPQI shall notifyDepartment Head, who shall review individual’s file and identify potentially sensitive or harmful information within ten (10) working days of receipt of request.
      2. Should staff determine that access to information could be harmful, access shall be denied. VPQI shall fully document justification for denial. Should this occur, VPQI shall notify individual of reason for denial and the right to appeal decision to President/CEO, who shall make final determination.
   2. Records that are otherwise protected by law, such as individual HIV/AIDS information and individual Drug and Alcohol Use, information shall not be disclosed without a specific authorization to release such information or judicial order.
   3. The following records may only be released upon judicial order:
      1. Materials related to a pending investigation of a critical/unusual incident;
      2. Addresses of community residences licensed by DDD orDMHAS;
      3. Investigations conducted by the Division of Developmental Disabilities and Office of Mental Health Licensing;
      4. Records that are otherwise protected by law; and
      5. Information relating to a pending non-criminal lawsuits other than lawsuits covered by CODI’s insurance carrier.
4. Redacting
   1. Records shall be redacted following N.J.A.C. 10:41-4.3.
   2. When providing records, identifying information regarding individuals other than the person served shall be redacted, including, but not limited to, names, initials, and specific descriptions. DDD MIS identification number may be used to identify other individuals.
   3. Address of community residence or employment location shall be redacted from all records before records are disclosed.
5. President/CEO or designee may seek legal counsel if release of information involves the following:
   1. Request for records to be used in a suit against the organization or non-criminal prosecution of a person served.
   2. Non-criminal subpoenas for records not accompanied by a written consent signed by person served.
   3. Requests for information indicating potential liability.
6. Information may be released without consent to individuals below and under the following conditions. Release shall be documented in consumer’s case record to:
   1. Public health authorities;
   2. A spouse or sexual partner when it is believed information is necessary to protect the health of the spouse or sexual partner;
   3. Recover or collect costs of medical care from third-party health care insurance carriers as required by health plan.
   4. Disability Rights New Jersey, Adult Protective Services in the case of an adult living in their own home to investigate abuse, neglect, or exploitation, the Ombudsperson for the Institutionalized Elderly for individuals over sixty (60) years of age, and Division of Child Protection and Permanency;
   5. Medical Examiner, in conjunction with an investigation of a suspicious death;
   6. Professional review organizations, including CARF, Office of Licensing, auditors, and contract monitors.
   7. Consumer records without a signed consent form may only be released in response to a subpoena issued by an attorney. If person served receives DDD services, immediately contact the Division’s Legal and Administrative Practice Office via fax at (609) 631-2214.
7. The following type of communications do not constitute disclosure of information/records:
   1. To medical personnel who need information to treat a condition that may potentially pose an immediate threat to consumer’s health.
   2. If consumer is missing, or President/CEO or designee is assisting law enforcement in locating a suspect, fugitive, or material witness, information relating to the individual may be released to official agencies. Please refer to CODI’s Missing Persons Policy for further information.
8. Records of deceased individuals:
   1. Release of Information authorization terminates upon death.
9. CODI shall adhere to the following guidelines when releasing information via mail or email:
   1. Indicate a particular office or address where correspondence is to be delivered.
   2. Include name of staff member authorized to open envelope.
   3. Copies of correspondence shall be maintained in consumer record along with release authorization.
   4. Unless encrypted, emailing Protected Healthcare Information [PHI] and Personally Identifiable Information [PII] is prohibited. Computers of Leadership Team can send emails securely and encrypted with HIPAA-compliant Cipher Post Pro genuine end-to-end email encryption. Staff shall contact a Leadership Team member to send an encrypted email when there is a bonafide need to transmit personal identifying information.
10. CODI staff shall make every effort to minimize releasing information via fax. When faxing is the only acceptable option, information shall be transmitted by fax by VPQI.
    1. Fax cover pages for releasing information shall contain the following:
       1. Name and program of person for whom fax is intended.
       2. Name, program, and phone number of person sending fax.
       3. The statement “Confidential Information” in large bold font.
       4. A statement identifying accompanying material as confidential information that reads as follows: “The information contained in this facsimile transmission from Career Opportunity Development, Inc., could be confidential and is intended for the sole use of the person named on the transmittal cover. If you are not the intended recipient, you are hereby notified that any disclosure, distribution, or use of the information contained is strictly prohibited. If you received this information in error, please immediately contact Taran Winchester at Career Opportunity Development, Inc. at (609) 965-6871 to arrange for the return of this information.”
    2. In situations where information is not being regularly faxed to a known organization or individual, a phone call shall be made by the senderto person receiving fax to verify fax number. A follow-up call shall also be made to verify receipt of fax.
    3. Fax number lists shall be kept current to assure accuracy. E.g., Residential Manager shall monitor fax machines in group homes.
    4. The sender of each fax shall check transmission record to detect possible transmission errors and retain for confirmation purposes for ninety (90) days.
11. In response to requests to confirm whether or not an individual receives CODI services, staff shall respond: “I can neither confirm nor deny the individual in question is receiving services or has ever received services without written authorization from said individual.”
12. CODI staff who knowingly or willfully violates provisions of this policy shall be subject to disciplinary action, which may result in termination of employment.