

# CONFIDENTIALITY SUBSTANCE ABUSE TREATMENT SERVICES

<b>DIVISION OF CHILD AND FAMILY SERVICES Juvenile Justice Services STATEWIDE POLICY</b>	
<b>SUBJECT:</b>	Confidentiality Substance Use Disorder (SUD) Treatment Services
<b>POLICY NUMBER</b>	DCFS/JJS 400.81
<b>EFFECTIVE DATE:</b>	June 10, 2024
<b>APPROVED BY:</b>	Sharon Anderson, Deputy Administrator – Juvenile Justice Services
<b>DATE:</b>	May 22, 2024
<b>REVIEWED BY:</b>	Lori Kearse, MS, MFT-I, CADCS, Christine S. Moninghoff, D.B.H., Licensed Psychologist 2
<b>SUPERSEDES:</b>	None
<b>REFERENCES:</b>	NRS 62H.025 (3.b), NRS 432B. 280 (2), NRS 432B.220, 45 C.F.R. Part 2, 160, 162, 164, American Correctional Association (ACA): 4-JCF-4C-31 U.S. Department of Health and Human Services; Federal Regulations: 42 CFR Part 2 21 <sup>st</sup> Century Cures Act (Public Law No. 114-255)
<b>ATTACHMENTS:</b>	Attachment A: Release of Information (ROI)

## I. POLICY

It is the policy of Division of Child and Family Services Juvenile Justice Services (DCFS/JJ) that all information and records are not disclosed or released to any unauthorized person or third-party agency without the appropriate consent. It is the ethical responsibility of the staff to protect the confidential information of every youth that is receiving Substance Use Disorder (SUD) treatment in one of our state operated facilities or has received treatment. DCFS/JJ enforces the HIPPA Privacy Rule (NRS 62H.025 (3.b) (45 C.F.R. Part 2, 160, 162, 164), that requires certain entities to protect the privacy and security of health information.

## II. PROCEDURES:

Each facility shall develop a Standard Operating Procedure (SOP) for this policy.

## III. DEFINITIONS

- A. **Confidentiality:** A set of standards used by the agency of DCFS/JJ and staff to ensure that private information about the youth and family is not shared to any unauthorized person(s).
- B. **Consent to release information (ROI):** A person authorizes the release of certain information to a third party.

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- C. Child and Family Team: A family-driven, youth centered collaborative service team, focused on the strengths, and needs of the family.
- D. Information Blocking exceptions: Section 4004 of the 21st Century Cures Act defines practices that constitute information blocking and authorizes the Secretary of Health and Human Services (HHS) to identify reasonable and necessary activities that do not constitute information blocking referred to as “exceptions.”
- E. Qualified Service Organization or Individual: Provides services to a juvenile justice program such as laboratory analyses, legal, medical, auditors, and evaluators or provides professional social services, individual or group therapy and has entered into a written agreement with DCFS/JJS.

## IV. DISCLOSURE OF CONFIDENTIAL INFORMATION

- A. Client information shall remain confidential unless the client provides written or oral consent to DCFS/JJ staff in writing or verbally (NRS 62H.025 (3.b) (45 C.F.R. Part 2, 160, 162, 164).
  - 1. The release of information (ROI) shall be completed at intake (attachment A).
  - 2. DCFS/JJ will fully complete the (ROI) with no blank spaces. The client and staff members shall sign and date the document.
  - 3. The client has a right to receive a signed copy of the ROI.
  - 4. The ROI will expire one year from the date it was signed, unless otherwise noted by the client.
  - 5. The client has the right to limit what information shall be released.
  - 6. The client has the right to revoke an ROI before the expiration date.
  - 7. DCFS/JJ shall not release information over the phone with consent if the caller cannot be confirmed.
- B. Staff shall not release the youth’s identifying information to the public.
  - 1. Staff shall obtain a Release of Information (ROI) when the youth or family is requesting information to be released to an outside agency (attachment A).
  - 2. DCFS/JJS may require the legally responsible person to sign an ROI for each non-DCFS/JJS member of the in a Child and Family Team (CFT) meeting.
  - 3. The primary SUD therapist/counselor may deny or limited the amount of confidential information that is shared with the youth’s parents or legal guardian if it determined that the sharing of information would be harmful to the youth and or not in the best

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interest of the youth (NRS 62H.025 (3.b), (Section 4004 of the 21st Century Cures Act blocking information exceptions).

4. A ROI is not required for any medical emergency that presents a clear or imminent danger to the youth or others.
5. Staff shall not disclose the sexual orientation of any youth to any staff that is not involved in the youth's treatment services.
6. An ROI is not required when making a mandated report of Child Abuse and Neglect, sexual harassment, or sexual abuse (NRS32B.220).
7. An ROI is not required for a qualified individual or organization that needs to have access to youth records for the purpose of program evaluation.
8. An ROI is not required when law enforcement or prosecutorial agency is conducting a criminal investigation.
9. Staff shall read the ROI to the youth and the legally responsible person if necessary and provide a copy of the signed and dated ROI.

## **V. CONFIDENTIALITY OF ALCOHOL AND DRUG TREATMENT RECORDS**

Information about a youth's diagnosis and treatment of alcohol and drug abuse is the stricter of Confidential Federal Regulations (42 CFR Part 2). Staff shall consult with a supervisor before releasing any information about a youth's substance abuse problems.

## **VI. CONFIDENTIALITY OF FAMILIES**

Staff shall not disclose any information about one family to other families or the public without written consent.

## **VII. UNLAWFUL RELEASE OF YOUTH INFORMATION**

Any staff member who disseminates information or makes the information public is guilty of a gross misdemeanor (NRS 432B. 280 2).

\*\*This policy shall be reviewed and updated at least every three years if necessary.