

7013 CONFIDENTIALITY / CONFIDENTIALITY OFFICER

REVISION DATE: 12/11/2024, 9/1/2014

REVIEW DATE: 8/18/2023

EFFECTIVE DATE: July 31, 1993

REFERENCES: 42 U.S.C. § 290-dd-2; A.R.S. §41-1959; A.R.S. § 36-509;
A.A.C. R6-6-103;

PURPOSE

This policy applies to all Division of Developmental Disabilities (the Division) staff. This policy establishes general guidelines for confidentiality and the role of a Confidentiality Officer.

DEFINITIONS

1. "Confidentiality Officer" means an employee of the Division whose role is to administer and supervise the use and maintenance of all Personally Identifiable Information.
2. "Department" means the Department of Economic Security.
3. "Medical Records" means all communications related to a patient's physical or mental health or condition that are recorded in any form or medium and that are maintained for purposes of evaluation or treatment, including Records that are prepared by a health care provider or by other providers, in both hard copy and electronic form. Records do not include materials that are

prepared in connection with utilization review, peer review, or quality assurance activities as specified in A.R.S. § 12-2291.

4. "Member" means the same as "Client", a person receiving developmental disabilities services from the Division as specified in A.R.S. § 36-551.
5. "Personally Identifiable Information" or "PII" means a person's name, address, date of birth, social security number, trial enrollment number, telephone or fax number, email address, social media identifier, driver's license number, places of employment, school identification or military identification number or any other distinguishing characteristic that tends to identify a particular person as specified in A.R.S. § 41-3804(K).
6. "Records" means the following:
 - a. All books, papers, maps, photographs or other documentary materials, regardless of physical form or characteristics, including prints or copies of such items produced or reproduced on film or electronic media pursuant to A.R.S. § 41-151.16, made or received by any governmental agency in pursuance of law or in connection

with the transaction of public business and preserved or appropriate for preservation by the agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the government, or because of the informational and historical value of data contained in the Record.

- b. Includes Records that are made confidential by statute.
 - c. Does not include library or museum material made or acquired solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference and stocks of publications or documents intended for sale or distribution to interested persons.
7. "Substance Use Disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that the individual continues using the substance despite significant substance-related problems such as impaired control, social

impairment, risky use, and pharmacological tolerance and withdrawal.

8. "Substance Use Disorder Record" means documentation of the identity, diagnosis, prognosis, or treatment of any patient which are maintained in connection with the performance of any program or activity relating to substance abuse education prevention, training, treatment, rehabilitation, or research, which is conducted, regulated or directly or indirectly assisted by any department of agency of the United States.

A. CONFIDENTIAL INFORMATION

1. The Division shall adhere to the regulatory and Departmental requirements that all Records containing Personally Identifiable Information (PII) obtained or prepared during the application and provision of services are considered confidential and privileged, unless otherwise required by law.
2. The Division shall ensure the PII for Members or persons involved in dependency actions, case closure of parental rights,

or in any action taken by protective services remains confidential.

3. The Division shall, for Medical Records and Substance Use Disorder treatment Records:
 - a. Restrict access to authorized personnel only;
 - b. Store paper Records in locked cabinets, drawers, or file rooms;
 - c. Store electronic Records in compliance with the HIPAA Privacy and Security Rules.
4. The Division shall limit access to Substance Use Disorder treatment Records to staff that have a need to know that specific information to perform their assigned job duties.
5. The Division shall use information only as intended for use as the minimum amount necessary for the provision of services.
6. Division employees shall not directly or indirectly disclose, publish, communicate, or make available Confidential Information to any entity or person that does not have a need or the authority to know and use the Confidential Information,

except as required for the Division to perform authorized job duties or otherwise permitted by this policy.

7. Division employees shall return any Records containing Confidential Information in the employee's possession to the Division upon termination of the relationship with the Division or when a change occurs in their role with the Division.
8. Division employees who receive inquiries for Records containing Confidential Information from the media, law enforcement, court, or other outside entities shall contact the Records Management Unit, who will provide a response to the inquiry.
9. The Division shall limit access to computer systems, Records, and data to authorized users with approved applications and levels of access in compliance with the HIPAA Privacy and Security Rules.
10. The Division shall ensure the secure encrypted storage of PII at rest as well as employ the use of encryption during transit of PII.
11. The Division shall consider the permissible use of PII data to include the following:
 - a. Assess health care disparities within Member populations.

- b. Design intervention programs to address the needs of Member populations.
 - c. Develop and direct outreach material for Members.
 - d. Informing providers about individuals' language needs and pronouns.
 - e. Notify Members how the PII will be de-identified, used, and disclosed solely to authorized individuals.
 - f. Maintain the PII using safeguards to ensure privacy of information by securing the Records in accordance with this policy.
12. The Division shall consider the impermissible use of PII data to include:
- a. Use and disclosure of an individual's PII without written authorized consent.
 - b. When evaluating an application for services to determine whether to offer coverage, set rates, or apply exclusions or limits to benefit determinations (i.e., medical underwriting).

B. CONFIDENTIALITY OFFICER

1. The Division shall designate a Confidentiality Officer for each district.
2. The Confidentiality Officer shall support the district in the proper use of all PII, including storage, disclosure, retention, and proper disposal of this information per procedures of the Department, Division, and state law.
3. Confidentiality Officers shall verify the Division notifies Members of their rights to confidentiality regarding the disclosure of PII.