

LRS CHAPTER 4, TECHNICAL ASSISTANCE & GUIDANCE MANUAL

Part	Name	Effective Date
420	Confidentiality of Client Records and Information	*September 21, 2015**

Authorization

Federal Register, Volume 66, Department of Education, 34 CFR 361, Part VI, State Vocational Rehabilitation Services Program, §361.88 and §361.52.

NOTE: Refer to LRS' VR Policy Manual (Chapter 7, Part 105) for complete policy information on Confidentiality.

I. SAFEGUARDING CONSUMER RECORDS AND INFORMATION

All employees are responsible for complying with the legal requirement to protect the nature of confidential information in consumer's case records, including all consumer identifying information contained in reports, lists, and other documents; and for prohibiting unauthorized accessibility to such information.

*II. CONSUMER NOTIFICATION

Consumers asked to provide the agency with information shall be informed of the agency's need to collect confidential information and the policies governing the use of the information.

The Consent to Release Information form (RS-35 or RS-35H) must be completed specifying what information will be requested; is signed by the consumer, and filed in the consumer's case record.

III. RELEASE OF CONFIDENTIAL INFORMATION

The case file must contain documentation concerning any information released with the consumer's written consent. Informed written consent is required for the release of personal records to the following:

- A. Public assistance agencies or programs from which the consumer has requested services or to which the consumer is being referred for services.
- B. Doctors, hospitals, clinics, rehabilitation centers, Community Rehabilitation Programs and vendors providing services to clients as authorized by the agency.
- C. Schools or training centers, when LRS has authorized the service or is considering authorizing such services, and the information is required for the consumer's success in the program, for the safety of the consumer, or is otherwise in the consumer's best interest.**

*IV.** INFORMED CONSENT

- A. The Counselor must have *the consumer's** written authorization to release confidential consumer information except in the following instance:

The Counselor can release personal information without ***the consumer's*** informed written authorization to protect the consumer or others when the consumer poses a threat to his/her safety or to the safety of others.

1. The Counselor can only release that information necessary to protect the consumer or others.
2. The Counselor or employee providing the information must carefully record all the facts and circumstances in the consumer's case record.
3. The Counselor must have the Regional Manager's ***written*** approval to release information without ***the consumer's*** written authorization.

B. Examples of Emergency Situations

Emergency situations that might require release of personal information without informed written authorization could possibly include the following:

1. Threats of murder and/or suicide.
2. Threats to the safety of the workplace.
3. National security violations.