CHAPTER 7
CONFIDENTIALITY

CASE RECORD REVIEW-POLICY AND PROCEDURES

Client Or Authorized Representative

The complete case record will be made available for review ***except*** for "privileged communications" and "third party" information which is ***information not provided solely by, or authorized by, the client.***

Privileged Or Third Party Communications

Privileged communications are communications contained in case records that are *not* subject to review by the client or his/her authorized representative. These communications will be removed from the case prior to the case record review. The client's authorized representative may review some communications with the *specific* written consent of the client. Some examples of privileged communications are briefly summarized below.

Physician/ Patient, Medical Personnel/ Patient

No medical information can be released from our cases. If the SW receives a request from a client or authorized representative for a copy of any medical records, the SW shall direct the requester to the physician.

PAFD Reports

All reports, summaries, and other confidential communications/information obtained by Public Assistance Fraud Division (PAFD) in the process of investigating an alleged fraud will be removed from the case record prior to its inspection by a client or an authorized representative.

Identity Of Informant

Where there have been allegations of client fraud, Social Workers will not disclose the identity of the informant to the client or his/her authorized representatives. Questions in this regard will be referred to PAFD.

Child Or Adult Abuse Hotline Reports

All reports and other confidential communication/information obtained as a result of a Child or Adult Abuse Hotline complaint will be removed from the case record prior to its inspection by a client or authorized representative.

Lawyer/Client

Matters of confidential communication between a lawyer and client cannot be disclosed without *specific* written consent of the client. If a client-specific opinion from County Counsel has been received, this is considered a privileged client/attorney communication and can never be released. General opinions on IHSS matters from County Counsel cannot be released either.

Case Narrative

Case narratives are the work product of the Social Worker and may make references to third-party information. The narratives that contain third-party information must be blocked out or removed prior to case review.

- **When** - Case inspection will be permitted only during normal working hours.
- **Where** - District offices will make a private room available for record review.
- **Who** - A worker must be present in the room with the reviewers during the entire period of examination.

Photocopying

The reviewer will *not* be permitted to remove, alter, photocopy, or photograph anything in or from the case record. The reviewer will be permitted to make notes on what he/she sees in the case record. On request, IHSS staff may photocopy specific items in the case record for the reviewer. If a large number of copies are needed, there will be a per page charge for this service. A receipt, "Notice of Payment", will be given to the party paying this fee. (See attachments).

Program Guides

Program Guides or other regulations will be made available upon request. Photocopies of applicable regulations may be made, but entire chapters may not be copied unless the reviewer makes a written request and is willing to pay fees. (See Attachments for fee schedule and Notice of Payment. The Attachment also contains the web site address for CDSS' on-line regulations.)

Closed Cases

When an office receives a request to review a closed case, the Social Work Supervisor will:

- Request the case from the Record Library.
- Arrange for the case review.
- Follow the preceding procedures regarding case review.
- Remain in the room during the review.
- Ask to see the document naming the reviewer as executor of the client's estate, if the client is deceased.

Subpoenas

General

A subpoena is a court process to compel a person to appear at a deposition or a court proceeding to testify as a witness. A subpoena duces tecum is a court process to compel a person to appear as a witness and to compel that witness to produce all documents or records named in the subpoena.

Action

An IHSS employee served with a subpoena will immediately inform their supervisor. The IHSS Supervisor will contact the Program Manager for instructions.

NOTE: If the subpoena is for the "Custodian of Record" the employee will *not* accept the subpoena, but refer the server to the Program Manager.

Documentation

The Social Worker will document all requests for case data in the narrative, including the name of the requesting party and the date that the record is requested. If a telephone authorization has been given by a client, narrate his/her agreement to produce a written release.

Filing

Authorizations to release information and written requests for information are to be filed under the miscellaneous tab in the IHSS case record.