

CHAPTER 7

CONFIDENTIALITY

EMPLOYEE CONFIDENTIALITY

Procedures For All Staff

The following procedures will be observed by all staff in order to safeguard confidential information regarding fellow employees.

- Personal employee information (e.g., home addresses, home telephone numbers, emergency contact persons, social security numbers, leave balances) will be used strictly for work related reasons.
- Upon receipt of a request for a fellow worker's home address or telephone number, the request will be relayed to the fellow worker; *no information will be provided.*
- Refer all external employment inquiries regarding any employee to Personnel ([619] 338-2909).

Rule of thumb

Any issues related to confidentiality not covered or not clear will be referred to the IHSS Program Manager for clarification and/or direction.

Recipient/Employee And/Or Provider/ Employee Related Cases

Policies and procedures for the handling of case records of IHSS and Health and Human Services Agency (HHS) employees, their relatives, friends, acquaintances, and business associates, include requirements of adherence to established policies. The County of San Diego Health and Human Services Agency Employee Conduct Standards regarding conflict of interest and confidentiality is reviewed and certified yearly with all staff at the time of their annual Performance Appraisal. This policy is mandated in Welfare and Institutions Code 10850 and 14100.2, California Health and Safety Code 211.5, 17 CCR 2505(e) and California Civil Code 56. Violation of these codes is a misdemeanor in the State of California.

The primary reason these policies were developed is to protect the IHSS worker in the event an IHSS applicant/recipient and/or provider with whom the IHSS employee has a relationship complains about the IHSS worker's handling of the case. Therefore, special procedures will be followed with these cases to ensure confidentiality for affected applicants and recipients, prevent conflict of interest from occurring, secure confidential case records against unauthorized access and tampering, and ensure accountability for the Agency.

Definitions

Secured Cases – Secured cases are generally In-Home Supportive Services case records and/or provider records of an Agency employee that does not work in the IHSS Program or IHSS case and/or provider records of an Agency employee's close family, social, business, or adversarial relationships.

Confidential Cases – Confidential cases are generally the case records of IHSS applicants/recipients and/or providers who *maintain* a family, social, business (example: landlord/tenant), or adversarial relationship *with an IHSS employee*. Also included in this category is the case records in which an IHSS employee is:

- The respite provider.
- The IHSS “key person” as indicated on the IHSS Face Sheet (Form SOC 293A).
- An individual residing in the same dwelling place as the IHSS recipient or provider.

Cases of both new IHSS applicants and granted IHSS recipients are covered by this policy.

Determining If A Case Is “Confidential”

A case is not necessarily considered “confidential” simply because an IHSS Social Worker (SW) or any other IHSS employee knows an IHSS applicant/recipient or provider.

1. The key issue in identifying a case as “confidential” is whether or not the SW or any other IHSS employee *maintains* a family, social, business, or adversarial relationship with the IHSS applicant/recipient/provider.
2. Other factors to consider in designating a case as confidential are whether or not the SW or any other IHSS employee has a *distant or non-maintained relationship* with an IHSS applicant /recipient/ provider, and:
 - a. Feels uncomfortable when interacting with the applicant/recipient/provider in his/her capacity as an IHSS employee.
 - b. Thinks there may be repercussions from the applicant/recipient/provider if he/she is not happy with the IHSS assessment of authorized service hours and/or the IHSS share-of-cost amount.
 - c. Thinks it is possible that complaints may arise regarding the casework or the IHSS employee’s professionalism, etc.
3. If an IHSS employee has any doubt as to whether one of his/her cases should be moved to a confidential caseload, it is the responsibility of the IHSS employee to discuss this matter with his/her immediate supervisor. When the IHSS supervisor, for whatever reason, is unable to make a determination as to whether or not a case should be moved out of a worker’s caseload, the supervisor will discuss the situation with the IHSS Program Manager, who will make the final determination.

Employee Responsibility – Reporting Relationships

All IHSS employees (regardless of classification) have the responsibility to immediately notify his/her immediate supervisor in writing if any of the following individuals are receiving or providing IHSS Services:

- Relatives.
- Friends.
- Acquaintances.
- Individuals with whom the employee has a business or business relationship.
- Individuals with whom the employee has an adversarial relationship.

The employee’s supervisor will in turn inform the IHSS Program Manager, by copy of the IHSS Self-Declaration Form Tracking Log.

- This is a policy (rule) that applies to *all* IHSS employees, including those employees who are not Social Workers.
- A form has been developed for this purpose, Declaration of IHSS Employee of a Relationship with IHSS Applicant/Recipient and/or Provider.

This responsibility is further clarified and sworn to in the “*Employee Conduct Standards Certification*” that each Agency employee is required to sign when first employed with the County of San Diego, Health & Human Services Agency. This Certification is the last page of the Employee Conduct Standards.

- If any IHSS employee does not think, or is not sure, that he/she has read and received a copy of the *Employee Conduct Standards*, and signed the *Employee Conduct Standards Certification* form, it is the IHSS employee’s responsibility to immediately inform his/her immediate supervisor of this fact.
- As part of the employee’s annual performance review, the IHSS supervisor will provide a copy of the Employee Conduct Standards, review it with the IHSS employee, and witness the employee’s signing of the Certification form. The IHSS supervisor will retain a copy of the Certification form, and forward the original to Personnel (M/S W-406) to be added to the employee’s personnel folder.

Completing Form 16-46 Confidential/Secured Case Transmittal

All IHSS employees with a relationship with an IHSS applicant/recipient or provider designated “confidential” will complete Form 16-46. (See attachments.) This form will be distributed as follows:

- 1 copy to IHSS Program Manager
- 1 copy to Employee’s Copy
- 1 copy to “Miscellaneous” tab
- 1 copy to IHSS Supervisor

Coding Of Confidential/Secured Cases

IHSS Social Workers will code IHSS cases designated as confidential in red, in the upper right hand corner of Form 16-46 using the following codes:

Client Relationship	Provider Relationship
S - Client is Spouse of Employee	SP - Provider is Spouse of Employee
P - Client is Parent of Employee	PP - Provider is Parent of Employee
C - Client is Child of Employee	CP - Provider is Child of Employee
L - Client is Sibling of Employee	LP - Provider is Sibling of Employee
R - Client is Other Relative of Employee	RP - Provider is Other Relative of Employee
F - Client is Friend of Employee	FP - Provider is Friend of Employee
B - Client is Business Associate of Employee	BP - Provider is Business Associate of Employee
O - Client has Other Relationship to Employee	OP - Provider has Other Relationship to Employee

(describe on Form 16-46 DSS)	(describe on Form 16-46 DSS)
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If an IHSS supervisor or IHSS secured/confidential case worker becomes aware of a confidential case that does not currently have a completed Form 16-46 in the case record, he/she will ensure that Form 16-46 will be completed by the IHSS case worker at the next recertification.

Compliance with this case-coding requirement will be monitored by IHSS Social Work Supervisors and the Quality Control Unit as part of the case review process.

HHSA 12-71 Self Declaration Form

Annually, a self-declaration form (HHSA 12-71) will be distributed to all IHSS employees for completion. This form is for identification of any IHSS recipients and/or providers with whom an IHSS employee has a relationship. IHSS employees who do not have a relationship with any IHSS recipients and/or providers will also complete and sign this form.

1. If an IHSS employee is unsure of whether a distant or currently non-maintained relationship needs to be reported or not, he/she should discuss it with his/her supervisor.
2. Failure by an employee to follow the identification requirements will be referred to management for investigation and possible disciplinary action.
3. Each IHSS employee will sign the “IHSS Self-Declaration Form Tracking Log” (HHSA 12-73) to acknowledge receipt of Form HHSA 12-71. (See Attachments)
 - a. Signing and completing the HHSA 12-71 will occur:
 - i. Annually, when all staff receives a copy to complete.
 - ii. Whenever *Any IHSS employee* has a change in his/her declared relationship with an IHSS applicant/recipient/provider.
 - b. Supervisors will maintain completed forms in a locked file cabinet.
 - c. IHSS Staff will have five (5) business days from the date of receipt of Form HHSA 12-71 to complete the form, and return to the unit supervisor.
 - d. Supervisors will complete the IHSS Self-Declaration Tracking Log (Form HHSA 12-73) upon receipt of the completed HHSA 12-71 from the employee, and forward a copy of the log to the IHSS Program Manager (M/S W-253).
 - e. Any relationship any IHSS employee has with any IHSS applicant, recipient and/or provider will be noted by the IHSS supervisor in the “Description of Relationship” column on the IHSS Self-Declaration Tracking Log.
 - f. All IHSS employees are instructed to inform their supervisor and complete a new IHSS Self-Declaration form (HHSA 12-71) whenever any change in their self-declared status of “relationship” or “no relationship” with an IHSS applicant,

recipient and/or provider changes. When this occurs, IHSS supervisors will follow steps 3. a. - e., immediately above.

4. All newly hired employees will continue to be cleared by Agency Personnel for direct involvement with current and prior cases. Internal Security staff will also periodically request computer runs matching case record information and employee Social Security numbers.

Secured/Confidential Caseload Social Worker

IHSS Social Work Supervisors in each IHSS district office will identify a “secured/confidential caseload” worker, and provide the worker’s name to the IHSS Program Manager. This worker will carry all cases within the office that are secured or confidential. If the number of cases in this category exceeds the average office caseload, a second worker may be identified to carry secured/confidential cases. A worker may carry regular cases as well as secured/confidential cases if necessary to bring the caseload to the office average.

Secured/Confidential Caseload Maintenance

All secured and confidential cases will be maintained in a locked file cabinet. The worker, his/her supervisor and the IHSS Program Manager will have keys to the cabinet. The SW assigned to the district’s secured caseload will remove the case only to conduct casework, and return the case to the locked filing cabinet whenever he/she leaves his/her desk. Under no circumstances is the case folder to leave the office.

Secured/Confidential Caseload Policy

The SW assigned to a secured case will not discuss the case or the fact that he/she has such a case with anyone other than his/her supervisor. Any IHSS employee with any knowledge of any secured or confidential case will not discuss the case or the fact that he/she is aware of such a case with anyone other than his/her supervisor.

Secured/Confidential Caseload Policy Violations

Any IHSS employee who witnesses any actions or interactions that the employee thinks violates the confidentiality of a secured or confidential case, or represents a conflict of interest, or violates appropriate case handling for a secured/confidential case will inform his/her supervisor of the event. If appropriate, Section III. of form 16-46 will be completed and forwarded to the IHSS Program Manager. The IHSS Program Manager will forward a copy of the form to Internal Security (M/S W-461), when appropriate.

Secured Caseloads

Case records for IHSS applicants/recipients and/or providers with a family, close, social, business *or* adversarial relationship with any individual working for the Health and Human Services Agency in any program *other* than IHSS, are “secured” cases. These cases will be stamped “SECURED” on the outside front jacket of the case record.

Generally, the IHSS Program Manager will receive notification that a relationship with an Agency employee exists with an IHSS applicant/recipient or provider. Any paperwork

informing the IHSS Program Manager of the need to secure an IHSS case will be filed in the IHSS case file under the “Miscellaneous” tab by the IHSS secured/confidential caseworker.

EXAMPLE:

If a Family Resource Center (FRC) employee has an aunt receiving IHSS, it is the responsibility of the FRC employee to inform his/her manager that his/her aunt receives IHSS. This information will then be forwarded to the IHSS Program Manager, who will inform the IHSS Social Work Supervisor and, if an income eligible case, the IHSS Medi-Cal Eligibility Supervisor. The case and any paperwork received by the IHSS Program Manager would then be transferred to the confidential/secured caseload worker and filed under the “Miscellaneous” tab.

- Secured cases will be sent to the district office’s confidential/secured caseload worker and kept in a locked file cabinet.
- All secured cases will have a case narrative entry explaining the need for protected status and identifying the relationship. If necessary for clarity, a chart showing the family relationship is to be included as part of the narrative.
- Secured cases will be evaluated at renewal for the need to continue special handling.

Confidential Caseloads

Case records for IHSS applicants/recipients or providers who *maintain* a family, social, business, or adversarial relationship with any individual working in the In-Home Supportive Services Program are “confidential” cases.

- These cases will be stamped “CONFIDENTIAL” on the outside front cover of the case record.
- The IHSS supervisor will be alerted to the existence of a confidential case when he/she receives a copy of the Confidential/Secured Case Transmittal (Form 16-46), identifying by name the individual(s) on an IHSS case record with whom an IHSS employee has a relationship(s).

Transfer of Confidential Cases

Confidential cases will be transferred to an IHSS district office other than the IHSS district office in which the IHSS employee works. This will occur even if the IHSS applicant/recipient or provider is monolingual and the IHSS employee is the only IHSS employee who speaks the recipient’s language. Most families with a primary language other than English generally have an English-speaking member of the family who acts as an interpreter when necessary.

- Confidential cases transferred to another IHSS district office will be sent in a sealed envelope, by and to an IHSS supervisor only, and will be stamped “Confidential” on the outside of the envelope.
- Confidential cases will be assigned to the district office’s confidential/secured caseload worker and kept in a locked file cabinet. The worker, his/her supervisor and the IHSS Program Manager will have keys to the cabinet.

- The SW assigned to a confidential case will remove the case only to conduct casework and will return the case to the locked filing cabinet when he/she leaves his/her desk. Under no circumstances is the case record to leave the office.

The SW assigned to a confidential case will not discuss the case or the fact that he/she has such a case with anyone other than his/her supervisor. All confidential cases will be evaluated at renewal for the need to continue special handling.

Coding Of Confidential Cases

It is not possible at this time to enter a code on any CMIPS document to collect data on IHSS secured and confidential cases since there are no data fields available for this input. Once that option is available, it will be used.

- Form HHSA 16-46 Confidential/Secured Case Transmittal will be used to collect IHSS confidential case information from IHSS Social Workers. (See Attachments in this chapter.)
- IHSS social work and eligibility staff will code form HHSA 16-46 using the codes listed previously in this chapter.
- Copies of Form HHSA 16-46 (07-92), Confidential Security Case Transmittal, received by IHSS supervisors from their staff, will be forwarded to the IHSS Program Manager.
- When a confidential/secured case closes, the supervisor will note on his/her log the date and reason for the closing, and forward a copy of the log page with this information to the IHSS Program Manager.