

Chapter 4

Client Confidentiality

4.1 Authority: 34 CFR 361.38, Utah Code Annotated 53A-24-107 (1998)

4.2 Policy

USOR policy, state and federal laws, and professional ethics require the protection of personally identifiable information specific to Vocational Rehabilitation.

- A. The agency will adopt and implement policies and procedures to safeguard the confidentiality of all personal information, including photographs and list of names. [34 CFR 361.38(a)(1)]
- B. Personally identifiable information obtained by the USOR, its employees, or agents concerning individuals applying for or receiving services under this chapter may not be disclosed without the prior written consent of the individual or the individual's legal representative, except as required for administration of programs or services under this chapter or as otherwise authorized by law. [Utah Code Annotated 53A-24-107(l)].
- C. Unauthorized disclosure of personally identifiable information obtained under this chapter, or use of such information for unauthorized purposes, is a misdemeanor. [UCA 53A-24-107 (2)]

4.3 Acquiring and Collecting Personal Information

- A. VR Counselors shall collect only information that is necessary and helpful in effectively fulfilling the role assigned to USOR. Such information should be timely, necessary, and relevant to the purpose for which it is collected. Any unnecessary information, including excess medical documentation and other information that is not required for determining eligibility, conducting a Comprehensive Assessment of Rehabilitation Needs, or to justify service needs shall be placed in confidential shredding bins available in each office.
- B. VR Counselors shall inform each client, applicant, and provider of services, as to the confidentiality of vocational rehabilitation information and the conditions for the release of such information. Persons who are unable to communicate in English or who rely on special modes of communication must be provided explanations about agency policies and procedures affecting personal information through methods that can be adequately understood by them. This information is pre-printed on the Application (USOR-4) and the Release of Information (USOR-45). However, the VR Counselor must also communicate this during the initial or subsequent interviews
- C. Federal regulations also require USOR to inform the applicant/client or representative of:
 - 1. The authority under which the information is collected. It is 34 CFR 361.38(a)(1)(iii); basic conditions, scope of diagnostic study and specific evaluations.
 - 2. That the information is necessary to determine eligibility and is therefore mandatory. Failure to provide requested information may result in a determination of not being eligible for VR Services.

4.4 Disclosing Information

Disclosure of personally identifiable information can be classified according to the use to be made of the information and the identity of the recipient of the information. When personal information has been obtained from another agency or organization, if that agency or organization has placed any conditions on its re-release it may be released only by, or under, the conditions established by the other agency or organization.

A. **Client Request for information:**

Upon the written request of the client, information shall be released to the client provided:

1. Medical, psychological, or other information that the VR Counselor determines may be harmful to the individual may not be released directly to the individual, but must be provided to the individual through a third party chosen by the individual, which may include, among others, an advocate, a family member, or a qualified medical or mental health professional, unless a representative has been appointed by a court to represent the individual, in which case the information must be released to the court-appointed representative.
2. Any information released to the client, designee, or to other professional people or agencies must be documented in the client record by an appropriate R-11.
3. Upon receipt of a valid written request from the client, the VR Counselor must act within ten (10) working days.

Valid is defined as:

- a. Signed
 - b. Witnessed
 - c. Dated
 - d. Received within one year of signature date or, if appropriate, within the date of expiration posted on the request.
 - e. Includes faxed requests if the client's signature is known and recognized.
4. Any time a client or his/her designee submits a request for information, which may appear unusual, the VR Counselor should contact their supervisor for advice.

B. **Disclosure for Routine Program Use:**

Use of a record for a purpose compatible with the purpose for which it was collected must be made with informed written consent of the individual, and the individual is informed of the situations when it would be released, and the agencies to which the information is going to be released are identified. (See Appendix 4-B) Listed below are examples of agencies and individuals that might fall in this category:

1. Disability Determination Services.
2. State Social Services.
3. Department of Workforce Services
4. Private or public medical, psychological, and vocational consultants.
5. Institutions, agencies, facilities, and service vendors who provide services to the client in conjunction with his/her VR Program or application.
6. Identified state agencies for administration of certain federal grant-in-aid, unemployment, or state workmen's compensation programs.

Information provided to any of those listed above should be limited to whatever is both useful and necessary in effectively discharging responsibilities to and for the client. Each VR

Counselor must keep an accurate record of information released to other agencies, consultants, and individuals. (See Accounting for Disclosure, 4.9) Information must not be shared with advisory or other bodies which do not have official responsibility for administration of the program.

NOTE: Information may be disclosed appropriately to USOR staff directly providing specialized services to the individual as part of the vocational rehabilitation process without a signed release of information when necessary for effective service provision. Internal USOR program purposes may include USOR Career Exploration Services, USOR Benefits Planning and Outreach, USOR Choose to Work Placement Specialist, or Utah Center for Assistive Technology Assessments. VR Counselors are expected to share all pertinent information necessary for the specialized USOR staff to effectively discharge the service being provided.

C. **Disclosure for Audit, Evaluation and Research:**

Personal information may be released to an organization, agency, or individual engaged in audit, evaluation, or research only for purposes directly connected with the administration of the vocational rehabilitation program, or for purposes which would significantly improve the quality of life for disabled individuals, and only if the organization, agency or individual assures that:

1. The information will be used only for the purpose for which it is being provided;
2. The information will be released only to persons officially connected with the audit, evaluation or research;
3. The information will not be released to the involved individual;
4. The information will be managed in a manner to safeguard confidentiality; and
5. The final product will not reveal any personal identifying information without the informed written consent of the involved individual, or his/her representative.

Agency employees are not to give information to people engaged in research unless the Division Director has provided the researchers with written permission for such activities.

D. **Disclosure for Non-Routine Use:**

1. Information may be disclosed in order to protect the individual or others when the individual poses a threat to his or her safety or to the safety of others. [34 CFR 361.38(e)(5)]
2. Information must be disclosed in response to investigations in connection with law enforcement, fraud, or abuse (see 3 below).
3. Information must be disclosed when there is suspected or observed child abuse, neglect, sexual abuse, incest, molestation or sexual exploitation.

“Whenever any person including, but not limited to, persons licensed under the Medical Practice Act or the Nurse Practice Act, has reason to believe that a child has been subjected to incest, molestation, sexual exploitation, sexual abuse, physical abuse, or neglect, or who observes a child being subjected to conditions or circumstances which would reasonably result in sexual abuse, physical abuse, or neglect, he shall immediately notify the nearest peace officer, law enforcement agency, or office of the Division of Child and Family Services.” (UCA 62A-4a-403 1998)

4. Information may be released pursuant to the receipt of a court order. There is a difference between a court order and a subpoena. [34 CFR 361.38(e)(4)]
 - a. An official court order will contain a court seal or certification and must be signed by:
 - (1) A judge, magistrate or other authorized judicial officer. (Other signatures i.e., clerks, court administrators, etc. are not acceptable.)
 - (2) An Administrative Law Judges (ALJ's) (UCA 78-7-17) 1992.
 - (3) County Attorney [UCA 17-18-1(3)(b)], 1992.
 - (4) Auditor General [UCA 36-14-2(a)] 1992.
 - b. A subpoena:
 - (1) May be issued by a clerk of the court or the attorney.
 - (2) May or may not (usually not) be signed by a judge. If it is signed by a judge, it is treated as a court order.
- E. Responding to Official Court Orders.
 1. USOR must comply with an order signed by a judge (see D.4 above). Counselors must provide documents/personably identifiable information or give testimony or both.
 2. VR Counselors need to notify their Field Service Director through their supervisor that they have received a court order. They should then fax a copy of all relevant information immediately to the Field Service Director, including the following:
 - a. Copy of the court order.
 - b. Circumstances known regarding reason(s) for court order, including pertinent information from the client record and any other information regarding the client known by the VR Counselor.
 3. In most instances staff will be represented by counsel from the State Attorney General's Office.
- F. Responding to a subpoena issued by the clerk of the court (see D.4.b. above).
 1. Subpoena - Ad Testificandum. This type of subpoena commands the person designated to appear in court to testify. If a VR Counselor or other staff member receives one of these, properly served:
 - a. They are obligated to appear. Because it is not a valid court order, staff cannot testify, but they must still appear in court, hearing or deposition.
 - b. Staff must notify the Field Service Director through their supervisor when they receive such a subpoena and fax a copy immediately to the Field Service Director.
 - c. VR Counselors would generally notify the client when they receive a subpoena on a client's case. **EXCEPTION:** Disclosures made to another governmental agency or to an instrumentality of any governmental jurisdiction with or under the control of the United States for a civil or criminal law enforcement activity would not be reported to the client. For example, if the FBI or the Sheriff's Office was investigating a client, USOR could not inform the client of the disclosure.
 - d. Staff can testify if they have a signed release form from the client and the subpoena.

- e. Form Letter A, Appendix 4C is used to notify the person sending the subpoena that the information which they have requested is protected.
- 2. Subpoena - Duces Tecum. This type of subpoena commands the person designated to produce documents. If a VR Counselor receives one of these (for documents only):
 - a. If the VR Counselor also has a signed release by the client then they must release the information.
 - b. If the VR Counselor does not have a signed release, they must notify the requesting attorney of the non-disclosure statute [Utah Code 53A-24-107] that prohibits USOR from releasing personally identifiable information without the client's prior written consent (see Appendix 4D).
 - c. VR Counselors must notify the Field Service Director through their supervisor that they have received such a subpoena and fax a copy immediately to the Field Service Director plus provide the following information:
 - (1) Date and place of hearing.
 - (2) All circumstances known, including pertinent information from the client record and any other information known by the VR Counselor.
 - (d) If a VR Counselor receives a subpoena that commands them to appear **and** to also produce documents, or if they receive a subpoena that states they may send documents **in lieu** of appearing;
 - (1) They must notify the requesting attorney of the non-disclosure statute as 2a above.
 - (2) They may still have to appear.
 - (3) They must notify the Field Service Director as in 2c above.
 - (4) They can use Form Letter B, Appendix 4-D.
- G. Responding to other requests for information.
 - 1. Request of information without client's written consent: Should someone request information from a client's file without the written permission of the client, the request must be denied by the VR Counselor on the grounds that the Privacy Act, as well as Federal and State regulations severely restrict the use of our records which are confidential. (See model notification paragraph - Refusal to Disclose Information 4.15)

Exception: Parent(s) or Guardian of unemancipated minor clients may have access to information without written consent of the client.
 - 2. Verbal and telephone request for client record information: Verbal and telephone requests for client record information from public and private investigative agencies such as the FBI, Sheriff's Office, local police, draft boards, etc., will not be honored. Inquires for client record information from such investigative agencies must be made in writing and clearance for release of information will be made through established supervisory channels.

H. Fees

The Agency may charge reasonable fees to cover extraordinary costs of duplicating records or making extensive searches. [34 CFR 361.38(a)(2)]

1. General Guidelines: Under normal circumstances, USOR would not charge or accept payment from:
 - a. The client
 - b. Agencies and organizations that USOR has routine and reciprocating disclosure agreements with.
 - c. Other appropriate individuals and organizations with the client's valid written permission whose request for information is directly related to the client's vocational rehabilitation program.
Examples would be:
 - (1) A private job coach USOR has authorized a fee for service for Supported Job Based Training (SJBT).
 - (2) A therapist USOR has authorized a fee for service, who is requesting medical information.

2. Appropriate individuals or Agencies to Charge.

Examples include but are not limited to:

- a. A release and request or subpoena in a divorce or child custody case.
- b. A release and request or subpoena in a wrongful injury or insurance settlement case.

Although the reason for the information request may deal with the client's disability, it may or may not be directly related to the clients VR Program. Common sense should be exercised when making the decision on whether or not to charge.

3. Appropriate charges.

- a. Policy and Fee

The Utah State Office of Rehabilitation (USOR) policy states: Divisions may recoup **actual** costs of duplicating material for outside individuals and organizations.

The fee is \$15.00 search fee, plus \$.05 per page. (January 2012)

- b. Billing Procedure

If the VR Counselor has determined that the party requesting the information has the client's written permission or is otherwise appropriate to receive the information and if the party requesting the information is appropriate for billing, the party is sent a customer copy of the USOR Billing Form along with the information requested. (See Appendix 4A USOR billing form)

- (1) The VR Counselor will hold the accounting copy and put the file copy in the client's record.

- (2) Upon receipt of payment, a copy is made of the check for the client record, and the accounting copy of the bill is attached to the check to be sent through channels to the USOR accountant.

- c. In many instances a check will accompany the request or subpoena. If the VR Counselor determines that the party requesting the information is appropriate to receive it, they should send the info. Make a copy of the check for the client record, and then forward the check to the USOR accountant.

I. Parent Locator Service

Section 453 of the Social Security Act requires the Secretary of the Department of Health and Human Services ". . .to establish and conduct a Parent Locator Service to obtain and transmit to any authorized person information as to the whereabouts of any absent parent when such information is to be used to locate such parent."

Section 453 defines any authorized person to include "any agent or attorney of any state having in effect a plan . . . who has the duty or authority . . . to recover any amount owed as child support."

An exception to this disclosure requirement is permitted if disclosure of such information would contravene the national policy or security interests of the United States or the confidentiality of census data. Section 453 also provides that "notwithstanding any other provision of law" information in the files of any Federal or State agency shall be made available for locating absent parents. Since PL 93-647 prevails over other Federal Laws and Regulations, the State VR Agency is required to release or disclose the information requested by a Child Support Enforcement Office as long as it is requested in accordance with its State Plan implementing PL 93-647. (42 U.S.C. 653).

4.5 Time Limitations in Responding to Requests

A determination must be made on whether to comply with requests for information within ten (10) working days of receiving such requests. Because of this requirement relating to time for response, whenever question arises regarding information requested, it is imperative that VR Counselors refer questions promptly to supervisors. If supervisors cannot readily resolve a question, the issue should be referred promptly to the Field Service Director.

4.6 Prohibition against Disclosing Disability Determination Services (DDS) Information

Under no circumstance can the VR Counselor pass on information obtained from DDS. Persons seeking such information must do so from the Social Security Administration. This includes the Client Assistance Program (CAP). If the client or client's attorney requests DDS information from the client record, the VR Counselor must refer said individuals to the Disability Determination Services or to the Social Security Administration. Final approval for subpoena of Social Security records must come from the Regional Counsel for the Department of Health and Human Services or from a United States Attorney. [Sec. 1106 (43 U.S.C. 1306) (a)] Social Security Act.

4.7 Request for Medical Information from Veteran's Administration (VA) Source

Persons seeking confidential medical information received from the Veterans Administration should be encouraged to seek such information from the source inasmuch as the VA is a federal agency with an obligation to adhere to the provisions of the Privacy Act.

4.8 Consent (USOR-45 Information Release)

When an applicant/client requests services, USOR may contact third parties to obtain needed program information if the informed applicant/client signs a consent statement which will be valid for 90 days.

4.9 Accounting for Disclosure

Each VR Counselor must keep an accurate client record of the date, nature and purpose of each disclosure of individually identifiable information. These include disclosures:

- A. To the client, client's legal guardian, or anyone client authorizes to act on his/her behalf.
- B. To anyone who has the written consent of the client.
- C. To the original source of information.
- D. To USOR employees, contractors and vendors having a need to know in carrying out certain responsibilities.

Other disclosures of information for routine program use may be made with the informed written consent of the client. Appendix 4-B: USOR 45-B, Utah State Office of Rehabilitation NOTICE OF INFORMATION EXCHANGE is used for obtaining the client's approval for such disclosures. These are permitted if the disclosure is for a routine use compatible with the purpose for which the record was created. However, an accounting must be maintained for each such disclosure. The record of disclosure is placed in the client's record. The record of disclosure must indicate the name and address of the person or agency to whom the disclosure was made and the nature of the disclosure.

It must be made available to the client upon request for the life of the client record. This record of disclosure would include such agencies as Social Services and the Department of Workforce Services.

4.10 Civil and Criminal Penalties Under the Privacy Act of 1987 (PL93-579)

The Privacy Act provides criminal penalties as well as civil remedies in actions against employees of the Agency or the Agency itself.

- A. Criminal Penalties
 1. Any person or employee who knowingly and willfully discloses information in a way prohibited by the Privacy Act to any person or agency not entitled to receive it, shall be guilty of a misdemeanor and be fined not more than \$5,000.00.
 2. Any person who knowingly and willfully requests or obtains any record concerning an individual from an agency under false pretenses shall be guilty of a misdemeanor and fined not more than \$5,000.00.
- B. Civil Remedies of not less than \$1,000.00 may be awarded a client to provide actual damages sustained as the result of failure or refusal of USOR acting in a manner intentional or willful whenever USOR:
 1. Makes a determination not to amend an individual's record as requested.
 2. Fails to make such a determination in accordance with the Privacy Act.
 3. Refuses to permit the individual upon request (or upon request, refuses to the individual and the representative of the individual's own choosing) to view the record and obtain a comprehensible copy.

4. Fails to acknowledge receipt of the individual's request for information or amendment of the record, in writing, within ten (10) working days.
5. Fails to conduct a record review within 30 working days after receipt of a request, and if denied upon review, fails to permit the individual to file a concise statement (which shall become part of the record) setting forth his reasons for disagreeing with USOR's refusal to amend the record.
6. Fails to maintain an individual's record with such accuracy, relevance, timeliness, and completeness as to assure fairness in any determination relating to entitlement to benefits or other rights which may be made on the basis of such a record, and consequently a determination is made which is adverse to the individual.

4.11 Correction of Record

- A. If a client feels that any portion of the record is inaccurate, incomplete, irrelevant or out date, the client has the right to request, in writing, amendment of the record pertaining to him/her.
- B. Upon receipt of such a request, the VR Counselor must:
 1. Acknowledge receipt of the request in writing within 10 days; and
 2. Either
 - a. Make the requested corrections(s) or
 - b. Inform the individual of the refusal to amend the record, the reasons for the refusal, and the procedures the individual may follow to request a review of that refusal.

This procedure is outlined in Chapter 21 - Review of Counselor/Supervisor Determinations.

4.12 Clients Not to be Used as Couriers

Clients are never to be required or permitted to act as couriers of confidential documents.

4.13 Disposal of Discarded Materials

- A. Discarded notes, spoiled copies of information and all other kinds of documents for daily disposal should be destroyed or rendered unrecognizable to avoid any possible compromise of confidential information. USOR has contracts in place for the confidential shredding of client information.
- B. Period for retention of client records is 4 years from date of closure.

4.14 Security of Records

- A. All client service records should be kept under lock during periods when some responsible person is not in the immediate vicinity of the records. These security measures pertain to the old, closed client records as well as to the current client records.
- B. Client service records that leave their designated office, for transfer or storage, must be logged-out via a clerical recording system.
- C. Vocational rehabilitation staff must report missing client service record(s) to their local-level

supervisory team and an immediate search must be made for the client record(s). If a client record cannot be accounted for, an administrative notification must be forwarded through the designated chain-of-command.

4.15 Technology Safeguards

Vocational rehabilitation staff must adhere to policies and procedures for accessing client information maintained in computer systems and other information technology resources. Vocational rehabilitation staff must also adhere to safeguards for protecting client personally identifiable information that is generated, sent and received through e-mail and fax.

A. Provision of Technology Access and Use

1. Vocational rehabilitation staff must read, understand and sign the Information Technology Resources Acceptable Use Policy Agreement.
2. Vocational rehabilitation staff who utilize the IRIS Client Base Management System must comply with the terms and conditions of use and sign the IRIS Access Form.

B. Electronic Communication of Personally Identifiable Information

1. Due to the non-secure nature of e-mail, the confidentiality of such communication cannot be ensured outside of the USOR internal e-mail system. Vocational rehabilitation staff must use discretion when sending e-mail correspondences that include Personally Identifiable Information (PII) such as the client's full name, place and date of birth, address, driver's license number, credit and financial information and specific health information. Social Security Numbers must never be sent outside of the agency via e-mail.
2. E-mails initiated by staff must ensure that client identity is protected in case an e-mail is intercepted.
 - a. As an example, in an e-mail, staff should identify a client using the client's first name and last initial, client record number, or other identifier that does not contain PII.
 - b. If staff receive an e-mail containing PII it is their responsibility to remove or redact the PII prior to responding or forwarding the e-mail to others.
3. However, it is recognized there are times when transmissions of PII is necessary in order to effectively operate business functions for the coordination and provision of VR services. This would include e-mail and fax transmissions of assessments, diagnostic evaluations and authorizations for services.
4. Vocational rehabilitation staff shall include the following confidentiality statement in the signature line of all emails:
 - a. **"Confidentiality Statement:** The contents of this e-mail message, including any attachments, are intended solely for addressee(s) and may contain confidential and/or privileged information. If you are not the intended recipient of this message or their designated representative,

you are hereby notified that dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this message in error, please immediately notify the sender by email reply or phone and delete this message and its attachments, if any.”

- 5. Vocational rehabilitation staff shall include the following confidentiality statement on all fax cover sheets:
 - a. **“Confidentiality Statement:** The documents accompanying this fax transmission are intended solely for the use of the individual or entity named above and may contain confidential and/or privileged information. If you are not the intended recipient or their designated representative, you are hereby notified that dissemination, distribution, or copying of this fax transmission is strictly prohibited. If you have received this fax transmission in error, immediately notify the sender and arrange for destruction of these documents.”

4.16 Model Notification Paragraph - Refusal to Disclose Information

"This refers to your request for information about (client). I regret that I am unable to comply with your request. The material you requested is exempt from disclosure under Exemption 6 of the Freedom of Information Act which permits us to withhold information, the disclosure of which would constitute a clearly unwanted invasion of personal privacy.

If you do not agree with the decision, you may request that it be reviewed. If you want this review you must mail your request within 30 days of this notice to" Russ Thelin, Executive Director, Utah State Office of Rehabilitation, 250 East 500 South, Salt Lake City, Utah 84111. Please mark your envelope "Freedom of Information Appeal" and enclose a copy of this letter."

4.17 Model Paragraph - Release of Medical/Psychological Information to Client

"Dear _____

We will be happy to comply with your request to provide (Medical) (Psychological) information from our records.

Please send us a written request for this information together with the name and address of (your personal physician) (Your psychologist) through whom this material will be made available to you."

4.18 Model Paragraph to Providers of Services and Other Vendors

"Dear _____

Please note that the Federal Privacy Act of 1987 sharply limits access to the reports and information you will furnish but does provide for disclosure to the client upon his written request. When disclosure is deemed to be harmful to the client, or to have an adverse effect upon him, the client will be asked to designate in writing a medical representative or psychologist through whom the record may be disclosed to the client."

4.19 Additional guidelines for Agency secretaries, clerical and paraprofessional staff.

- A. Disclosure of Information:
1. Under no circumstance is an Office Specialist or other paraprofessional personnel to release client information to anyone, including the client or the client's parent or legal guardian. All information requests are to be referred to the VR Counselor, evaluator, psychologist, placement specialist, or supervisor.
 2. Verbal or telephone requests for client records or other client information from public and private investigative agencies (such as FBI, local police, draft boards, lawyers) are not be honored. Such requests are to be referred to the person working with the client or the supervisor in the event that he/she is not available at the time the request is made.
 3. Information requests from individuals or organizations engaged in research are to be referred to the office supervisor who in turn will require the researcher to provide written permission from the Division Director before any information is released.
 4. Vocational rehabilitation secretarial, clerical, and paraprofessional staff can release applicant or client information only by specific direction from VR Counselors listed in 1. above in accordance to confidentiality procedures outlined in the Chapter. The method of disclosure and the information to be disclosed is specified by that person.
- B. Handling Confidential Information:
1. Security of Client Records:
 - a. All applicant/client information, including records, tests, and reports are to be kept under lock during periods when a person responsible for these records is not in the premises where the records are kept.
 - b. Client records are not to be left on desk tops, in desk baskets, or on computer screens where these records can be seen by people outside the vocational rehabilitation staff, especially when the secretary is away from the desk for extended periods of time, such as during break. Confidential documents are to be out of sight and the computer is to be turned off in such situations.
 - c. Office doors are to be locked whenever office personnel leave the office at night, on holidays, or on weekends.
 - d. Confidential client information should be retrieved from printers, copiers, scanners and fax machines in a reasonable and timely manner. These devices and machines should be routinely checked for client information and all documents should be appropriately secured or disposed of, prior to non-operating hours.
 - e. When using printers and copiers for making packets and completing mass printing jobs, staff are responsible for ensuring all pages are printed correctly and that no other unnecessary and unauthorized client confidential information was printed during the copy and collation session.
 - d. Clients are never to be permitted to act as couriers of confidential documents.

- e. Client information is only used by secretarial, clerical, or paraprofessional staff in the strict performance of their assigned duties. Client information is never to be used for one's own curiosity or information, especially if the client or applicant is a relative, friend, or acquaintance. Breach of confidentiality in this manner is subject to disciplinary action or dismissal from employment as determined by the Client Service Director and the Division Director.
 - f. Confidential client information or behavior is not to be discussed among vocational rehabilitation staff in a context other than to provide appropriate rehabilitation services. It is inappropriate to make sarcastic or derogatory comments about client or application information or behavior in an informal context, such as during break periods. Repeated violation of confidentiality in this manner is cause for appropriate disciplinary action, including dismissal.
 - g. Confidential client information is to be stored so that it is not accessible to anyone other than office staff. Under no circumstances are unauthorized persons to be placed in a situation where they can access these records.
 - h. Computer lists containing confidential client information are to be handled with the same security measure that are provided client records and confidential reports.
 - i. Under no circumstances should computer program passwords be made available to unauthorized personnel or persons. Instructions for using the computer are not to be left where others might access it.
2. Disposal of Discarded Materials:
Discarded notes, any copies of information, test sheets, computer printouts, and all other kinds of documents for daily and periodic disposal are to be shredded or likewise appropriately disposed of so as to avoid any disclosure of discarded confidential information.
- C. Reporting Confidentiality Violations:

Whenever a secretarial, clerical, or paraprofessional staff member becomes aware of any willful or unintentional violation of any agency confidentiality procedure, by any staff, the situation must be reported to the supervisor in charge of the unit. The supervisor stipulates the best way to deal with the situation, including recommending disciplinary action, which is then reviewed by the Division Director for final determination. Any reprisals on the part of the alleged violator against the person making the report, including unprofessional or abusive behavior, such as repeated passive aggressive behavior, is cause for disciplinary action (including dismissal).

UTAH STATE OFFICE OF REHABILITATION

Information Research and Duplication Billing Form

TO: _____

STATEMENT

Research fee. \$15.00

Duplicated Pages _____ @ \$.05 per page _____

Total _____

VR Counselor's Signature

Dated

MAKE CHECKS PAYABLE TO:
Utah State Office of Rehabilitation

Send To: _____
VR Counselor

**USOR 45-B
05/01/2012**

**Utah State Office of Rehabilitation
NOTICE OF INFORMATION EXCHANGE**

Federal regulations require USOR to inform you of situations where information about you may be accessed or released and to identify the specific agency(ies) with which the information will be exchanged.

The purpose of this reciprocal exchange of information is to facilitate a smooth and uninterrupted eligibility determination process and if appropriate, to facilitate other vocational rehabilitation services. Care will be taken by all agencies involved to release only that information which is required for effective and efficient implementation of services. Confidential information to be included in this interagency information exchange agreement may include: Educational, psychological, medical, social and vocational information relevant to your needs as a client of USOR.

Client Name _____
Address _____
Social Security # _____ Date of Birth _____

Agencies To Share Access To Confidential Information:

Utah State Office of Rehabilitation
Div. of _____
Address _____

Contact Person _____
Phone _____

Agency Name _____
Address _____

Contact Person _____
Phone _____

Agency Name _____
Address _____
Contact Person _____
Phone _____

Agency Name _____
Address _____
Contact Person _____
Phone _____

Agency Name _____
Address _____

Contact Person _____
Phone _____

Agency Name _____
Address _____

Contact Person _____
Phone _____

Client/Parent/Guardian Signature

Witness

Date

Form Letter A

Form letter for responding to subpoenas for appearance in court or at a deposition to give testimony or information. To be used when the subpoena is signed by a clerk of the court or an attorney. Not to be used when the subpoena is for us to produce documents only. No letter is needed if you have a valid court order.

(Date)

(Address)

Re: In response to your subpoena dated _____, Ref No _____, issued to _____ of this office.

Dear _____,

On advice of counsel by the Utah State Attorney General's Office, Chris Lacombe Esq., this letter is to advise you that we have received your subpoena and will appear as requested. You are also advised that the records of clients of the Utah State Office of Rehabilitation (USOR) are designated confidential by law. The USOR holds records, if any, pursuant to the statutory prohibition against release or disclosure without consent with consequent criminal penalty. Utah Code Ann. 53A-24-107. The USOR also holds records, if any, subject to federal law requiring confidentiality and restricting release. The law prohibits release of personal information in response to a subpoena or other document issued by a party to a dispute or an attorney. [34C.F.R.361.38(e)(4)]. Therefore, to give testimony, provide information, or produce documents at our appearance we must have one of the following:

- A) An information release form signed by the client, or**
- B) A court order signed by:**
 - a) A Judge**
 - b) A County Attorney**
 - c) An Administrative Law Judge (ALJ)**
 - d) The Auditor General**

Our receipt of one of these as indicated prior to the appearance date would help us comply with your request. If you have questions or need additional information please contact Mr. Chris Lacombe at 801-366-0279.

Sincerely,

(Counselor Name)

Form Letter B

Form letter for responding to subpoenas to produce documents only. To be used when the subpoena is signed by a clerk of the court or an attorney. Not to be used when the subpoena is for appearance in court or at a deposition to give testimony or information. No letter of any kind is needed if you have a signed release form or a valid court order. We just produce the documents.

(Date)

(Address)

Re: In response to your subpoena or request dated _____, Ref No _____, issued to _____ of this office.

Dear _____,

On advice of counsel by the Utah State Attorney General's Office, Chris Lacombe Esq., this letter is to advise you that the records of clients of the Utah State Office of Rehabilitation (USOR) are designated confidential by law. The USOR holds records, if any, pursuant to the statutory prohibition against release or disclosure without consent with consequent criminal penalty. Utah Code Ann. 53A-24-107. The USOR also holds records, if any, subject to federal law requiring confidentiality and restricting release. The law prohibits release of personal information in response to a subpoena or other document issued by a party to a dispute or an attorney. [34C.F.R. 361.38(e)(4)]. We may release our records, if any, only upon receipt of one of the following:

- 1) An information release signed by the client, or**
- 2) A court order signed by:**
 - a) A Judge**
 - b) A County Attorney**
 - c) An Administrative Law Judge (ALJ)**
 - d) The Auditor General**

Records, if any, will be copied within 10 working days for our costs upon receipt of either a release signed by our client or a valid court order signed by a person indicated above.

If you have questions or need additional information please contact Mr. Chris Lacombe at 801-366-0279.

Sincerely,

(Counselor Name)

Note to Staff: Copy fees are noted in CSM Chapter 4.