

Tar Heel Human Services
Inc.

Client Handbook

191 North North Carolina Hwy. 41
Beulaville, North Carolina 28518

TELEPHONE: (910) 298-6207
FAX: (910) 298-6293
EMERGENCIES: (910) 290-0153

TABLE OF CONTENTS

	Page
Statement of Client Rights	3
General Expectations of All Clients	3
Suspension and Expulsion Policy	4
Rules on Confidentiality	5-10
Sample Client Contract	11
Sample Notice of Policies and Practices (NPP)	14
Sample Release of Information	16

Addendums:

Confidentiality Rules for Mental Health, Developmental Disabilities and Substance Abuse Services

DHHS Consumer Handbook, 2nd Edition, A Guide for Understanding the Mental Health, Developmental Disabilities and Substance Abuse Service System in NC

Cultural Competency Policy

STATEMENT OF CLIENT RIGHTS

A brief statement of the right of individuals who receive services in this facility will be given to each client. It is to be handed to each client and explained as part of the intake process.

Individuals in this program have the following broad rights:

- The right to discontinue services, request discharge and/or transfer to another provider. Clients will be expected to pay for services received prior to discharge, according to the original payment agreement.
- The right to be informed as to the rules, schedules and any other expectations of the facility.
- The right to confidentiality of services, which means that no information provided by the client, no details of the treatment including the fact that the client is receiving services in the facility, will be disclosed to anyone without the written consent of the client, except in the case that a court of competent jurisdiction orders the disclosure.
- The right to obtain a copy of their treatment plan.
- The right to be informed as to rules and policies of the facility regarding fees for services, suspension of client and the procedure for submitting a grievance.

GENERAL EXPECTATIONS OF ALL CLIENTS

All services of this facility depend on the client and the staff working together. This takes the form of agreements or contracts, which specify responsibilities for both parties to achieve the objectives of treatment. The treatment plan is a summary of these agreements. In general, both parties are expected to do the following:

- Deal honestly with each other, and with self.
- Respect the confidentiality of others in treatment, what is said in treatment will stay in treatment, by not disclosing any private information you hear or see as well as the identity of other clients.

- Do not bring items to group that would create danger for others, such as weapons, alcohol, and drugs, including your own legitimate medications. If you must carry a medication or medical device, clear this with the counselor and follow recommended procedure.
- Attend your sessions unless it is truly impossible for you to be there, i.e. a serious situation exists. Make every effort to be on time. If you are sick or for other reasons realize that you will not be able to attend, call the facility as early as possible. If you know about the situation ahead of time, make arrangements with your counselor. You will be expected to make up any session you miss, which might delay your completion date.
- Please help prevent the spread of illness that can be passed from one person to another. A treatment group is an ideal setting for giving and getting a communicable illness, especially airborne viruses and bacteria. You can stay healthier yourself and avoid making someone else sick if you will do the following:
 - o Stay at home if you have a fever, vomiting, diarrhea, or uncontrolled coughing.
 - o Wash your hands frequently, especially after using the restroom, etc.
 - o Avoid touching your eyes and mouth.
 - o Do not drink out of the same container as someone else or share the same cigarette.
 - o If you have a condition that might be contagious even though you are not sick at the time, inform the staff (who will keep it in confidence) and take appropriate precautions.
 - o Follow your physician's direction for any medications so that you get the most benefit from them. For example, take all of the anti-biotic as prescribed unless the doctor instructs you otherwise.

Suspension and Expulsion Policy

If a client fails to meet their responsibilities or break facility rules the following are the general steps that will be taken:

1. The client will be given a verbal warning about the problem and asked to correct it.
2. If the client refuses or does not seem to correct it, he will be given a written notice that will be documented in his file.
3. The client will also be asked to bring the problem into group.
4. If the problem is still not corrected the client will be suspended and asked to file a grievance.
5. The quality assurance committee will determine if client is expelled from the facility.

Search and Seizure Policy

Staff in this facility will not physically participate in a search and seizure of any contra-band or illegal substance. Instead it will call the proper authorities if it

determines the incident to be a danger to the client, someone else or a detriment to the treatment process of all involved.

LIABILITY OF PERSONS WITH ACCESS TO INFORMATION

(a) Individuals employed in area and state facilities and employees governed by the State Personnel Act, G.S. Chapter 126, are subject to suspension, dismissal or disciplinary action for failure to comply with the rules in this Subchapter.

(b) Individuals, other than employees but including students and volunteers, who are agents of the Department of Health and Human Services who have access to confidential information in an area or state facility who fail to comply with the rules in this Subchapter shall be denied access to confidential information by the facility.

OWNERSHIP OF RECORDS

(a) All records, including those which contain confidential information which are generated in connection with the performance of any function of an area or state facility, are the property of the THHS, Inc.

(b) Original client records may be removed from an area or state facility premises only under the following conditions:

(1) in accordance with a subpoena to produce document or object or other order of the court or when client records are needed for district court hearings held in accordance with Article 5 of Chapter 122C of the N.C. General Statutes;

(2) whenever client records are needed for treatment/habilitation or audit purposes, records may be transported within an area facility or between state facilities;

(3) in situations where the THHS, Inc. determines it is not feasible or practical to copy the client record or portions thereof, client records may be securely transported to a local health care provider, provided the record remains in the custody of a delegated employee;

(c) THHS, Inc. shall charge uniform fees for the reproduction of client records which do not exceed the cost of reproduction, postage and handling. THHS, Inc. shall not charge for the reproduction of client records in the following types of situations:

- (1) professional courtesy when records are requested by physicians, psychologists, hospital or other health care providers;
- (2) third party payors when the state facility will derive direct financial benefits;
- (3) providers of support services as defined in G.S. 122C-3;
- (4) attorneys representing the Attorney General's office and Special Counsel;
- (5) other situations determined by the state facility to be for good cause;
- (6) when indigent clients request pertinent portions of their client records necessary for the purpose of establishing eligibility for SSI, SSADIB, Medicaid, or other legitimate aid; or
- (7) whenever state facilities utilize private photocopy services wherein the photocopy service, rather than the state facility, bills the recipient of the information based on the usual and customary fee established by the copy service

ALTERATIONS IN THE CLIENT RECORD

A client or a client's legally responsible person may contest the accuracy, completeness or relevancy of information in the client record and may request alteration of such information. Alterations shall be made as follows:

- (1) whenever a clinical staff member concurs that such alteration is justified, the area or state facility shall identify the contested portion of the record and allow the insertion of the alteration as an addendum to the contested portion of the client record; however, the original portion of the written record may not be deleted; or
- (2) whenever a clinical staff member does not concur that such alteration is justified, the area or state facility shall identify the contested portion of the record and allow a statement relative to the contested portion to be added to the client record which shall be recorded on a separate form and not on the original portion of the record which is being contested. Such statement shall be made a permanent part of the client's record and shall be released or disclosed along with the contested portion of the record.\

SECURITY OF CONFIDENTIAL INFORMATION

(a) THHS, Inc. maintains records with confidential information shall provide a secure place for the storage of records and shall develop written policies and procedures regarding controlled access to those records.

(b) THHS, Inc. will ensure that only authorized employees or other individuals authorized by the facility director have access to the records.

(c) Each area or state facility director shall ensure that a clinical staff member is present in order to explain and protect the record when a client or a client's legally responsible person comes to the facility to review the client record. A delegated employee shall document such review in the client's record.

(d) THHS, Inc. maintains confidential information in an automated data processing system (electronic records or fax machines) shall develop written policies and procedures regarding the provision of safeguards to ensure controlled access to such information.

ASSURANCE OF CONFIDENTIALITY

(a) THHS, Inc. director shall make known to all employees, students, volunteers and all other individuals with access to confidential information the provisions of the rules in this Subchapter and G.S. 122C-52 through 122C-56. The facility shall develop written policies and procedures in accordance with the rules of this Subchapter and applicable statutes and provide training to all individuals with access to confidential information.

(b) Such individuals shall indicate an understanding of the requirements governing confidentiality by signing a statement of understanding and compliance. Employees shall sign such statement upon employment and, again, whenever revisions are made in the requirements. Such statement shall contain the following information:

- (1) date and signature of the individual and his title;
- (2) name of area or state facility;
- (3) statement of understanding;
- (4) agreement to hold information confidential; and
- (5) acknowledgement of civil penalties and disciplinary action for improper release or disclosure.

REVIEW OF DECISIONS

Clients, clients' legally responsible persons or employees may request a review of any decisions made under the rules in this Subchapter by the area or state facility director, or, if elsewhere within the Division, by the Division director.

INFORMATION RECEIVED FROM OTHER AGENCIES/INDIVIDUALS

Whenever an THHS, Inc. receives confidential information from another facility, agency or individual, then such information shall be treated as any other confidential information generated by the area or state facility. Release or disclosure of such information shall be governed by the rules of this Subchapter.

INFORMATION PROVIDED TO FAMILY/OTHERS

Information shall be provided to the next of kin or other family member, who has a legitimate role in the therapeutic services offered, or other person designated by the client or his legally responsible person in accordance with G.S. 122C-55(j) through (l).

RELEASE OF CONFIDENTIAL INFORMATION WITH CONSENT

CONSENT FOR RELEASE

THHS, Inc. employees may not release any confidential information until a Consent for Release form as described in Rules .0202 and .0203 of this Section has been obtained. Disclosure without authorization shall be in accordance with G.S. 122C-52 through 122C-56 and Section .0300 of this Subchapter.

CONSENT FOR RELEASE FORM

(a) When consent for release of information is obtained by an THHS, Inc. facility covered by the rules in this Subchapter, a Consent for Release form containing the information set out in this Paragraph shall be utilized. The consent form shall contain the following information:

- (1) client's name;
- (2) name of facility releasing the information;
- (3) name of individual or individuals, agency or agencies to whom information is being released;
- (4) information to be released;
- (5) purpose for the release;
- (6) length of time consent is valid;
- (7) a statement that the consent is subject to revocation at any time except to the extent that action has been taken in reliance on the consent;
- (8) signature of the client or the client's legally responsible person; and
- (9) date consent is signed.

(b) Unless revoked sooner by the client or the client's legally responsible person, a consent for release of information shall be valid for a period not to exceed one year except under the following conditions:

- (1) a consent to continue established financial benefits shall be considered valid until cessation of benefits; or
- (2) a consent for release of information to the Division, Division of Motor Vehicles, the Court and the Department of Correction for information needed in order to reinstate a client's driving privilege shall be considered valid until reinstatement of the client's driving privilege.

(c) A consent for release of information received from an individual or agency not covered by the rules in this Subchapter does not have to be on the form utilized by THHS, Inc.; however, the receiving area or state facility shall determine that the content of the consent form substantially conforms to the requirements set forth in this Rule.

(d) A clear and legible photocopy of a consent for release of information shall be considered to be as valid as the original.

(e) Confidential information relative to a client with HIV infection, AIDS or AIDS related conditions shall only be released in accordance with G.S. 130A-143. Whenever authorization is required for the release of this information, the consent shall specify that the information to be released includes information relative to HIV infection, AIDS or AIDS related conditions.

PERSONS WHO MAY SIGN CONSENT FOR RELEASE

The following persons may sign a consent for release of confidential information:

- (1) a competent adult client;
- (2) the client's legally responsible person;
- (3) a minor client under the following conditions:
 - (a) pursuant to G.S. 90-21.5 when seeking services for venereal disease and other diseases reportable under G.S. 130A-135, pregnancy, abuse of controlled substances or alcohol, or emotional disturbances;
 - (b) when married or divorced;
 - (c) when emancipated by a decree issued by a court of competent jurisdiction;
 - (d) when a member of the armed forces; or
- (4) personal representative of a deceased client if the estate is being settled or next of kin of a deceased client if the estate is not being settled.

VERIFICATION OF AUTHORIZATION IN CASES OF DOUBT

Whenever the validity of an authorization is in question, an area or state facility employee shall contact the client or the client's legally responsible person to confirm that the consent is valid. Such determination of validity of the consent shall be documented in the client record.

INFORMED CONSENT

Prior to obtaining a consent for release of confidential information, a delegated employee shall inform the client or his legally responsible person that the provision of services is not contingent upon such consent and of the need for such release. The client or legally responsible person shall give consent voluntarily.

PERSONS DESIGNATED TO RELEASE CONFIDENTIAL INFORMATION

THHS, Inc. director shall be responsible for the release of confidential information but may delegate the authority for release to other persons under his supervision. The delegation shall be in writing.

DOCUMENTATION OF RELEASE

Whenever confidential information is released with consent, a delegated employee shall ensure that the release is placed in the client record.

PROHIBITION AGAINST REDISCLOSURE

- (a) THHS, Inc. facilities releasing confidential information shall inform the recipient that redisclosure of such information is prohibited without client consent.
- (b) A stamp may be used to fulfill this requirement.

RELEASE TO HUMAN RIGHTS COMMITTEE MEMBERS

(a) Client Rights Committee members may have access to confidential information only upon written consent of the client or the client's legally responsible person.

(b) A delegated employee shall release confidential information upon written consent to Clients Rights Committee members only when such members are engaged in fulfilling their function as set forth in 10A NCAC 28A .0207, and when involved in or being consulted in connection with the training or treatment of the client.

RELEASE TO AREA BOARD MEMBERS

Area board members may have access to confidential information only upon written consent of the client or the client's legally responsible person or pursuant to other exceptions to confidentiality as specified in G.S. 122C-53 through 122C-55. Area board members may have access to non-identifying client information.

RELEASE OF INFORMATION BY INTERNAL CLIENT ADVOCATES

Upon request by the Secretary, internal client advocates may disclose to the Secretary or his designee confidential information obtained while fulfilling monitoring and advocacy functions.

DISCLOSURE OF CONFIDENTIAL INFORMATION WITHOUT CONSENT

NOTICE TO CLIENT

(a) THHS, Inc. that maintains confidential information shall give written notice to the client or the legally responsible person at the time of admission that disclosure may be made of pertinent information without his expressed consent in accordance with G.S. 122C-52 through 122C-56. This notice shall be explained to the client or legally responsible person as soon as possible.

(b) The giving of notice to the client or legally responsible person shall be documented in the client record.

PERSONS DESIGNATED TO DISCLOSE CONFIDENTIAL INFORMATION

THHS, Inc. director shall be responsible for the disclosure of confidential information but may delegate the authority for disclosure to other persons under his supervision.

DOCUMENTATION OF DISCLOSURE

PROHIBITION AGAINST REDISCLOSURE

(a) Agencies disclosing confidential information pursuant to G.S. 122C-52 through G.S. 122C-56 shall inform the recipient that redisclosure of such information is prohibited without client consent.

(b) A stamp may be used to fulfill this requirement.

