

Stark County Board of Developmental Disabilities

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CONFIDENTIALITY

POLICY

The Stark County Board of Developmental Disabilities will utilize a system of record management that assures compliance with all Federal and State laws and with the professional standard of confidentiality. This record management shall also maintain and safeguard the right to privacy of persons served as well as confidential treatment of their information in their file. Confidentiality procedures shall also be in accordance with the Ohio Administrative Code for the Education of Handicapped Children Section 3301-51-04.

Historical Resolution Information		Reviewer(s):
Date	Resolution Number	Manager of Health & Therapy Services
1/19/13	1-09-13	
10/25/16	10-42-16	

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PROCEDURE

A. Record Control Responsibility

In each program area, official responsibility for an individual's records, organizational systems, and procedural safeguards shall rest with the Compliance Committee members.

The Compliance Committee members shall assure the Board Policy and Procedure Manual, Chapter 2: Agency Administration policies and procedures are strictly observed.

B. Record Access

Pursuant to [HIPAA Procedure 18](#), no identifiable information either verbal or written shall be forwarded to any individual, agency or organization without the written consent of the individual or if applicable, parent/guardian or as provided in state or federal statute or rule.

C. Record Retention and Disposition

The Board's schedule of record retention and disposition shall control the retention and destruction of records. OAC 5123:2-1-02 provides that written permission of the individual or parent of a minor or guardian shall be obtained prior to the destruction of individual record information. Additionally, the rule provides that copies of records shall be offered to the individual or parent of a minor or guardian. The Board construes "individual record information" to mean documents contained in the individual's case record. Therefore, reasonable efforts shall be made and documented in an attempt to obtain written permission from the individual, parent or guardian prior to the destruction of this individual record information. Other documents pertaining to an individual will be destroyed pursuant to the county records retention policy for the Stark County Board of Developmental Disabilities.

After the death of an individual served by the Board, individual information including case record information will be released in thirty (30) days of receipt of a written request from the executor or the administrator of the individual's estate. This information, upon the individual's death also must be released at the time of the individual's death if no guardian, to the first applicable family member using the following order of preference: the individual's spouse; the individual's children; the individual's parents; the individual's brothers or sisters; the individual's uncles or aunts; the closest relative by marriage.