



## Policy and Procedure Template

Policy Name:	Patient Confidentiality		
Effective Date:		Revision Date:	
Department(s)/Site(s):			
Document Owners:			
Approved By:			
Relevant Law/Standard:	California Department of Health Care Services under Title 22, California Code of Regulations, Section 53230. (Requires the review and certification of Primary Care Practitioner (PCP) sites.)  22 CCR §53855; 28 CCR §1300.67.1, §1300.80  Department of Health Care Services (DHCS) All Plan Letter 20-004, Facility Site Reviews.  45 CFR Section 164.524  <a href="https://codes.findlaw.com/ca/welfare-and-institutions-code/wic-sect-14124-1.html">https://codes.findlaw.com/ca/welfare-and-institutions-code/wic-sect-14124-1.html</a>		

**Purpose:**

To ensure confidentiality of personal medical information is protected according to State and federal guidelines.

**Policy:**

**Privacy:** Patients have the right to privacy for dressing/undressing, physical examination, and medical consultation. Practices are in place to safeguard patient privacy. Because dressing areas and examination room configurations vary greatly, reviewers will make site-specific determinations.

**Confidentiality:** Personnel follow site policy/procedures for maintaining confidentiality of individual patient information. Individual patient conditions or information is not discussed in front of other patients or visitors, displayed or left unattended in reception and/or patient flow areas (this includes unattended electronic devices).

**Electronic Records:** Electronic record-keeping system procedures have been established to ensure patient confidentiality, prevent unauthorized access, authenticate electronic signatures, and maintain upkeep of computer systems. Security protection includes an off-site backup storage system, an image mechanism with the ability to copy documents, a

mechanism to ensure that recorded input is unalterable, and file recovery procedures. Confidentiality protection may also include use of encryption, detailed user access controls, transaction logs, and blinded files.

**Record Release:** Medical records are not released without written, signed consent from the patient or patient’s representative, identifying the specific medical information to be released. The release terms, such as to whom records are released and for what purposes, and the expiration date of the consent to medical record release should also be described. This does not prevent release of statistical or summary data, or exchange of individual identifiable medical information between individuals or institutions providing care, fiscal intermediaries, research entities and State or local official agencies. (45 CFR Section 164.524)

**Record Retention:** Health care services rendered under the Medi-Cal program or any other health care program administered by the department or its agents or contractors, shall keep and maintain records of each service rendered under the Medi-Cal program or any other health care program administered by the department or its agents or contractors, the beneficiary or person to whom rendered, the date the service was rendered, and any additional information as the department may by regulation require. Records required to be kept and maintained under this section (including minors under 18 years old) shall be retained by the provider for a period of 10 years from the final date of the contract period between the plan and the provider, from the date of completion of any audit, or from the date the service was rendered, whichever is later, in accordance with Section 438.3(u) of Title 42 of the Code of Federal Regulations

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