

 <p style="text-align: center;">DIVISION OF ADULT INSTITUTIONS</p> <p style="text-align: center;">POLICY AND PROCEDURES</p>	DAI Policy #: 500.50.21	Page 1 of 4
	Original Effective Date: 10/26/11	New Effective Date: 06/01/16
	Supersedes: 500.50.21	Dated: 10/31/14
	Administrator's Approval: Jim Schwochert, Administrator	
Required Posting or Restricted:		
<input checked="" type="checkbox"/> Inmate <input checked="" type="checkbox"/> All Staff <input type="checkbox"/> Restricted		
Chapter: 500 Health Services		
Subject: Confidentiality of Health Care Record		

POLICY

The Division of Adult Institutions shall maintain the confidentiality of an inmate patient's written or electronic health record, as well as verbally conveyed health information, pursuant to federal and Wisconsin laws and Department of Corrections policies.

REFERENCES

Standards for Health Services in Prisons, National Commission on Correctional Health Care, 2014, P-H-02 Confidentiality of Health Care Records

Federal Regulations, 42 CFR Part 2 – Confidentiality of Alcohol and Drug Abuse Patient Records

Federal Regulations, 45 C.R.R., Parts 160, 162, and 16, HIPAA Regulations

Wisconsin Statutes s. 146.83 – Access to patient health care records

Wisconsin Statutes s. 252.15 – Restrictions on use of an HIV test

Executive Directive 35 – Confidentiality of Offender Health Care Information

DAI Policy 500.50.01 – Minimum Necessary and Duty to Mitigate HIPAA Standards

DAI Policy 500.50.06 – Management of DOC Health Care Records

DEFINITIONS, ACRONYMS AND FORMS

BHS – Bureau of Health Services

DAI – Division of Adult Institutions

DOC – Department of Corrections

Health Care Record (HCR) – Official confidential DOC record created and maintained for each patient consisting of all or some of the following components: Medical Chart, Dental Services Record, Dialysis Chart, Psychological Records-Copies envelope, Medications Record envelope, Patient Request Folder, Psychological Services Unit Record, Psychological Services Unit Record – AODA envelope, and other components as defined by the BHS.

HIPAA – Health Insurance Portability and Accountability Act

Responsible Health Authority (RHA)/Designee – The designated health authority responsible for overseeing the delivery of health care services.

UPS – United Parcel Service

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USPS – United States Postal Service

PROCEDURES

I. General Guidelines

- A. Each facility shall maintain all HCRs in a confidential manner under secure conditions.
 - 1. HCRs shall be kept in an area controlled by health staff and separate from other correctional (non-health) records.
 - 2. When a health staff member is not present in the area where HCRs are stored, the area shall be secured to limit access to the HCRs.
 - 3. When a HCR has been removed from the secure storage area, health staff shall make all reasonable efforts to promptly return the HCR to the secure location when the HCR is no longer being actively used.

- B. The RHA/designee shall control access to HCRs and health information.
 - 1. The Director of BHS is the RHA for the DOC.
 - 2. The Health Services Manager at each facility acts as the designee of the RHA for that facility.
 - 3. A designated Nursing Coordinator acts as the designee of the RHA for the correctional centers.
 - 4. The Psychology Supervisor shall control access to the components of the HCR kept in the Psychological Services Unit, and to health information related to those records.

- C. The Health Information Supervisor/HIPAA Compliance Officer shall:
 - 1. Keep the RHA/designees informed about all Wisconsin and federal confidentiality laws and changes to those laws.
 - 2. Create and revise policies to implement the laws.
 - 3. Develop and update training related to the laws.

- D. DAI shall maintain records which document that all staff has received instruction about the confidentiality of HCRs and health information at a minimum at BHS New Employee Orientation, in the minutes at staff meetings and at other training sessions.

- E. Movement of HCRs
 - 1. Upon release or transfer of an inmate patient, HCRs shall be placed in sealed bags or sealed boxes and moved in accordance with DAI Policy 500.50.06.
 - 2. Labels on the bags or boxes shall include the sending and receiving locations and indicate that the records are confidential.
 - 3. When DOC employees do not transport the HCRs, facilities shall use USPS or UPS to track envelopes/boxes sent to Central Medical Records/Inactive Women's Medical Records, or to a facility when the HCR does not accompany the inmate at the time of transfer.

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Bureau of Health Services: _____ **Date Signed:** _____
James Greer, Director

_____ **Date Signed:** _____
Ryan Holzmacher, MD, Medical Director

_____ **Date Signed:** _____
Mary Muse, Nursing Director

Administrator's Approval: _____ **Date Signed:** _____
Jim Schwochert, Administrator

DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES

Facility: Name		
Original Effective Date:	DAI Policy Number: 500.50.21	Page 4 of 4
New Effective Date: 00/00/00	Supersedes Number:	Dated:
Chapter: 500 Health Services		
Subject: Confidentiality of Health Care Record		
Will Implement <input type="checkbox"/> As written <input type="checkbox"/> With below procedures for facility implementation		
Warden's/Center Superintendent's Approval:		

REFERENCES

DEFINITIONS, ACRONYMS, AND FORMS

FACILITY PROCEDURE

- I.
 - A.
 - B.
 - 1.
 - 2.
 - a.
 - b.
 - c.
 - 3.
 - C.

II.

III.

RESPONSIBILITY

I. Staff

II. Inmate

III. Other