GUIDANCE DOCUMENT CERTIFICATION

I have reviewed this guidance document or proposed guidance document and I certify that it complies with sections §227.10 and §227.11 of the Wisconsin Statutes.

I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated.

I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.

__________________________
Name of Individual Certifying this Document/Proposed Document

__________________________
Director, Bureau of Health Services

__________________________
Signature

__________________________
Date Signed

James Greer

Department of Corrections – Wisconsin
Office of the Secretary
Wis. Stat. § 227.112(6)
DOC-2910 (6/2019)
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
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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<tr>
<th>Bureau of Health Services: ______________</th>
<th>Date Signed: __________</th>
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<tr>
<td>James Greer, Director</td>
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<td>Ryan Holzmacher, MD, Medical Director</td>
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<td>Mary Muse, Nursing Director</td>
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<th>Administrator’s Approval: ______________</th>
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<td>Jim Schwochert, Administrator</td>
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### Facility: Name

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<th>DAI Policy Number: 500.50.21</th>
<th>Page 4 of 4</th>
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<td>New Effective Date: 00/00/00</td>
<td>Supersedes Number:</td>
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**Chapter:** 500 Health Services

**Subject:** Confidentiality of Health Care Record

**Will Implement** [ ] As written  [ ] 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