

Area: Program Services  
Subject: Confidentiality of Client Records  
Policy No.: 150

### **Policy**

It is the policy of the Clinical Service Programs of the Communication Disorders to secure all client records and to follow a code of confidentiality in the treatment of all clients.

### **Purpose**

The purpose of this policy is to ensure that all clients have the right to privacy protected during their course of service in the Clinical Service Programs of the Department of Communication Disorders.

### **Procedures**

#### Release of Information:

- Information regarding the status of any individual as a client will not be provided to any individual outside of program staff unless written permission to do so is provided by the client or responsible party.
- All information contained in a client's file or other Clinic records is considered confidential, and not to be shared with anyone other than those authorized to receive or review it.
- Written release must be signed by the client or responsible party for each written report that the program requests from another agency or person.
- A written release must be signed by the client or responsible party for each written report that is sent by the program to another agency or person. The release form must specify the particular contact person within the agency to which the report is being sent.
- Information contained in a client's file that was provided by sources outside the Program may not be released to outside parties under any circumstances.
- Telephone contacts regarding consultation involving a client must be verbally approved by the client or responsible party. A dated note documenting such approval must be entered into the Chronological Note sheet of a client's file before such contacts are made.

#### Protection of Client Identity:

- There will be no client identifying information posted or otherwise evident in any area of the Program accessible by the general public.
- No client identifying information (names, client initials, birth dates, case numbers, etc.) will be included on working copies of client specific documents (SOAP Notes, Session Plans, Client Progress Summaries, Diagnostic Reports, etc.).
- No client identifying information will be mentioned during educational activities within the Program or Department.
- No conferences or discussions with clients, accompanying parties, professionals or other parties regarding Program clients may take place in any of the public areas of the Program.
- Observers of diagnostic and treatment sessions are limited to faculty, clinical staff, individuals accompanying clients, and students in training within the Program. Student observers will be informed that no client identifying information may be requested or included in any reports they may write of their observations.

- Any other persons wishing to observe may do so only with the expressed permission of the specific client or guardian.

#### Clinic Files:

- All client files are to be kept locked in the appropriate file cabinets in the Clinic File Room (Davis Hall 012C) or in the Inactive File Storage Room when not in use. Both file rooms must be kept locked at all times when not directly supervised by a member of the CCD clinic staff. Access to both rooms are limited to authorized clinic personnel only.
- Student clinicians may review client files in the Clinic File Room. Any file taken for review must be signed out on the client file sign-out sheet, and signed back in when returned to the appropriate file draw.
- No file may be removed from the client file room without direct permission of the Case Supervisor or Clinic Director.
- Files taken from the file room may not be removed from the Department under any circumstances.
- Files may never be left unattended in any unsecured area.
- Files may never be placed in student or faculty mailboxes.
- Supervisors must return client files to the locked file cabinets immediately after use. If a supervisor must keep a file in his/her office for an extended period of time, that file must be kept in a secure, locked area such as a file or desk draw, and may at no time be left in view of other people entering the office.

#### Electronic Transmission of Client-Related Data:

- Client-related documents that contain identifying information may not be transmitted by fax, E-mail message or attachment, or other electronic means unless authorized in writing by the client or his/her guardian. Identifying information includes:
  - Names and initials of clients, guardians and significant others
  - addresses
  - telephone numbers
  - client file numbers
  - any and all other information that would reveal the identify of an individual
- Client-related documents transmitted electronically between student clinicians and clinical supervisors must have all identifying information deleted before transmission.
- Client-related documents may not be stored on personal or Departmental computer hard drives, flash drives, web-based or cloud-based storage, or included in any personal or academic portfolios, unless all identifying information has been deleted.

#### Audio/Video Recordings:

- Audio and video recordings of clients may only be made with specific written authorization from a client or their legal guardian.
- All audio and video recordings are considered confidential information, and are not to be listened to or viewed by anyone not immediately involved with evaluation or treatment of the client, without written permission of the client (*Authorization to use Clinic Material form*).
- Audio and video recordings that are archived will be maintained in a restricted access environment and will be accessible only to authorized individuals.

More details regarding making, archiving and accessing audio/video recordings may be found in the section below:

## **Audio and Video Recordings at the Clinical Service Programs of the Department of Communication Disorders**

### ***Frequently Asked Questions***

#### ***Can I make audio or video recordings of my clients?***

Audio and video recordings of clients may only be made with specific written authorization from your client or their legal guardian. There are two levels of authorization indicated on the ‘Request to Use Clinic Materials’ authorization form (Page 3 of the ‘Application for Clinical Services’ form that must be completed for each client.)

The first level of authorization (“*I authorize the Program to make audio or video recordings for the purpose of evaluating and treating my or my family members communication needs.*”) allows you to record your client for use in evaluation or therapy, but does not allow you to keep the recording for the long term or show it in class or seminar.

The second level of authorization (“*I authorize the Department of Communication Disorders to keep and play copies of audio or video recordings made of my/my family member’s evaluation or treatment for the purpose of student training.*”) will also allow you to archive video and show it in class or seminar.

Please make sure that your client or their guardian has reviewed and signed this authorization PRIOR to making any video or audio recordings. These authorizations must be updated every 12 months. Please remember that your client has the right to refuse this, and in that case no recordings may be made.

#### ***What can I use to make audio recordings of my clients?***

Audio recordings may be made with personal audio recording devices (recorders, smart phones, tablets, etc.) as long as there is no video component.

#### ***Can I save audio recordings and play them outside the clinic?***

Ideally, audio recordings should only be played while in the department and must be erased immediately after they are reviewed. They may not be played in a publically audible manner in a place where unauthorized people can hear. If you must review audio data outside the clinic, you must first ensure that your client’s full name or other identifying information cannot be heard on the recording. If that is the case, you may review the recording in a private environment, making sure no unauthorized person can hear it. Erase the recording immediately after you are done.

#### ***I need to make a video recording and review it with my client during a therapy or evaluation session. What recording devices can I use?***

You may use one of the iPads owned by the department to make a temporary recording of your client to view during a session. These recordings must be erased by the end of the session. No personal recording devices (camera, laptop, phone, iPads, flip cam, etc.) may be used at any time to make video recordings.

#### ***I need to make a video recording and review it after a session. How do I do this?***

Therapy rooms 18C, 19, 25A, 25C, 25D and 25F have remote digital video recorders. These can be activated and controlled by a clinical instructor (CI). Recordings are saved to authorized flash

drives that are signed out from the Clinic Director's office by a CI. These recordings can be reviewed on a laptop while in the department. They must be erased from the laptop on which they were viewed immediately after use. They may not be saved on a laptop. Flash drives must be cleared and returned to the Clinic Director's office after use.

***How do I figure out how to use the remote video recorders?***

An instructional guide for using remote video recorders is available from the Clinic Director.

***May I take a video recording home to review?***

No, video recordings may only be viewed within the department. No video recording, in any format, may be removed from the department.

***I am a faculty member or clinical instructor, and want to keep a video recording for teaching purposes. Can I do this?***

If a client or their legal guardian has granted permission to keep and play copies of audio or video recordings for the purpose of student training, a copy of the recording may be archived on a portable hard drive maintained in the clinic director's office. These recordings will be labeled by date, age of client, disorder and client initials only. They may be signed out for teaching or research purposes, but may not be duplicated or stored on personal laptops.

***May I archive a video made at the clinic for research purposes?***

Please follow the IRB approved protocol you have established for your research project to manage any audio/video recordings that you make.

***I still have a question that has not been answered. What do I do now?***

Talk to the Clinic Director.

Approved by CMD faculty vote on 10/2/02; amended 6/13/14; 8/28/17