
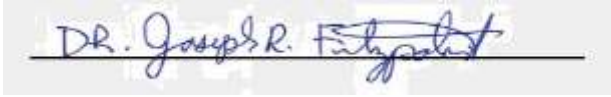


<b>POLICY TITLE: PRIVACY OF CARE</b>		<b>PAGE <u>1</u> OF <u>3</u></b>
<b>POLICY NUMBER: 18.2</b>		
<b>CHAPTER 18: HEALTH CARE SERVICES</b>		
	<b>STATE of MAINE</b> <b>DEPARTMENT of CORRECTIONS</b>  <b>Approved by Commissioner:</b> 	<b>PROFESSIONAL STANDARDS:</b>  <b>See Section VII</b>
	<b>EFFECTIVE DATE:</b> <b>August 4, 2003</b>	<b>LATEST REVISION:</b> <b>September 20, 2017</b>

**I. AUTHORITY**

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. Section 1403 and in accordance with 42 U.S.C. Section 1320d (HIPAA).

**II. APPLICABILITY**

All Departmental Adult Facilities

**III. POLICY**

The Department recognizes its responsibility for ensuring the privacy of health care and confidentiality of health care information. Access to prisoner health care records shall be in accordance with Departmental policy and State and Federal law.

**IV. CONTENTS**

- Procedure A: Privacy of Care
- Procedure B: Sharing of Health Information
- Procedure C: Confidentiality of Health Care Records and Mental Health Information

**V. ATTACHMENTS**

None

**VI. PROCEDURES**

**Procedure A: Privacy of Care**

1. All health care interactions between staff and prisoners shall be conducted in an area that is appropriate to maintain the prisoner's dignity and privacy.

2. All staff involved in health care interactions with prisoners shall ensure that any information obtained is treated as confidential in accordance with Department policy, and State and Federal laws, including Health Insurance Portability and Accountability Act of 1996 (HIPAA).

**Procedure B: Sharing of Health Information**

1. Facility health care staff shall have access to information in health care records and other departmental records that is relevant to a prisoner’s health care, if necessary, to the delivery of health care to the prisoner.
2. Facility health care staff shall share health care information with members of the prisoner’s unit management team and other appropriate staff that is relevant to a correctional purpose, if necessary, to carry out a statutory function of the Department of Corrections. Only that information necessary to preserve the health and safety of the prisoner, other prisoners, volunteers, visitors, or facility staff shall be provided.
3. The facility’s health authority shall share information regarding a prisoner’s medical management with the facility’s Chief Administrative Officer as necessary to protect and preserve the integrity of the facility.
4. Health care records and information shall be made available to persons authorized by the Commissioner of Corrections, or designee, for research or audit purposes.

**Procedure C: Confidentiality of Health Care Records and Mental Health Information**

1. The active and inactive health care records shall be maintained separately from the prisoner’s administrative and case management records.
2. All active and inactive health care records, and information in those records, shall be kept confidential in accordance with Department Policy 11.2 (AF), Confidentiality of Prisoner Information.

**VII. PROFESSIONAL STANDARDS**

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5-ACI-6C-03 (MANDATORY) The principle of confidentiality applies to offender health records and information about offender health status.

- The active health record is maintained separately from the confinement case record.
- Access to the health record is in accordance with state and federal law.
- To protect and preserve the integrity of the facility, the health authority shares with the superintendent/warden information regarding an offender's medical management.

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- The circumstances are specified when correctional staff should be advised of an offender's health status. Only that information necessary to preserve the health and safety of an offender, other offenders, volunteers/ visitors, or the correctional staff is provided.
- Policy determines how information is provided to correctional/ classification staff/volunteers/visitors to address the medical needs of the offender as it relates to housing, program placement, security, and transport.
- The release of health information complies with the Health Insurance Portability and Accountability Act (HIPAA), where applicable, in a correctional setting.

**4-ACRS-4C-22** If medical treatment is provided by the facility, accurate health records for offenders are maintained separately and confidentially.

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