



PHOENIX COUNSELING CENTER POLICY AND PROCEDURE

<p>Title: Response to Subpoenas, Search Warrants, Investigations and Other Legal Actions</p> <p>Responsible Department: Health Information</p> <p>Last Revision: 04/2006, 09/2008, 08/2017</p> <p>Board Reviews: : 09/23/2015, 01/9/2016, 12/14/2017, 09/26/2018, 04/17/2019, 02/19/2020, 01/20/2021</p>	<p>Policy Number: I-A-007</p> <p>Effective Date: 04/2006</p> <p>DocuSigned by: Board Chair <u>Heidi Chenail</u> Date: <u>1/24/2021</u> <small>1B9E9B90F43D42C...</small></p> <p>DocuSigned by: CEO: <u>Kevin Oliver</u> Date: <u>1/24/2021</u> <small>04F5132EFBF04FC...</small></p>
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POLICY:

- A. Phoenix Counseling Center shall be responsive to valid subpoenas, search warrants, investigations, and other legal actions. Response shall be driven by compliance with applicable federal/state law, administrative rules, regulatory/accreditation standards, and judge's order. At all times efforts shall be focused on protecting the confidentiality (protected and privileged information) of the consumer and managing risk to the agency, employees, community, and other stakeholders.
- B. Subpoenas/search warrants/arrest warrants/legal investigations alone are insufficient to release protected and privileged confidential consumer information. As a general rule, confidential consumer information shall only be released when a valid consent is signed by the consumer, parent, and/or guardian, or a valid court order is issued by a judge to release confidential consumer health information.
- C. These documents/actions shall be addressed on an individual basis and responded to as deemed appropriate by PCC's Chief Executive Officer (CEO) or Designee. Board and legal counsel shall be available as deemed appropriate by the CEO and/or Board Chair. The legal document alone is not sufficient to release any information on a consumer. The legal document(s) must meet appropriate legal requirements and have appropriate legal language to release according to North Carolina (NC) General Statute 122C and Federal Code 42CFR Subpart 2.

PROCEDURE:

- A. All Employees, Volunteers, Students (Interns)
 1. When presented with legal actions involving the release of confidential consumer information, shall refer matter to assigned Health Information Specialist or Health Information Coordinator.
 2. When presented with other legal actions, shall refer matter to assigned supervisor.
- B. Supervisors
 1. Shall assure compliance with this policy and procedure and provide training to assigned employees.
 2. Shall refer all legal actions that do not involve the release of confidential information to PCC's Quality Management and Information Officer.
- C. Health Information Coordinator

1. Shall have primary responsibility for reviewing and approving response to legal actions involving the release of confidential consumer information.
2. Shall assure compliance with applicable federal/state laws, regulatory guidelines, and PCC policy and procedure.
3. Shall provide consultation with Health Information Management (HIM) employees or managers in satellite offices regarding the release of confidential information
4. May consult with supervisor as needed for clarification of response.

D. Quality Management and Information Officer

1. Shall have primary responsibility for the review of search warrants, investigations, and/or other legal actions and initiating response as deemed appropriate.
2. Shall consult with CEO and Leadership Team (LT) members as appropriate.
3. Shall assure compliance with applicable law and organizational policies and procedures.
4. Should the legal action involve the CEO, shall refer to Board Chair for review and action.
5. If legal action is regarding the Quality Management and Information Officer, PCC's CEO shall assume responsibility for review and action as appropriate.

E. CEO

1. Shall have discretion to involve the full board or legal counsel as deemed appropriate.
2. Shall provide consultation to the Quality Management and Information Officer as requested regarding legal actions initiated against PCC and/or employees of the agency.
3. Shall assure the agency has adequate insurance to manage agency and employee risk.

F. Board Chair

1. Shall review and take action as appropriate if legal actions involve the CEO.
2. Shall be consulted by CEO as appropriate when legal actions are initiated against PCC, its employees, or services.
3. Board shall have full authority to take action as appropriate.