

CONFIDENTIALITY OF RECORDS AND INFORMATION POLICY & AGREEMENT

It is the responsibility of the Organ and Tissue Donation Program to provide non-Missouri Department of Health and Senior Service (DHSS) members with instructions on maintaining the confidentiality and security of records. Organ Donation Advisory Committee members shall review this policy and be required to sign this document certifying knowledge of and agreement to comply with this policy. This agreement shall be filed in the Organ Donation Advisory Committee file at DHSS and a signed copy shall be sent to the Organ Donation Advisory Committee member.

It is the responsibility of all Organ Donation Advisory Committee members to:

- Assure the confidentiality and security of information and records as required by any and all federal and state laws, and
- Assure the confidentiality and security of information and records within their control and to release information only to those agencies or individuals having an official need for the information.

Questions regarding release of information shall be referred to the Organ Donation Program staff. A request for a legal opinion on release of information shall be submitted through administrative channels to the DHSS legal counsel. Requests may be sent directly to the Department's legal counsel in situations requiring an immediate opinion, with follow-up to the Organ Donor Program staff.

Information Exchange

- Informal records of telephone conversations containing information of a confidential nature shall be destroyed unless placed in official files.
- Documents containing information of a confidential nature shall be sealed inside an envelope addressed to a specific office or individual and marked "CONFIDENTIAL" when mailing or sending to other individuals, programs, or agencies having an official need for the information.
- Conferences and informal conversations shall be held in a manner to avoid discussions of a confidential nature being overheard by others.
- Confidential personal information obtained in the performance of duties shall not be released to individuals or entities that do not have a business-related reason and proper authority to receive such information.

Precautions for Maintaining Confidentiality of Information

All information that identifies or can be used to readily identify individuals shall be considered confidential. Information specifically covered by HIPAA, the HIPAA Privacy Rule, the HIPAA Security Rule, and the Breach Notification Rule, or other applicable federal or Missouri confidentiality laws, including but not limited to the Missouri Breach Notification Law, shall be determined and individuals with responsibilities requiring access to the information shall be identified. Information of a confidential nature shall be removed from public view (placed inside a locked desk or file cabinet) when the Organ Donation Advisory Committee member is away from his/her workstation or work unit is closed or left unattended. Information that is to be discarded, such as poor quality copies or purged file materials, shall be shredded or otherwise destroyed to the extent that individuals cannot be identified.

Computers

Any confidential information obtained from the DHSS computer system or contained in the computer of any Organ Donation Advisory Committee member shall be maintained in a confidential and secure manner.

Noncompliance and Resignation

An Organ Donation Advisory Committee member revealing confidential information to unauthorized agencies or individuals shall be subject to immediate removal from the committee and, when in violation of applicable state and federal laws, shall be subject to civil and/or criminal penalties including but not limited to fine and/or imprisonment. An Organ Donation Advisory Committee member who terminates or resigns his/her membership with the Organ Donation Advisory Committee and reveals confidential information acquired as an Organ Donation Advisory Committee member shall be subject to civil and/or criminal penalties including but not limited to fine and/or imprisonment.

Certification

This is to certify that I have read and agree to comply with the provisions of this policy.

Committee Member Signature

Date