



3 CONFIDENTIALITY

POLICY:

All information as to personal facts and circumstances obtained by the project staff about individuals receiving services must be held confidential and must not be disclosed without the individual's documented consent, except as may be necessary to provide services to the patient or as required by law, with appropriate safeguards for confidentiality. Otherwise, information may be disclosed only in summary, statistical, or other form which does not identify particular individuals. Reasonable efforts to collect charges without jeopardizing client confidentiality must be made. Recipient must inform the client of any potential for disclosure of their confidential health information to policyholders where the policyholder is someone other than the client. 42 CFR § 59.10(a)

To the extent practical, Title X projects shall encourage family participation. However, Title X projects may not require the consent of parents or guardians for the provision of services to minors, nor can any Title X project staff notify a parent or guardian before or after a minor has requested and/or received Title X family planning services. 42 CFR § 59.10(b)

PROCEDURE:

Subrecipients and service sites must safeguard client confidentiality. Recipient contracts with sub-recipient agencies include this requirement.

Documentation (e.g., staff circulars, new employee orientation documentation, training curricula) demonstrates that staff has been informed at least once during the current project period about policies related to preserving client confidentiality and privacy.

Clinical protocols and policies have statements related to client confidentiality and privacy.

The health records system has safeguards in place to ensure adequate privacy, security and appropriate access to personal health information.

There is evidence that HIPAA privacy forms are offered to clients and signed forms are collected as required.

General consent forms or other documentation at all service sites state that services will be provided in a confidential manner and note any limitations that may apply.

Third party billing is processed in a manner that does not breach client confidentiality, particularly in sensitive cases (e.g., adolescents or young adults seeking confidential services, or individuals for whom billing the policyholder could result in interpersonal violence).



The HIPAA Privacy Rule requires health plans and covered health care providers to develop and distribute a notice that provides a clear, user-friendly explanation of individuals' rights with respect to their personal health information and the privacy practices of health plans and health care providers. Model Notices of Privacy Practices can be found at <https://www.hhs.gov/hipaa/for-professionals/privacy/guidance/model-notices-privacy-practices/index.html>

HIPAA privacy rule specific to reproductive health care information can be found here <https://www.federalregister.gov/documents/2024/04/26/2024-08503/hipaa-privacy-rule-to-support-reproductive-health-care-privacy>. The rule prohibits covered entities from using or disclosing private health information "to conduct a criminal, civil, or administrative investigation into any person for the mere act of seeking, obtaining, providing, or facilitating reproductive health care," provided that the reproductive health care sought is lawful under state law.

Additionally, the rule requires an entity seeking reproductive health care information for law enforcement purposes or judicial and administrative proceedings to submit an attestation form. A model attestation form is available here: <https://www.hhs.gov/sites/default/files/model-attestation.pdf>.

Guidance on implementing the rule is available here: <https://www.hhs.gov/hipaa/for-professionals/privacy/guidance/phi-reproductive-health/index.html>

Client education materials (e.g., posters, videos, flyers) noting the client's right to confidential services are available to clients.

The facility's physical layout ensures that client services are provided in a manner that allows for confidentiality and privacy.

RESOURCES:

ND FPP Policy 2.11 Compliance with Legislative Mandates

ND FPP Policy 1.5 Charges, Billing and Collections

ND FPP Policy 2.7.13 Telemedicine Services

ND FPP Policy 2.7.14 Texting Policies

ND FPP Consent for Family Planning Services <https://www.hhs.nd.gov/cfs/family-planning/grantees/consent-for-fps>

[Summary of the HIPAA Security Rule | HHS.gov](#)

<https://www.ecfr.gov/current/title-42/chapter-I/subchapter-D/part-59/subpart-A#59.10>



Model Notices of Privacy Practices <https://www.hhs.gov/hipaa/for-professionals/privacy/guidance/model-notices-privacy-practices/index.html>

RHNTC's Confidentiality Resources

[Search | Reproductive Health National Training Center \(rhntc.org\)](https://rhntc.org)