

CONFIDENTIALITY RESPONSIBILITIES / AGREEMENT

Federal regulations 42 CFR 431.300 restricts the use or disclosure of information concerning applicants/enrollees to purposes directly connected with the administration of Medicaid. Federal regulations 45 CFR Part 160 and 164 governs the privacy of individually identifiable health information (HIPAA Privacy Rule.)

Purposes directly related to Medicaid include:

- * Establishing Medicaid eligibility; and,
- * Determining the type and amount of medical assistance.

Confidential information which shall be protected from disclosure includes, at a minimum, the following:

- * Name, SSN, and address of applicant
- * Medical services provided
- * Social and economic conditions or circumstances
- * Evaluation of personal information, and
- * Medical data, including diagnosis and past history of diseases or disability.

It shall be unlawful for any person to solicit, disclose, receive, make use of, or to authorize knowingly permit, participate in, or acquiesce in the use of applications or applicant case records or the information contained therein for any purposes not directly connected with the administration of the Medicaid Program.

Publication of lists of names of applicants is prohibited.

Precautions in Safeguarding Information

*** Informal Discussions:**

All individuals, clerical as well as professional, shall refrain from discussing applicant situations informally in offices, restrooms, while in transit or at social gatherings, regardless of whether the applicant's name is used. The use of names or of descriptions of unusual circumstances in discussions may easily lead to identification of the applicant. Regardless of the possibility of identification, such discussions may create the impression that staff deals lightly with information received and does not have the proper respect for the affairs of others.

*** Application Interviews:**

The Application Center Representative shall rely on the applicant as the initial and primary source of information. If there is incomplete, unclear, inconsistent or otherwise questionable information, the AC Rep. shall be careful not to engage in any activity which will violate the applicant's rights. The AC Rep. shall be businesslike and give the applicant the opportunity to participate in the determination of his or her eligibility to the greatest extent possible.

*** Record Material:**

Material used at staff discussions or training classes shall be edited for all identifying names and circumstances. If the group discussion is about a case under a fictitious name, the danger of the applicant's identity being determined is lessened.

*** Transporting Case Materials:**

No case material shall be taken out of the office, except to transport it directly from one office to another. If the material is carried by automobile or public carrier, every precaution shall be taken to protect it from being observed or from falling into the hands of another person. DHH shall be notified immediately if case material taken out of the office is lost.

Any person who violates any of the provisions of confidentiality is subject to a fine of not more than two thousand, five hundred dollars (\$2500) or imprisonment for not more than two (2) years in the parish jail or both, nor less than five hundred dollars (\$500) or ninety (90) days on each count. In addition to these criminal penalties, violations of confidentiality requirements shall result in the termination of certification to complete Medicaid applications.

I have read, understand, and will abide by the confidentiality regulations in this agreement.

Printed or Typed Name

Signature

Date