



## Department of Behavioral Health INFORMATION NOTICE 17-11

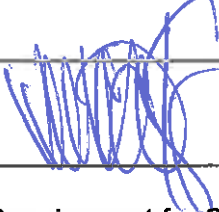
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**Date:** September 7, 2017

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**To:** All Department of Behavioral Health Mental Health Staff  
and Contract Agencies

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**From:** Veronica Kelley, Director 

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**Subject:** Confidentiality Statement Requirement for Safeguarding Protected Health  
Information (PHI)

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**Introduction** The purpose of this Information Notice is to communicate the confidentiality statement requirement for Department of Behavioral Health (DBH) clinics/programs and contract agencies, and provide guidance on how to meet requirements as set forth by DBH's contractual obligations with the Department of Healthcare Services (DHCS). This requirement is effective immediately.

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**Background** As San Bernardino County's designated Mental Health Plan (MHP) and Alcohol and Drug Program (ADP) Administrator, DBH is responsible for ensuring the privacy and integrity of client records. Part of DBH's responsibilities as the designated MHP and ADP Administrator, include the requirement to obtain reasonable assurances from individuals and entities to which PHI is disclosed that PHI will remain confidential and implement administrative safeguards that protect the confidentiality, integrity and availability of PHI. Per DHCS contract requirements, DBH is responsible for imposing the same restrictions and conditions on its contract providers. As such, it is required that all DBH personnel, DBH contract staff, and any external entities reviewing DBH and/or DBH contractor client records for the purpose of performing job-related duties, research, monitoring/auditing, and/or any other business operation, must sign a confidentiality statement, also known as an "oath of confidentiality". This requirement is referenced in DBH-contract provider standard contract language and will be enforced accordingly.

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### Confidentiality Statement Requirements

In accordance with DHCS and DBH-contract provider contract requirements, contractors and DBH clinics/programs must obtain a signed copy of an oath of confidentiality from any personnel and any entity, including County/State/Federal representatives, requiring the review of client-related records containing PHI for the purpose of job-related duties, research, monitoring/auditing or any other business operations, prior to disclosure of said records.

In accordance with contract requirements and DBH's [Code of Conduct](#), an oath of confidentiality must be signed by all DBH and contract personnel at hire and annually thereafter. Said oath of confidentiality includes general and acceptable use of PHI; confidentiality and disclosure safeguards and requirements; unacceptable use and applicable non-compliance sanctions. The Oath of Confidentiality is to be maintained at least six (6) years from the date of contract termination; or for one (1) year until a new Oath of Confidentiality is signed/recorded by DBH personnel.

### Required Documentation

DBH and contract agencies shall provide the oath of confidentiality to County/State/Federal reviewers accessing client records.

Contract agencies shall adhere to County and State privacy standards and not disclose any information or records concerning client PHI without proper authorization in accordance with California Welfare and Institutions Code, Section 5328 and/or Title 42 of the Code of Federal Regulations, Part 2, Section 2.33.

See [Appendix A](#) for an example Oath of Confidentiality.

### References

- [California Welfare and Institutions Code § 5328 and § 5330](#)
- [Code of Federal Regulations, Title 42, Part 2, 2.33; Title 45, Part 160 and 164](#)

### Related Policies

- COM0904: [Medical Records Security Policy for Outpatient Services](#)
- COM0905: [DBH Confidentiality of Protected Health Information \(PHI\)](#)
- COM0926: [Privacy and Security Incidents Sanctions Policy](#)

### Questions

Questions regarding this Information Notice shall be directed to the DBH Office of Compliance: (909) 388-0879 or [DBH-ComplianceQuestions@dbh.sbcounty.gov](mailto:DBH-ComplianceQuestions@dbh.sbcounty.gov)