

Action Item A-1

Revision of Policy 2 - Confidentiality

Background:

CBH staff have reviewed the CBH Confidentiality Policy (Policy #2) and are pleased to recommend revisions to the Board of Directors for review.

A primary theme of the recommended changes is the movement of several portions of the Policy to the level of procedure. These changes are made without compromising the intent or integrity of the Policy itself.

This policy and accompanying revisions have been reviewed and endorsed by Pat McDermott

Summary of Changes:

Current Confidentiality Policy	Proposed Changes to Policy
Contains procedural references	Remove procedural items leaving the policy statement.
Regulatory references listed	Mr. McDermott recommended and CBH adopted the legal recommendation to update a single Virginia code.
There are no other changes.	

Motion from the CBH Executive Committee:

That the Board approve the revisions to Confidentiality policy as presented.

COLONIAL BEHAVIORAL HEALTH
COUNSEL REVIEW OF BOARD POLICY

Name of Policy: Confidentiality
Category: Administration and Operations
Policy No.: 2

Review Date: December 29, 2025

Name of Counsel: Patrick B. McDermott, Esq.

Comments of Counsel:

1. **Virginia Code Compliance:** *Change reference of Virginia Code Section 32.1- 283B to 32.1-283A.*
2. **Federal Law Compliance:** No changes
3. **Grammar and Punctuation:** Acceptable
4. **Comments:** Has the Non-Disclosure Agreement stated in the last sentence been drafted. If so, I'd like to see it. PBM

Patrick B. McDermott, Esq.

Signature of Counsel

Policy and Procedures

Category: Administration and Operations

Title: Confidentiality

Policy Number: 2

Primary Areas Affected: CBH Organization

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Policy and Procedures

Category: Administration and Operations

Title: Confidentiality

Policy Number: 2

Primary Areas Affected: CBH Organization

Policy Statement

Colonial Behavioral Health (CBH) is committed to protecting the confidentiality, privacy, and security of all clients, employees, and organizational information. Confidential information is a vital asset and must be handled with the utmost integrity, in compliance with applicable federal and state laws and any other relevant regulations. This policy applies to all board members, employees, contractors, volunteers, interns, and any other individuals who may have access to sensitive information.

CBH safeguards all protected health information (PHI) through comprehensive physical, administrative, and technical practices. Physically, PHI is stored in secure, restricted-access areas to prevent unauthorized viewing or removal. Administratively, access to PHI is limited to authorized personnel with a legitimate need to know, and staff receive regular training on confidentiality and privacy requirements. Technically, electronic PHI is protected using secure passwords, encryption, firewalls, and other cybersecurity measures, with regular monitoring to prevent unauthorized access or breaches.

Any use or disclosure of PHI for purposes other than treatment, payment or operations, or as stipulated by a CBH Business Associate Agreement or state and federal law, requires the individual's and/or legal guardian or authorized representative written authorization according to the confidentiality procedures of this policy.

All individuals will receive a copy of CBH Privacy Notice and information about their rights which informs them of the use and disclosure of PHI. These rights cannot be waived. The Privacy Notice is available to anyone upon request and is posted on the Colonial Behavioral Health website.

Individuals or legal guardian/authorized representative as the law allows have the right to access and amend their PHI.

Policy and Procedures

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CBH employees (including volunteers, interns, and students) are required to adhere to this policy. CBH employees will be trained with regard to this policy and all related procedures annually. All employees are required to document their understanding and adherence to the policy by signing the Employee Non-Disclosure Agreement and Employee Annual Policy and Procedure Review form, which is filed in the employee personnel records.

Violations may result in disciplinary action, refer to Policy 14 – Personnel.

Source of Authorization

Board of Directors

Legal/Regulatory References

Federal Statutes

Federal Privacy Protection Act

Federal Freedom of Information Act, 5 USCA 552

Alcohol and Drug Abuse 42 CFR Part 2

Health Insurance Portability and Accountability Act of 1996 - 45 CFR Part 160 and 164 (HIPAA: Privacy, Security, Enforcement and Breach Notification Rules under HITECH Act)

Statutes of Virginia

Virginia Freedom of Information Act

Policy and Procedures

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Virginia Code 8.01 - 399, Communication between physicians and patients

Virginia Administrative Code Chapter 105: Rules and Regulations for Licensing Providers by the Department of Behavioral Health and Developmental Services

Virginia Administrative Code Chapter 115 - Regulations to Assure the Rights of Individuals Receiving Services from Providers licensed, funded or operated by the Department of Behavioral Health and Developmental Services.

Virginia Code 32.1-127.1:03 Health Records Privacy

Virginia Code 8.01 - 400:2, Disclosure to Courts

Virginia Code 32.1-40, Authority of Commissioner to examine medical records

Virginia Code 63.2-1509, Child Abuse and Neglect Reporting

Virginia Code 63.2-1606, Adult Abuse Reporting

Virginia Code 32.1-283A, Medical Examiner Disclosure

Definitions

Protected Health Information (PHI) - Individually identifiable health information maintained or transmitted by a covered entity or business associate, in any form (electronic and/or paper), that relates to the past, present, or future physical or mental health condition, services, or payment for health care services.

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Diary of Changes

Date of Origin

04/01/1980

Dates of Review

12/10/2025	10/14/2020 – COVID	10/31/2018	02/25/2013
12/13/2022	19 Protocol	10/04/2017	10/01/2010
12/15/2021	10/30/2019	12/04/2015	09/29/2008

Dates of Revision

12/10/2025	10/30/2019	02/25/2013	04/01/2005
12/13/2022	10/31/2018	04/11/2008	04/14/2003
12/15/2021	12/04/2015	08/22/2007	

Approved By

Signature

Effective Date

Ryan Ashe

CBH Board Chair

Printed Name

Title