

INFORMATION BULLETIN

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THE AOPC DRUG COURT INFORMATION SYSTEM CONFIDENTIALITY OF CLIENT IDENTIFYING INFORMATION OBTAINED FROM DRUG TREATMENT FACILITIES CASE MANAGEMENT SCREENS IN THE AOPC DATA BASE

The purpose of the Administrative Offices of Pennsylvania Courts' (AOPC's) Problem Solving Adult and Juvenile Court Information System (PAJCIS) is to provide the Supreme Court, drug court team members and evaluators with the ability to capture case management data that can be used to generate performance measures and to analyze participation by any group or groups of individuals who were screened for and/or admitted to drug court. The data analysis component will allow programs to identify the policies and procedures that result in the most successful outcomes and generate information on the impact these programs are having on the system.

Much of the information in the data base is entered by court employees, including probation officers, and by county entities and county employees who are assigned to the problem-solving court. In some instances, the Single County Authority (SCA) has been appointed as the entity responsible for entering data into the Eligibility Screens.

The purpose of this information bulletin is to clarify the extent to which drug and alcohol treatment data may be entered into the Eligibility Screens within the confines of Federal and State confidentiality regulations.

Confidentiality regulations:

Drug and alcohol treatment facilities, SCAs, and anyone who has received treatment information from a drug and alcohol treatment provider are restricted by law regarding the release or re-release of client identifying information that was obtained due to the provision of drug and alcohol treatment, the assessment for the need for treatment and/or the referral for treatment. In all cases, a voluntary, informed and written consent must have been obtained from the client prior to the release of any information. There are additional restrictions regarding how much and what kind of information may be released, with the client's written consent, to employers, criminal justice entities, third party payers and government officials.

Federal regulations at 42 CFR Part 2, Subpart B, § 2.13 (a) indicate that the patient records to which these regulations apply may be disclosed or used only as permitted by these regulations and may not otherwise be disclosed or used in any civil, criminal, administrative, or legislative proceedings conducted by any Federal, State or local authority. Any disclosure made under these regulations must be limited to that information which is necessary to carry out the purpose of the disclosure.

Commonwealth regulations have further defined what is necessary in relation to releases of information to government officials, criminal justice entities and third party payers at 4 Pa. Code § 255.5 (b) – “Information released to judges, probation or parole officers, insurance company, health or hospital plan or government officials, ... is for the purpose of determining the advisability of continuing the client with the assigned project (treatment facility) and shall be restricted to the following:

1. Whether the client is or is not in treatment
2. Client’s prognosis
3. The nature of the Project
4. A brief description of the client’s progress
5. A short statement as to whether the client has relapsed into drug or alcohol abuse and the frequency of such relapse.”

Clarification on client-identifying information entered into the AOPC data base:

The restrictions imposed by these regulations do impact some of the fields included on the Eligibility Screens. Where the county court coordinators have assigned the SCA as the entity responsible for entering data into the Eligibility Fields, only that information agreed to by the client in a written consent and which does not exceed the limitations imposed at 4 Pa. Code § 255.5 (b) may be entered by SCA or treatment provider employees.

In considering the goals of the Pennsylvania Problem-Solving Adult and Juvenile Court Information System within the confines of Federal and State confidentiality regulations, the Department of Drug and Alcohol Programs and the AOPC provide the following clarification:

- None of the fields on the Eligibility Screens are mandatory for SCA and treatment provider employees, and incomplete fields will not prevent the client from moving through the system.
- SCA and treatment provider employees that are entering information into the Pennsylvania Drug Court Analysis System should only complete fields in the Eligibility Section that do not violate Federal and State client confidentiality regulations.
- Entering information on the Treatment Plan and Treatment Sessions Screens is permitted, as it is compliant with 4 Pa. Code § 255.5 (b).