

Confidentiality

All members of the drug intervention program treatment team must hold information discussed during pretrial interviews, assessment, team meetings, and treatment sessions in confidence. The court session is open to the public.

In order to establish grounds for termination from the Drug Intervention Program, no tests results or statements made by the participants during the above mentioned proceedings shall be admissible against participants in any other prosecution other than in the drug treatment court proceedings. The only exception to this policy is statements made at termination hearings. However, evidence discovered either routinely in the course of a criminal investigation or discovered during pretrial interviews, assessment, treatment, or drug treatment court proceedings shall not be inadmissible because such evidence is also disclosed.

Under Federal Law, information regarding substance abuse treatment is protected by the provision of 42 United States Code (USC) Section 2990dd-2, and the regulations implementing these laws at 42 Code of Federal Regulations (CFR), Part 2. Federal Confidentiality Regulation (42 CFR Part 2) prohibits the release of information about participants in substance abuse treatment without a written consent from the individual. Release of information without consent is waived when any of the Drug Intervention Program Team feels that any of the following apply:

- Participant commits or threatens to commit a crime, either at the program or against any staff person or participant of the program;
- Participant is suspected of child, spousal or elder abuse;
- Participant is threatening homicide;
- Participant is in danger of committing suicide.

All participants entering the Drug Intervention Program are required to complete a form entitled *Authorization and Consent for Release of Information*. This form allows program staff to obtain from or release records to all authorized agencies. This authorization and consent is subject to revocation at any time, except to the extent that the drug intervention program has already taken action in reliance on it. If not previously revoked, this authorization will remain in effect until final disposition of this case but not to exceed (5) years from the date signed.

The treatment provider maintains separate clinical participant files and follows all of the above rules/laws pertaining to confidentiality.

The participant has the opportunity to consult with an attorney before signing any contracts or consents. The program coordinator will review all contracts and consents with the participant to identify if the participant is illiterate and/or has the ability to read and comprehend the language in which it is printed.