

Policy

The Poverello Center, Inc. (TPC) recognizes the critical importance of confidentiality for individuals living with HIV/AIDS, cancer, mental health conditions, substance use disorders, or other chronic illnesses, and the associated stigma that can impact access to care, housing, employment, and personal relationships. Staff, volunteers, guests, program participants, and clients must uphold the trust inherent in receiving services from TPC by maintaining the strict confidentiality of all personal information, including but not limited to diagnoses, treatment details, and any protected health information (PHI).

This policy ensures compliance with federal laws (e.g., Health Insurance Portability and Accountability Act - HIPAA, 45 CFR Parts 160 and 164) and Florida Statutes (e.g., §381.004 for HIV testing and confidentiality, §397.501 for substance use records). Breaches of confidentiality can result in severe consequences, including civil penalties, criminal charges, and harm to individuals' well-being. TPC is committed to fostering an environment of respect, equity, and cultural humility, particularly for underserved communities such as LGBTQ+ individuals.

Procedure

No staff, volunteer, guest, program participant, or client shall disclose the HIV status, other diagnoses, or any PHI of anyone receiving services at TPC without explicit written consent, except in limited circumstances outlined below. It is the collective responsibility of all covered individuals to safeguard this information and prevent any indication of a person's health status from being revealed.

Covered Individuals

This policy applies to all staff (full-time, part-time, contractors), volunteers, interns, guests (e.g., vendors, partners), program participants, clients, and applicants.

Prohibited Behavior

- Discussions involving a person's HIV status, other diagnoses, or PHI must not occur in public or non-secure areas, such as hallways, bathrooms, waiting rooms, or open workspaces.
- Volunteers, staff, and guests shall guard against casual conversations about clients' lives, other volunteers, or employees when such discussions could inadvertently include confidential health information.
- Clients and program participants shall not reveal the HIV status or PHI of any other client; violations may result in dismissal from services, as outlined in the signed program rules agreement upon intake.
- Electronic communications (e.g., email, text) involving PHI must use secure, encrypted methods compliant with HIPAA.
- Files and records containing PHI must be accessed only on a need-to-know basis and stored securely (e.g., locked cabinets, password-protected systems).

Exceptions to Disclosure

Information may be disclosed without consent only in the following cases:

- Mandatory reporting of abuse, neglect, or exploitation (e.g., child/elder abuse per Florida Statutes §39.201 and §415.1034), where health status is relevant.
- Litigation involving TPC, its agents, staff, or directors, as required by court order.
- Public health reporting as mandated by Florida law (e.g., §384.25 for perinatal HIV exposure).
- With explicit written authorization from the individual (e.g., Release of Information form).

All exceptions must be documented, reviewed by the CEO or designee, and limited to the minimum necessary information.

Consequences of Violations

Breaches of this policy are grounds for immediate disciplinary action, up to and including termination of employment, dismissal from volunteer service, or revocation of client services. Violations may also lead to civil or criminal penalties under state and federal law (e.g., up to \$50,000 per HIPAA violation). TPC will investigate all reported breaches within 24 hours and notify affected parties as required.

Training and Assistance

- All covered individuals receive mandatory annual training on confidentiality, HIPAA basics, and stigma reduction during orientation and refreshers.
- Resources for support include Florida Department of Health HIV/AIDS Section (floridahealth.gov/diseases-and-conditions/aids), SAMHSA Confidentiality Toolkit (samhsa.gov), and TPC's Live Well Center for wellness referrals.
- Individuals concerned about their own or a family member's health privacy are encouraged to seek guidance from qualified professionals.

Confidentiality Agreements

- All staff, volunteers, guests, and clients must sign a Confidentiality Agreement prior to commencing duties or receiving services.
- Volunteer statements are maintained in volunteer files.
- Employee statements are maintained in personnel files.
- Guest statements are maintained in the guest log book.
- Client agreements are signed upon intake and stored in secure client files.

Shared Responsibility

A culture of confidentiality requires cooperation. All covered individuals must:

- Report suspected breaches immediately to a supervisor or the CEO without fear of retaliation.
- Supervisors are responsible for:
 - Informing covered individuals of this policy during onboarding.
 - Ensuring secure handling of PHI and conducting regular audits.

Communication

To promote awareness:

- This policy is distributed in writing upon onboarding and annually.
- Reviewed in orientation sessions.
- Posted in visible areas and available digitally.

Resources

- HIPAA Privacy Rule Summary (hhs.gov/hipaa).
- Florida Statutes §381.004 (HIV Testing and Confidentiality).
- Memo from CEO Thomas Pietrogallo (updated 2025).

Approvals

Staff/Volunteer Signature: _____

Date: _____

Manager's Signature: _____

Date: 12/07/25 CEO

Signature: Thomas S. Pietrogallo, MSW, LCSW, MBA Date: 12/07/2025 BOD Approved

Date: 12/07/2025 Date Established: 03/11/2005 Date Reviewed/Revised: 12/07/2025