**Section 505.40 Release of Confidential Information without the Consent of the Customer**

a) An employee may, in the course of providing services, disclose confidential information without the consent of the customer to other DHS-ORS employees (e.g., counselor's supervisor, Legal Counsel, Hearings Coordinator), with the exception cited in Section 505.80(b) and (c). However, information in a vocational rehabilitation file may be shared only if it is for the administration of the VR program. Information in a VR file may be released to HSP, DDS and other non-VR divisions only if the customer whose information is to be released consents.

b) Pursuant to DHS-ORS obligations under federal and State law and regulations to utilize both similar benefits and alternative programs for which a customer may be eligible, the employee may disclose to agencies having such programs or benefits personal identifying information obtained during the intake process without the consent of the customer. However, only such personal identifying information as is essential to the referral shall be disclosed. The remainder of the information shall only be released to another agency after written consent from the customer is obtained.

c) Only the Associate Director, Office of Rehabilitation Services shall authorize the release of confidential information to an organization, agency, or individual engaged in audit, evaluation, research, or employee disciplinary actions and only for purposes directly connected with the administration of the program or for purposes which would significantly improve the quality of life for persons with disabilities. The organization, agency, or individual shall assure that:

1) the information shall be used only for the purposes for which it is being provided;

2) the information shall be released only to persons officially connected with the audit, evaluation or research, or employee disciplinary action;

3) the information shall not be released to the customer;

4) the information shall be managed in a manner to safeguard confidentiality; and

5) the final product shall not reveal any personal identifying information without the informed written consent of the customer.

d) Organizations and individuals not directly involved in the DHS-ORS delivery of services shall not have access to confidential information. However, if such organizations or individuals request information from DHS-ORS which would be used in the development and planning of their own programs, then the Associate Director, Office of Rehabilitation Services may, in his/her discretion, conduct such studies and surveys on their behalf as they request and release the results to them deleting any personal identifying information regarding any customers. In determining whether to conduct such studies or surveys, the Associate Director, Office of Rehabilitation Services will consider such factors as the time demand on staff in developing responses, any past experience DHS-ORS has in working with the organization or individual, and the specific relationship of the study or survey questions to the program being planned. All other aspects of the studies or surveys shall be as agreed between parties. DHS-ORS may share confidential information on a need-to-know basis with its trainees, interns, counselor aides, and volunteers, who shall be bound by DHS-ORS rules concerning confidentiality in the same manner as employees.

e) Confidential information may also be released without consent in the following situations:

1) in order to protect the customer or others when the customer poses a threat to his/her safety or to the safety of others;

2) if required by federal law;

3) in response to investigations in connection with law enforcement, fraud or abuse; or

4) in response to judicial order, including a subpoena.

f) Information shall be released without consent to the Department of Children and Family Services as detailed below:

1) Confidential information shall be released without consent to the Department of Children and Family Services if the employee has reasonable cause to believe a child is or has been neglected or abused, in accordance with the Abused and Neglected Child Reporting Act [325 ILCS 5]. "Reasonable cause" means that the available facts when viewed in light of surrounding circumstances would cause a reasonable person to believe that a child was abused or neglected.

2) For any report made to DHS-ORS concerning abused or neglected children, the DHS-ORS employee taking the report shall immediately make a verbal report, followed by a written report within 48 hours, regarding any and all information to the Department of Children and Family Services (DCFS) and shall make whatever follow-up reports are required by DCFS.

(Source: Amended at 19 Ill. Reg. 14821, effective October 5, 1995)