

For the sake of what?

*Does this move us in the
direction of our mission?*

*Is this the best use of
resources?*

*Is this the direction we
said we want to go?*

Our Mission:

Pathway Homes embodies the spirit of recovery: embracing an attitude of hope, self-determination and partnering with each individual on their personal journey toward achieving self-fulfillment and realizing their dreams.

We fulfill our mission by making available to individuals with mental illness and co-occurring disabilities a variety of non-time-limited housing and services to enable them to realize their individual potential.



PATHWAY HOMES, INC.

Board of Directors

Monday, July 16, 2012

6:30 P.M.

3221 West Ox Road

Herndon, VA 20171

7:00	Call to Order
7:05	Presentations <ul style="list-style-type: none">► Ethics and Conflict of Interest – Eleanor Vincent and Dan Gray► 360° Evaluations – Anita Robinson
7:30	Approval of Minutes of Meeting April 9, 2012*
7:35	CEO's Report – Sylisa Lambert-Woodard
7:45	Treasurer's Report - Brenda Brennan
7:50	Chairperson's Report and Comments
8:00	Committee Reports <ul style="list-style-type: none">1. Philanthropy Committee – Maiko Ashby2. Financial Committee – Tom Rowe3. Board Development Committee – Ron W.
8:20	Old Business <ul style="list-style-type: none">► Board Survey
8:25	New Business <ul style="list-style-type: none">► Policies and Procedures► Personnel Practices
8:35	Announcements
8:40	Adjournment

* Materials Enclosed in Packet

ADDENDUM TO BOARD AGENDA

July 16, 2012

Pathway Homes has been very busy over this last quarter, with continued advocacy for needed services, interviewing and selecting new consumers for newly acquired housing, and working to create the “good life” for those we serve. Pathways continues to pave the way with new ways to engage the community through our website, official launch of our capital campaign, and our new brochure that was made possible with consultation with our consumer advisory council. Please review these informational items. Additional detail will be provided as desired.

Board Matters:

- Patrick Chaing, our newest Board member, has begun the on-boarding process. We are very excited to explore Mr. Chaing’s many talents, and how they will complement the direction of our Board.
- In 2011 the Board of Directors participated in a Board strategic planning retreat that was facilitated by an external consultant. In the January Board meeting, the decision was made to administer the Board self-assessment. The Board assessment was completed using the Constant Contact survey format and compiled. Jennifer McKenzie has taken the lead in organizing results for future Board planning.
- The Philanthropy Committee report from Maiko Ashby and the Treasurer’s Report from Brenda Brennan are provided as attachments. Please review these two reports before the meeting and any questions or clarifications will be addressed during the meeting.
- Pathways’ award of the HUD new Supportive Housing Program Bonus project proposal of \$314,000 annually to serve **22 new residents** is currently projected to begin leasing of units in August 2012. These funds will support **a new 6-person intensive in-home supports “group home”** located on West Ox Road with a live-in Recovery Coach (similar to Dave’s House II at Kincaid), and eight (8) two-bedroom apartments in scattered sites. This program will be the second consumer-directed program sponsored by Pathways in the Northern Virginia region. This project will also target service provision to veterans. The West Ox property has undergone renovations, and will be the site of our July 2012 Board Meeting.
- Pathway Homes successfully responded to our first Medicaid audit in more than six (6) years. The Department of Medical Assistance Service (DMAS) has outsourced the auditing function to HMS. Pathways received a favorable audit with two administrative adjustments resulting from a keystroke error of \$8,099 which has been adjusted to date.

- The Consolidated Community Funding Pool (CCFP) proposal was submitted requesting \$455,214 in funding to assist 50 high-risk consumers to obtain self-sufficiency, and an additional proposal of \$306,000 was requested to serve 30 high-risk individuals who require long-term supportive services. The requested amounts would be appropriated over a two-year time frame. Pathways was awarded both of our submissions, resulting in \$250,000 over two years that will be used to serve 35 individuals, and \$70,000 of essential long-term funding that will be used to serve 14 individuals over the next two years.
- Pathway Homes has extended leases on seven of the 13 scattered site units awarded in the amount of \$2,725,900 through the CDBG and HOME Block grant dollars. The units are 8 one-bedroom apartments, two 2-bedroom apartments, two townhomes, and one single-family home. All furnishings at these units were secured through community donations.
- Pathway Homes will be conducting its first 360° evaluations on management and leadership. This is a great opportunity to continue our investment as a learning organization and continue to focus on talent management. A presentation on 360° evaluations were provided by Anita Robinson, VP of Clinical Services, at our May Staff meeting, and will be provided as a presentation to our Board in July.
- We have been excited about being able to see how many of our Board members and other stakeholders have accessed our newsletter. We have received numerous positive comments and compliments from the community. I would like to encourage everyone to take the time to review *InRoads*. It is a wonderful way of staying connected to Pathway Homes.
- Pathway Homes recently celebrated our 1 year anniversary of the implementation of electronic accounting and health record systems: SAGE on July 1, and Credible on June 6. A Credible committee composed of all types of Credible users (from front-line staff to Vice Presidents of Clinical Services) is being convened to better-address use of the quarterly updates to the software to allow for increased reporting efficiency and use of staff time. A refresher training for Credible will take place in late summer.
- The Board Portal continues to grow. Currently, the Portal provides access to:
 - calendar of events
 - Board Packets for the most recent (or up-coming) meetings
 - Board Roster and contact information
 - overview of Pathway Homes
 - Roles and Responsibilities of the Board
 - Desirable characteristics of a Board Member
 - On-Boarding Process
 - Board Committees
 - Agency Plans

In the near future, property addresses linking to Google maps will be made available as well as an organizational chart. Recommendations for additional Board Portal content may be brought up at the meeting.

- On 5/22/2012 the Fairfax City Board of Supervisors directed the Human Services Council to facilitate a public review process to prioritize, review and evaluate the impact of the CSB's proposed budget plan on the human services system. On 6/18/2012, Sylisa and other service providers were invited to provide testimony to the Human Services Council where she advocated for additional outsourcing and increased contract rate adjustments for nonprofits.
- Pathways celebrated its 24th Annual Summer Cookout of "Olympic proportions." It was a pleasure to have so many consumers, family members, Board members, and Supervisor John Foust of the Dranesville District enjoying the "Good Life" with Pathways.
- Pathway Homes is pleased to announce that we have reinstated merit increments for our staff for fiscal year 2013. We remain committed to a pay for performance environment which supports best-practice models.

PATHWAY HOMES, INC.

Minutes of the Meeting of the

Board of Directors

April 9, 2012

A quarterly meeting of the Board of Directors was held on April 9, 2012. The Vice-Chair, Ron Wilensky, called the meeting to order at 7:05 p.m. The following individuals were present and participated throughout the meeting:

MEMBERS

Ron Wilensky, Vice-Chair
Tom Rowe, Secretary/Treasurer
Dara Aldridge
Maiko Ashby
Wayne Gardella
Dan Gray
James Ross
Sue Zywokarte

STAFF

Sylisa Lambert-Woodard, President/CEO
Brenda Brennan, V.P. Finance
Sherry Meyers, V.P. for Clinical Services
Anita Robinson, V.P. for Clinical Services
Eleanor Vincent, V.P. Operations
Lauren Pollet, Technology and QA Manager

The following individuals notified the office or other Board Members that they would not be present for this meeting: Emil Franks, Jennifer Judelsohn, Jennifer McKenzie

Patrick Chaing was present as a prospective board member.

PRESENTATION

State of the Agency: Sylisa presented a slideshow highlighting major events, outcomes and statistics for Pathway Homes. She also thanked the Board for their advocacy during the Fair Housing occurrence in March 2012. She also provided updates to two “sentinel events” not specifically outlined in the Addendum to the Board Agenda – A fire at Huntington Avenue due to a short in Christmas lights, and an Individual hospitalized at Calamo due non-responsiveness related to hypothermia. The Calamo incident was caused by the upstairs heaters being turned off due to work on the gas lines earlier in the day, and Pathway Homes self-reported a Human Rights grievance.

Tom requested an estimate of how long it would take to serve the 543 individuals on Pathways’ wait list. Wayne asked what the average age of the individuals we serve is. Sylisa assigned both of these questions Leadership Team and will report at the next Board meeting.

MINUTES

After review by the Directors, Tom Rowe made a motion to approve the minutes of the January 9, 2012 meeting. The motion was seconded by Jim Ross and approved unanimously.

CEO Report – Sylisa Lambert-Woodard

Sylisa's addendum to the Board Agenda was distributed prior to the meeting, and Sylisa highlighted the following items from that addendum.

- Pathway Homes Brochure: This document is being updated and will be printed for distribution in the near future.
- Fair Housing: A free training is available, and information about registration was distributed prior to the meeting.
- Stakeholder's Report: The copy distributed at the meeting is current for 2011; however, the donor information was not available at the time of printing. Full copies will be distributed to the Board and select stakeholders soon. It will also be available on the website.
- Merit Increases: Merit increases will be reinstated for staff as of July 1, 2012.
- New Properties: Pictures of Pathways' newest properties are in a digital frame in her office for anyone interesting in looking. Sylisa suggests holding the next Board meeting at the West Ox property.

TREASURER'S REPORT – Brenda Brennan

Brenda reported that there are no additions to the written treasurer's report which was distributed prior to the meeting.

CHAIRPERSON'S REPORT AND COMMENTS – Ron Wilensky

Ron reported that he has no comments.

PHILANTHROPY COMMITTEE REPORT – Maiko Ashby

Thirty percent of the IT Campaign dollars have been raised, and there is 100 percent participation from the Board and Pathways' Leadership Team. A solicitation letter will be sent out on April 17th.

- Approximately \$19,000 received from Help the Homeless
- Phillip Graham Foundation proposal for \$35,000 has been submitted and moved to the second round of review. The final decision will be released April 12, 2012.
- Joel McNair has submitted approximately \$110,000 in grant proposals.

Ron provided consultation to Board about hiring a professional fundraiser – know how much they have raised and how they raised it. When the Philanthropy position is filled, this person's sole job should be fundraising. He reiterated four steps of major fundraising:

- 1) Identify donors (corporations and individuals)
- 2) Build a relationship with them
- 3) Make "the ask"
- 4) Close the ask, and enforce the pledge for money.

BOARD DEVELOPMENT – Dan Gray

Dan announced the officer slate as proposed by the Nominating Committee for the April 2012 – 2013 term:

Jennifer McKenzie – Chairperson
Ron Wilensky – Vice-Chair
Tom Rowe – Secretary/Treasurer

Dan announced that the Nominating Committee recommends the following Board Members be re-elected for the three-year term of April 2012 - 2015:

Wayne Gardella
James Ross
Sue Zywokarte

Dan also announced that the Nominating Committee recommends electing Patrick Chaing to the Board of Directors with a three-year term of April 2012 - 2015.

Dan moved that the officer slate be accepted as presented in addition to the individuals recommended for three-year terms. This was seconded by Wayne Gardella and approved unanimously.

Sylisa mentioned that Jennifer McKenzie talked about Dave Grohl of Nirvana and FooFighters potentially being an honorary Director for the purposes of fundraising since his family lives in Springfield and he has publically spoken about their experiences with mental illness.

OLD BUSINESS –

The Board Self-Assessment survey results were distributed to the Board; seven individuals responded to the survey. The Board discussed having a planning meeting or retreat to continue to move forward. Jennifer McKenzie will communicate with the Board about potential dates and the possibility of re-opening the survey for those who did not originally respond.

The survey should help drive the profile of the types of people targeted for Board membership. Dara announced she has two potential candidates in mind.

Sylisa reported that Jennifer would like to adjust the regularly-scheduled July Board meeting to accommodate summer plans. She proposes July 16, 2012 at the new West Ox property. As no Board member challenged this change in dates, it was approved. The date and location will be changed on the online Board calendar.

NEW BUSINESS

- Sylisa proposed that the Annual Board Meeting be changed from April to October to

increase consistency in data compilation. Pathways' fiscal year runs from July through June; since the annual meeting is in April, the stakeholders' report currently shows data compiled over the fiscal year as well as some compiled over the calendar year. There was also discussion about permanently moving the October meeting to the first Monday of the month so as not to conflict with the Columbus Day holiday. An amendment to the By-Laws was distributed which outlined this proposed change.

Wayne Gardella moved to pass the Amendment to the By-Laws to change the next Annual meeting of Pathway Homes, Inc. to October 1, 2012, and to change the Annual meeting to the first Monday in October for each year afterward. Maiko Ashby seconded this motion, and it was approved unanimously by the Board.

- Dan Gray discussed the recent Board Advocacy for Fair Housing with the County Board of Supervisors. He was present at the meeting with Sylisa, and noted that the County representatives were very deferential and respectful of Sylisa; Dan felt she did a very good job of navigating this "political dance." He and Sylisa both walked out of the meeting feeling confident that the outcome would be favorable. Dan emphasized that it was very important to have the initial explanation of the situation and how to proceed with next-steps. Advocacy from the Board is crucial, and the Board needs to move forward with plans to continue advocacy in the community so that everyone speaks with the same message.

Ron Wilensky thanked the Pathway Homes staff and consumers who helped with the Fair Housing advocacy issue.

ANNOUNCEMENTS

1. Dara is looking for someone with land in Fairfax county who would be willing to allow some homeless individuals to pitch a tent and stay there.
2. The Annual Cookout is June 23, 2012 from 12 Noon – 4PM at Nottoway Park. The theme is Summer Olympics.

ADJOURNMENT

There being no further business, Ron Wilensky made a motion to adjourn the meeting. This was seconded by Wayne Gardella and unanimously approved by the Board.

The meeting was adjourned at 8:55 p.m.

Respectfully submitted,

TREASURER'S REPORT-July 2012

Brenda Brennan, Vice President Finance

We have started the process of refinancing a couple of our original HUD 202/8 projects. These two projects are for our original two houses at Sheldon Dr. and Pioneer Dr. owned by Pathway Homes and for the four, three-BR townhouses at Mary Baldwin Dr. and Huntington Ave., which are owned by Pathways Living, Inc.

HUD now offers the opportunity to refinance these projects at a more current market rate. This is a relatively long HUD process of six to nine months, which we will be working on with Berkadia Commercial Mortgage, but it will be financially advantageous to us and result in a positive cash flow for the agency.

The insurance claim for the damage, restoration and temporary housing of residents from the Huntington Avenue December fire is almost finalized. Total claim has been for \$60,800, all paid by insurance except for the \$1,000 deductible.

The engagement meeting with the auditors from the Reznick Group occurred on May 31. The fees for the FY2012 audit remain the same as they were for 2010 and 2011, with the exception of the TSA portion of the audit which has increased by \$2,000. Total cost for this year's audit is \$67,900.

The audit fieldwork will begin on Monday, July 30, with all preliminary and tentative financial reports due to Reznick no later than close of business on Monday, July 23. It is anticipated that the field work will last three full weeks. During week 2 of the audit, the TSA plan will be audited and should last one week.

On Monday, June 11, Michelle Barnaby, Lead Auditor with Reznick, spent the day with the accounting department reviewing the SAGE accounting software. She reviewed the structure and design of the General Ledger, Accounts Payable process and the Payroll and Human Resources components of the software. This will enable the audit team to develop the review process required for this year.

During the week of June 19-22, Walter Elmore, Contract Administrator for HUD and the DC field office liaison, conducted a Management and Occupancy Review for the joint CRS95 semi-independent Supported Shared Housing Program. This project is a joint venture between Pathways, PRS and Christian Relief Services (CRS). Pathways operates and manages two townhomes in Reston serving 8 males, and PRS operates two townhomes in Alexandria serving 6 individuals. The review was conducted at CRS and both PHI and PRS transported all requested information and documentation and remained onsite with Mr. Elmore to review.

On Saturday, April 28, Terry Drive, home for 8 women in Springfield, participated in the annual volunteer project Rebuilding Together. Volunteers from the Good Shepherd Church spent the day at the home completing: the back and side yards of the home were

cleaned up, including raking and removal of old plantings, new seed was laid, bushes and trees trimmed and the deck and patio received a power washing. Additionally, the staff office and hallway were repainted.

During the last week of June and the second week of July, Pathway Homes participates again this year in the DC Serves volunteer project. Youth volunteers from all over the US come to the DC area to provide outdoor landscaping and yard maintenance to qualifying charitable organizations. Over the course of the two weeks, Pathways will have two separate youth groups from Michigan and Florida providing work at seven separate properties.

PHILANTROPY REPORT- JULY 2012 BOARD MEETING:

We have submitted a number of letters of inquiry or proposals to various foundations for grant funding to support our IT Capital Campaign and, in one case, matching funds for our new HUD Supportive Housing Program. We are in the process of following up on these inquiries, as these foundation Boards meet to consider grant requests at a variety of times and, in some cases, only once or twice per year. In addition to ones we have previously submitted and are following up on, current foundations and corporations we have approached or submitted proposals to in the last quarter include: SunTrust Foundation - \$10,000; Ada Harris Maley Memorial Fund - \$5,000; The Kiplinger Foundation - \$5,000; and, Wells Fargo Bank Community Fund - \$30,000.

Advertisement has been launched to hire our new Director of Development/Major Gifts position. We are excited to bring this redesigned and critical position back into our agency, and will be pleased to invite this position to serve as an integral part of the philanthropy committee.

The official kick off date to the community for our IT capital campaign was effective with the community letter sent 4/27/12. As you know, our goal is to raise \$385,000 over the next three years. We are pleased to announce that we have raised **\$164,800** to date!

Attached is the new Service Records Policy draft. Other policies which have been incorporated into this Service Records Policy and which will be retired when the new policy goes into effect are included in this packet. The referenced *Records and Documentation Guidelines* Appendix is still under revision and will be presented at the Board Meeting.



Policy: Service Records
Section: Programs and Services
Policy Date: 01/01/85
Date(s) Revised: 04/08/02; 07/16/2012
Number of Pages: (17)
DRAFT

Policy Number: 5-S3

This Policy Applies to:
► DBHDS licensed programs.

PURPOSE

This policy establishes Pathway Homes' commitment to maintaining comprehensive, up-to-date records for each individual served and to ensuring the security and confidentiality of such records at all times. This policy also establishes the rights of individuals served and Pathway Homes' responsibilities concerning access to and amendment of service records.

I. SERVICE RECORDS SECURITY

Pathway Homes shall prevent unauthorized uses and disclosures of confidential information and shall use, store, and transport confidential information in a secure manner according to the following guidelines.

PROCEDURES

1. All information pertaining to individuals served shall be considered confidential. Pathway Homes shall comply with any relevant privacy and security regulations of the Health Insurance Portability and Accountability Act (HIPAA) in communicating protected health information, and shall implement reasonable and appropriate administrative, technical, and physical safeguards to protect the confidential health information of individuals served.
2. All active hard copy clinical documentation will be locked in a filing cabinet at the primary work site of the primary counselor/case manager. The primary counselor/case manager is responsible for protecting this information against loss, defacement, tampering, or use by unauthorized persons. Closed records are stored in a locked, secure location for a period of six years.
3. Pathway Homes maintains computerized systems that contain confidential information pertaining to individuals served. These systems are networked to the server in the administrative office and are to be used for agency use. All files and confidential

information must be saved on the agency network and not on the hard drive of the user's computer or removable storage media except in specified circumstances as outlined in the Pathway Homes Information and Technology Policy. Any alterations to electronic records shall only be made by staff authorized to do so and are tracked by the HIPAA log in the Credible software system.

4. In the event that hard copies of confidential clinical information have to be transported between locations, the information shall be placed in a sealed envelope, marked "confidential", and transported in a locked compartment of the vehicle.
5. The primary counselor/case manager shall be responsible for ensuring that service records are maintained in compliance with Virginia Department of Behavioral Health and Developmental Services (DBHDS, CARF, etc.) In the event that Pathway Homes discontinues operation, all records of individuals served shall be transferred to an eligible entity as directed by licensure.

II. USES AND DISCLOSURES OF CONFIDENTIAL INFORMATION

It is Pathway Homes policy that each individual is entitled to have all identifying information that Pathway Homes maintains or is aware of about him or her to remain confidential. Each individual has a right to give authorization before any information is used or disclosed unless another law, federal regulation, or this policy specifically require Pathways to disclose the information.

PROCEDURES

Routine disclosures are those made on a regular basis and are subject to the procedures within this policy and the following minimum necessary standard.

Pathway Homes shall ensure that the amount of information disclosed is restricted to the minimum necessary to accomplish the intended purpose of the disclosure, and that any request for confidential information is limited to that which is reasonably necessary to accomplish the purpose for which the request is made. Pathway Homes shall not disclose or request an entire service or medical record unless the entire record is specifically justified as the amount reasonable necessary to accomplish the purpose of the use or disclosure request.

Only Pathway Homes workforce members who need to use, view, read, or store confidential information to carry out the duties of their positions shall access the necessary confidential information.

For all non-routine disclosures, Pathway Homes shall limit the request to the information reasonably necessary to accomplish the purpose for which the request is made and shall review these requests on an individual basis.

If a service record pertains in whole or in part to referral, diagnosis, or treatment of substance abuse, Pathways shall disclose information only according to applicable federal regulations (see USC 42CFR Part 2).

Pathway Homes shall provide each individual served and his authorized representative, if appropriate, a copy of Pathways Notice of Privacy Practices that includes how information can be disclosed and how others might get information about the individual without his consent.

Pathway Homes shall encourage individuals served to provide authorizations to disclose information about his or her general condition or well-being to family members, friends or others.

Authorization to Use or Disclose Information

1. Confidential clinical information shall not be disclosed to anyone who is not a Pathway Homes workforce member who is involved in the services of the individual or in the operations of Pathway Homes, unless a prior authorization is signed by the individual served or the authorized representative, or another state or federal law requires such a disclosure. A separate authorization specific to substance abuse (42 CFR) is necessary for disclosure of any information pertaining to substance abuse.
2. Pathway Homes shall not condition the provision of mental health services or other healthcare related services on the giving of any authorization to use or disclose information.
3. Prior to any disclosure, Pathways shall get verification of the identity of the person making the request, and his or her authority to have access to the information requested.
4. The authorization for the disclosure of information shall not be combined with any other document to create a compound authorization, will be written in plain language, and will include:
 - A. A description of the information to be used or disclosed;

- B. The name of the organization or other specific identification of the person(s), or class of persons, authorized to make the requested use or disclosure;
 - C. The name or other specific identification of the person(s), to whom Pathway Homes may make the disclosure;
 - D. A description of each purpose of the requested use or disclosure;
 - E. An expiration date; usually not to exceed one year;
 - F. Signature of the individual and date. If the authorization is signed by the individual's authorized representative, a description of the authorized representative's authority to act for the individual must also be provided;
 - G. A statement of the individual's right to revoke the authorization and a description of how that may be accomplished;
 - H. A reference to Pathway Homes' Notice of Privacy Practices;
 - I. A statement that informs the individual that Pathway Homes is not allowed to condition the provision of mental health support services or other healthcare related services on the giving of any authorization to use or disclose information;
 - J. A statement that informs the individual that there is potential for information disclosed pursuant to the authorization to be subject to re-disclosure by the recipient and no longer protected by federal privacy rules.
- 5. All signed authorizations shall be retained in the individual's services record, and a copy provided to the individual or their authorized representative.
 - 6. Individuals can revoke an authorization at any time, except to the extent that Pathways has taken action in reliance on the authorization. Any revocation of an authorization to use or disclose information shall be documented in the individual's service record.
 - 7. When Pathways discloses information, a statement shall be attached that informs the person receiving the information that it must not be disclosed to anyone else unless the individual consents or unless the law allows or requires further disclosure, and documentation shall be made in the individual's service record of the date of the disclosure; the name of the entity or person who received the information, and if known the address of that entity or person; a description of the information disclosed, and the purpose of the disclosure, or a copy of the written request for the disclosure.

8. Approval for duplicating for the purposes of disclosing hard-copy information from a individual's service record is subject to the following:
 - A. Receipt of a written request by the person or agency seeking the information stating the reason(s) for the request.
 - B. As appropriate, a written authorization of the individual or the individual's authorized representative, or court order.
 - C. Verification of the identity of the person making the request, if it is not known, and his or her authority to have access to the information requested.
 - D. Consultation with supervisor.
 - E. Documentation in the individual's services record of the date of the disclosure; the name of the entity or person who received the information, and if known the address of that entity or person; a description of the information disclosed, and the purpose of the disclosure, or a copy of the written request for the disclosure.

Uses and Disclosures When No Authorization is Required

There are circumstances when Pathways may use or disclose confidential information without an authorization. In certain circumstances, Pathways may elect to request an authorization from the individual prior to disclosing information, knowing that under certain circumstances, Pathways may be required by law or may elect to disclose the information without the authorization. If the disclosure is not required by law, Pathways shall give strong consideration to any objections from the individual or his authorized representative in making the decision to disclose information. The circumstances for disclosing substance abuse information without an authorization are more restrictive and are governed by federal regulations USC 42CFR Part 2 (see section B below).

If information is disclosed without consent, to anyone other than DBHDS, the CSB or to another service provider, Pathway Homes shall put a written notation of the information disclosed, the name of the person who received the information and his or her address if it is known, the purpose of disclosure, and the date of disclosure permanently in the individual's services record prior to the disclosure, and provide this information in writing to the individual or his authorized representative. If the disclosure situation is an emergency, this documentation shall be made promptly afterward.

- A. Criteria for disclosure without an authorization exclusive of substance abuse:

1) Emergencies:

a. Pathways may disclose information upon a good faith belief that the disclosure is necessary to prevent or lessen a serious and imminent threat to health or safety of a person or the public, to a person who is reasonably able to prevent or lessen the threat, including the threat's target. Pathways shall communicate only those facts necessary to alleviate the potential threat.

2) Providers or Health Plans:

a. Pathway Homes may disclose to any full or part-time employee, agent or contractor of Pathways, or to DBHDS or the CSB, information required to give services to the individual or to get payment for services.

b. Disclosure of certain limited information may be made to insurance companies and other third party payers.

3) Court Proceedings:

a. If a individual, or someone acting for him, introduces any aspect of his mental condition or services as an issue before a court, administrative agency, or medical malpractice review panel, Pathways may disclose any information relevant to that issue. Pathways may disclose any records if they are properly subpoenaed, if a court orders them to be produced, or if involuntary commitment or certification is being proposed or conducted (see sections on "Court Orders" and "Privileged Communication.").

4) Legal Council:

a. Pathway Homes may disclose information to the agency's legal counsel, or to anyone working on behalf of the legal counsel.

5) Human Rights Committees:

a. Pathway Homes may disclose to the LHRC and the SHRC any information necessary for the conduct of responsibilities under human rights regulations.

- 6) Others authorized or required by the Commissioner, CSB, or private program director:
 - a. Pathway Homes may disclose information to other persons if authorized or required by one of the above, for the following activities:
 - 1) Licensing, human rights, or certification or accreditation reviews;
 - 2) Hearings, reviews, appeal or investigation under the human rights regulations;
 - 3) Statistical reporting;
 - 4) Preauthorization, utilization reviews, financial and related administrative services reviews and audits; or
 - 5) Other similar oversight and review activities.
- 7) Preadmission screening, services and discharge planning:
 - a. Pathway Homes may disclose to DBHDS, the CSB or to other providers information necessary to prescreen individuals or to prepare and carry out a comprehensive individualized services or discharge plan.
- 8) Protection and Advocacy:
 - a. Pathway Homes may disclose to the protection and advocacy agency in accordance with that agency's legal authority under federal and state law any information that may establish probable cause to believe that a individual has been abused or neglected and any information concerning the death or serious injury of a individual while receiving services.
- 9) Historical Research:
 - a. Pathway Homes may disclose information to persons engaging in bona fide historical research if all of the following conditions are met:
 1. The President/CEO authorized the research;
 2. Pathway Homes obtains documentation that a waiver in whole, or in part of the required authorization has been approved by an Institutional Review Board

(IRB) as defined by HIPAA, or a privacy board which meets certain conditions specified within HIPAA;

3. The individual or individuals who are subject of the disclosure are deceased;

4. There are no known living persons authorized by law to consent; and

5. The disclosure would in no way reveal the identity of any person who is not the subject of the historical research.

10) Protection of the public safety “Duty to Warn”:

a. If a individual makes a specific threat to cause serious bodily injury or death to an individual and the agency believes the individual has the intent and ability to carry out the threat immediately or imminently, Pathway Homes may disclose facts necessary to alleviate potential threat.

11) Inspector General:

a. Pathway Homes may disclose to the Inspector General any individual services record and other information relevant to the provision of services.

12) Virginia Patient Level Data System

a. Pathway Homes may disclose financial and services information to Virginia Health Information as required by law.

13) Psychotherapy notes:

a. Pathway Homes may disclose psychotherapy notes for internal training purposes to students and mental health practitioners who are being taught under supervision to practice or improve their skills in counseling.

b. Pathway Homes may disclose psychotherapy notes to defend the agency or its employees against accusations of wrongful conduct.

14) Law enforcement official:

a. Pathway Homes may disclose information to law enforcement pursuant to a search warrant or grand jury subpoena.

b. In response to a law enforcement request, for the purpose of identifying or locating a suspect, fugitive, individual required to register as a sex offender, material witness, or missing persons, Pathway Homes may disclose only the following information about the individual:

- 1) Name and address;
- 2) Date and place of birth;
- 3) Social security number;
- 4) Blood type;
- 5) Date and time of treatment received;
- 6) Date and time of death;
- 7) Description of distinguishing physical characteristics; and
- 8) Type of injury sustained by the individual.

c. Pathway Homes may disclose information to law enforcement if there is reason to suspect that such death may have resulted from criminal conduct.

d. Pathway Homes may disclose information to law enforcement if there is reason to believe the information disclosed constitutes evidence of a crime that occurred on the agency's premises.

15) Other:

a. Pathway Homes may disclose confidential information to other public health authorities as required by law for the purposes of preventing or controlling disease, injury, or disability, including the reporting of disease, injury, vital events such as birth or death, and the conduct of public health surveillance, public health investigations, and public health interventions.

b. Pathway Homes may disclose confidential information to a health oversight agency, as defined by HIPAA, for oversight activities as required by law. Examples of these oversight agencies include the Office of Civil Rights, The Department of Justice, the Department of Health and Human Services, Center for Medicare and

Medicaid Services, DBHDS, the Department of Housing and Urban Development, and the Department of Social Services.

c. Pathway Homes may disclose confidential information to a coroner or medical examiner for the purpose of identifying a deceased person, determining cause of death, or other duties authorized by law.

d. Pathway Homes may disclose confidential information to funeral directors, consistent with applicable law, as necessary to carry out their duties with respect to the decedent.

e. Pathway Homes may disclose confidential information as required by law, for certain reasons of national security or protective services of the President of the United States.

f. Pathway Homes may use confidential information for health care operation activities of the agency. These activities may include evaluating staff and provider performance, reviewing the competence or qualifications of health care professionals, conducting or arranging for medical review, legal services or auditing functions, business management and general administrative activities including and conducting quality assessments and improvement activities.

B. Criteria for disclosure of substance abuse information without an authorization:

1) Medical emergencies:

Pathways may disclose information to medical personnel to the extent necessary to meet a bona fide medical emergency.

2) Administrative/management oversight:

Pathways may disclose information to qualified personnel for the purpose of conducting audits and program/agency evaluations, but such personnel may not identify, directly or indirectly, any individual in any report.

3) Crimes committed on agency property:

Pathways may disclose information to law enforcement which is directly related to an individual's commission of a crime, or threat to commit such crime, on agency property or against an agency employee. The information disclosed is limited to the

circumstances of the incident, including status of the individual within the program, the his/her name and address, and the individual's last known whereabouts.

4) Suspected child abuse or neglect:

Pathways may disclose information to Child Protective Services (CPS) as required by state law. However restrictions continue to apply to the individual record (refer to federal regulations USC 42CFR Part 2.)

5) Other:

The federal regulation USC 42CFR Part 2 has complicated criteria. Therefore anytime a request for information is made that does not clearly fit within this policy's guidelines, staff should consult with a supervisor.

Court Orders for Confidential Information

In the event of a court order to release information from a individual's record Pathways will first determine if the information is related to substance abuse and therefore protected under federal law (USC 42CFR Part 2). If protected under 42 CFR, Pathway Homes will comply with all applicable federal guidelines. If information is not related to substance abuse the following procedures apply:

1. Pathways shall notify the individual or individual's authorized representative of the court order and attempt to obtain a written release to duplicate and disseminate the record.
2. Pathway Homes' President/CEO or designee may consult with Pathways' legal counsel.
3. Pathways shall ensure that the individual's services record is copied with appropriate safeguards for confidentiality.
4. The copy of the record, in whole or in part, shall be sealed in an envelope clearly labeled as confidential.
5. A receipt shall be obtained from the person to whom the record was delivered.
6. Documentation shall be made in the individual's services record of the information disclosed, the name of the person who received the information and his or her address if it is known, the purpose of disclosure, and the date of disclosure.

Privileged Communication

Privileged communication refers to any information a practitioner in a professional capacity may have acquired about a individual through the provision of services. Except at the request of or with the consent of a individual, no licensed professional counselor, licensed clinical social worker, or licensed psychologist shall be required in giving testimony as a witness in any civil action to disclose any information communicated to him in a confidential manner, properly entrusted to him in his professional capacity and necessary to enable him to discharge his professional or occupational services according to the usual course of his practice or discipline (Code of Virginia § 8.01-400.2).

In the event that a Pathway Homes employee must testify in a civil matter without the individual's authorization, he should assert privilege by respectfully stating that he believes the information in question is privileged communication and allow the court to rule that he must answer questions.

If, in the course of testimony, a clinician is asked to reveal substance abuse related individual information, he should respectfully inform the judge that special federal law (USC 42CFR Part 2) applies to such information and request the opportunity to seek legal counsel or allow the court to rule that he can disclose the protected information.

Sequestering of Records

It is extremely important to have complete and accurate clinical information at all times, especially in connection with malpractice claims or investigations. Pathway Homes will ensure that medical records submitted for review do not have missing or adulterated documents.

1. Upon receipt of notification, or if there is reason to believe that a claim has been filed, immediately sequester the client's entire record. An independent staff person (at least one removed from the client) must review the record and write a summary of general findings.
2. Make a copy of the clinical record. If the client is deceased, it is not necessary to make copies unless a claim is filed. Sequester the record, paginate it, and hold it for at least two years.
3. Return the COPY of the clinical record to the program site to be used for continued clinical care of the client. New original data can be added to the file in circulation.
4. Paginate the original record by numbering the sequestered pages of the record from oldest to newest using indelible ink.

5. Keep the paginated original record under lock and key in the administrative safe for at least two years after the incident.
6. Copies of the original record may be sent to the claimant's attorney, provided consent is obtained. If the client or the client's designee, authorized by the client, requests to review the sequestered original records, he/she may do so only in the presence of an authorized Pathway Homes employee.
7. The same requirements for documentation of care and protection of information that apply to paper records, apply equally to electronic health records (EHR). The EHR must immediately be electronically locked and/or stored to prevent alteration and loss of evidence.

III. AMENDMENT OF RECORDS BY INDIVIDUALS SERVED

Pathway Homes shall protect the rights of individuals to access and amend their service records. See Appendix for definitions relevant to this policy.

PROCEDURES

1. Each individual served has a right to see, read, and get a copy of his or her own service record and to provide amendments to the service record if necessary.
2. A individual or his or her authorized representative may request to see, read, and get a copy of his or her own service record. Although it is not required, the individuals will be encouraged to provide this request in writing. This request shall be dated and made to the individual's primary case manager or the case manager's supervisor. If an individual needs assistance with the written request, he may get help from his or her primary case manager.
3. If a individual refuses to provide the request in writing, the case manager shall document applicable information about the request in the service record, and provide this information to the agency Privacy Officer.
4. Upon a request by the individual or his or her authorized representative to see, read, and get a copy of the service record, Pathway Homes shall either grant the request in whole or in part, or deny the request within 15 days of the date of the request. Written documentation of the response of Pathway Homes to all requests by the individual to see, read, and get a copy of the service record shall be provided to the individual, and a copy kept in the individual's

service record. All documentation of denials of requests shall be in compliance with HIPAA and Virginia State law, and shall:

- A. Be in plain language;
 - B. Explain the basis for denial;
 - C. Explain any applicable appeals procedures;
 - D. Include the time limits and conditions for removal of the restriction;
 - E. Explain that he or she can ask to have a lawyer, physician, or psychologist of his or her choice see the records. If the individual makes this request, Pathway Homes shall disclose the record to that lawyer, physician or psychologist;
 - F. Explain how the individual may make a complaint.
5. Pathway Homes shall, without charge, give individuals any help they may need to read and understand their service record and provide corrections to it.
6. Pathway Homes may deny access to all or a part of an individual's service record only if a physician or a licensed psychologist involved in providing services to the individual: talks to the individual; looks over the service record as a result of the individual's request for access; and signs and puts in the service record permanently a written statement that he or she thinks access to the service record by the individual at this time would be physically or mentally harmful to the individual. The physician or licensed psychologist must also tell the individual as much about his or her service record as possible without risking harm to the individual.
7. An individual or his authorized representative may request to amend the individual's service record. This request shall be dated and made to the individual's primary case manager or the case manager's supervisor in writing and include a reason supporting the request. If an individual needs assistance with the written request, he may get help from his or her primary case manager. Pathway Homes shall investigate and provide to the individual or authorized representative, and file in the service record, a written response concerning the individual's request within 60 days of the date of the request.
 - A. If the report finds that the service record is incomplete, inaccurate, not pertinent, not timely, or not necessary, Pathway Homes shall:

1. Inform the individual that the amendment was made;
 2. Either mark that part of the service record clearly to say so, or else remove that part of the service record and file it separately with an appropriate cross reference to indicate that the information was removed.
 3. Not disclose the original service record without separate consent or legal authority.
 4. After requesting information from the individual about the identification of other persons or entities who have received information from the service record needing amendment, and obtaining the individual's authorization to notify these persons or entities of the amendment, promptly notify in writing all persons who have received the incorrect information that the service record has been amended and request that recipients acknowledge the amendment
- B. If the response to the request is not satisfactory to the individual, Pathway Homes shall, upon request, file in the service record the individual's statement explaining his or her position. If needed, Pathway Homes shall help the individual to write this statement. If a statement is filed, Pathway Homes shall:
1. Give all persons who have copies of the record a copy of the individual's statement.
 2. Clearly note in any later disclosure of the record that it is disputed and include a copy of the statement with the disputed record.
- C. All documentation of denials of requests or amend a service record shall be in compliance with HIPAA and Virginia State law, and shall be:
1. In plain language;
 2. Explain the basis for denial;
 3. Explain the right to file in the service record a statement explaining his or her position, and right to request that Pathway Homes provide the request for amendment and the denial with any future disclosures of the disputed information.
 4. Explain how the individual may make a complaint.

9. The designated agency Privacy Officer shall review, in consultation with involved agency staff and the President/CEO, and maintain copies of all documentation related to access or amendment of service records by individuals or their authorized representatives.

IV. RECORDS MANAGEMENT AND DOCUMENTATION

Each individual served by Pathway Homes shall have a separate record that is legible, thoroughly secure, and maintained in compliance with Pathway Homes *Record and Documentation Guidelines* – See Appendix.

PROCEDURES

All primary records, identified as the Clinical Record, shall be maintained in a locked filing cabinet at the primary worksite of the assigned mental health counselor. The assigned mental health counselor shall be responsible for assembling and maintaining service records in compliance with all elements of the Pathway Homes *Records and Documentation Guidelines*, which details the frequency and formatting for updating and making entries into the service record. All service record entries shall be current, dated and authenticated by the individual making the entry

Retired Records are maintained for those individuals receiving services for greater than one year. These records contain clinical documentation more than one year old and expired authorizations, notices and trainings. Retired Records are maintained at the Pathway Homes main office.

A Closed Record is maintained for each individual having terminated services with Pathway Homes. The Closed Record is a consolidation of the Administrative, Clinical and Retired files and is maintained for a minimum of three years. Closed Records are maintained at the Pathway Homes main office.

V. QUALITY RECORDS REVIEW

Pathway Homes Peer Review Committee (PRC) provides ongoing internal review and feedback on service records to ensure consistency, quality, timeliness, and compliance with state licensure regulations, and CARF accreditation requirements.

PROCEDURES

The PRC reviews monthly, a random sampling of open and closed service records. The findings from the reviews are shared with appropriate staff and summarized each quarter as part of Pathway Homes' continuous quality improvement process.

See also *Information and Technology Policy*



Policy: Service Records
Section: Programs and Services
Policy Date: 01/01/85
Date(s) Revised: 04/08/02
Number of Pages: (2)

Policy Number: 5-S3

This Policy Applies to:
► DMHMRSAS licensed programs.

Incorporated into new Service Records Policy with changes under *Records Management and Documentation* section in new policy

PURPOSE

To ensure a system of complete, thorough, timely and consistent clinical record keeping.

POLICY

Each individual admitted for services shall have a separate record that is legible, thoroughly secure, confidential and maintained in compliance with Pathway Homes *Record and Documentation Guidelines*.

PROCEDURES

A Clinical Record and, when appropriate, an Administrative Record, Retired Record and Closed Record shall be maintained for each consumer receiving or having received services. All primary records, identified as the Clinical Record, shall be maintained in a locked filing cabinet at the primary worksite of the assigned mental health counselor. The assigned mental health counselor shall be responsible for assembling and maintaining service records in compliance with all elements of the Pathway Homes *Records and Documentation Guidelines*, which details the frequency and formatting for updating and making entries into the service record. All service record entries shall be current, dated and authenticated by the individual making the entry. Clinical records shall be reviewed by the Peer Review Committee to ensure compliance with Pathways *Record and Documentation Guidelines*.

The Administrative Record, when appropriate, shall be maintained in a locked filing cabinet at the Pathways main office. The assigned mental health counselor shall be responsible for assembling and maintaining the Administrative Record in compliance with all elements of the

Record and Documentation Guidelines. An Administrative Record shall be maintained for each resident entering into a landlord-tenant relationship with Pathway Homes.

For manageability purposes, Retired Records are maintained for those individuals receiving services for greater than one year. These records contain clinical documentation more than one year old and expired authorizations, notices and trainings. In Fairfax programs, the Retired Records are maintained at the Pathway Homes main office. In Arlington programs, the Retired Records are maintained at the Arlington office.

A Closed Record is maintained for each individual having terminated services with Pathway Homes. The Closed Record is a consolidation of the Administrative, Clinical and Retired files and is maintained for a minimum of three years. In Fairfax programs, the Closed Records are maintained at the Pathway Homes main office. In Arlington programs, the Closed Records are maintained at the Arlington office.

For information regarding security, confidentiality and disclosure refer to: Records Management and Documentation, Service Record Security, and Access to and Amendment of Service Records.



Policy: Service Record Security
Section: Program and Services
Policy Date: 01/01/1985
Date(s) Revised: 04/14/2003; 04/10/2008
Number of Pages: (2)

Policy Number: 5-S4
This Policy Applies to:
► The agency.

Incorporated into new Service Records Policy with significant changes made to language and ordering of paragraphs under *Service Records Security* section in new policy

PURPOSE

Pathway Homes is committed to ensuring the security of service records.

POLICY

Pathway Homes shall prevent unauthorized uses and disclosures of confidential information and shall use, store, and transport confidential information in a secure manner according to the following guidelines.

PROCEDURE

1. All information pertaining to residents shall be considered confidential.
2. Active resident records will be stored in a locked filing cabinet at the primary work site of the primary counselor/case manager. The primary counselor/case manager is responsible for protecting this information against loss, defacement, tampering, or use by unauthorized persons. Closed records are stored in a secure location for a period of at least six years. Permanent information kept on each individual served shall include:
 - Resident's name;
 - Social security number;
 - Date of birth;
 - Dates of Admission and discharge; and
 - Name and Address of legal guardian, if any.

3. Electronic records are to be stored only on password-protected disks or applications. Disks containing confidential information shall be maintained in a locked filing cabinet and accessed only by authorized persons. Electronic resident records shall be password protected and only accessible by those staff who require the information in order to perform the duties of their position. Electronic records maintained on Pathway Homes' servers are 100% backed up to a local hard drive. Also, new data is backed up offline every night, seven days a week via the Mozey Company to their secure site in Utah. Any alterations to electronic records shall only be made by staff authorized to do so.
4. Upon the need to transport resident records between locations, the records shall be placed in a sealed envelope, marked "confidential", and transported in a locked compartment of the vehicle.
5. The primary counselor/case manager shall be responsible for overall record management.
6. Pathway Homes shall comply with any relevant privacy and security regulations of Health Insurance Portability and Accountability Act (HIPAA) in communicating protected health information, and shall implement reasonable and appropriate administrative, technical, and physical safeguards to protect confidential resident information.
7. In the event that Pathway Homes discontinues operation, all resident records shall be transferred to the Fairfax-Falls Church, and Arlington Community Services Boards.

See also *Use of Facsimile Machines* and *Use of Internet and Electronic Mail (e-mail)* policies.



Policy: Access to and Amendment of Service Records

Section: Programs and Services

Policy Date: 01/01/1985, 4/14/2003

Date(s) Revised: 04/10/2008

Number of Pages: (4)

Policy Number: 5-A1

This Policy Applies to:

► The agency.

**Revised and incorporated into new Service Records Policy under Amendment of Records by
Individuals Served section**

PURPOSE

This policy establishes the rights of consumers, and Pathway Homes responsibilities concerning access to and amendment of service records.

POLICY

Pathway Homes shall protect the rights of consumers to access and amend their service records. See Appendix for definitions relevant to this policy.

PROCEDURE

Definitions:

Designated Record Set: The Health Insurance Portability and Accountability Act (HIPAA) defines the applicable aspects of the designated record set as a group of records maintained by or for Pathway Homes that is any of the following:

- a. The medical and billing records about individuals maintained by or for Pathway Homes.
- b. Information used in whole or in part by or for Pathway Homes to make decisions about the individual.

Service Record as defined by the Rules and Regulation to Assure the Rights of Individuals Receiving Services from Providers of Mental Health, Mental Retardation, and Substance Abuse Services, is inclusive of the above defined designated record set.

Service records of the residents in 24-hour programs, and in the supportive residential programs are located at each residential site where services are provided. Service records of the consumers in in-home support services programs are located in the Pathway Homes administrative office.

1. Each consumer has a right to see, read, and get a copy of his or her own service record and to provide amendments to the service record if necessary.
2. A consumer or his or her authorized representative may request to see, read, and get a copy of his or her own service record. Although it is not required, the consumers will be encouraged to provide this request in writing. This request shall be dated and made to the consumer's primary case manager or the case manager's supervisor. If a consumer needs assistance with the written request, he may get help from his or her primary case manager.
3. If a consumer refuses to provide the request in writing, the case manager shall document applicable information about the request in the service record, and provide this information to the agency Privacy Officer.
4. Upon a request by the consumer or his or her authorized representative to see, read, and get a copy of the service record, Pathway Homes shall either grant the request in whole or in part, or deny the request within 15 days of the date of the request. Written documentation of the response of Pathway Homes to all requests by the consumer to see, read, and get a copy of the service record shall be provided to the consumer, and a copy kept in the consumer's service record. All documentation of denials of requests shall be in compliance with HIPAA and Virginia State law, and shall:
 - A. Be in plain language;
 - B. Explain the basis for denial;
 - C. Explain any applicable appeals procedures;
 - D. Include the time limits and conditions for removal of the restriction;
 - E. Explain that he or she can ask to have a lawyer, physician, or psychologist of his or her choice see the records. If the consumer makes this request, Pathway Homes shall disclose the record to that lawyer, physician or psychologist;
 - F. Explain how the consumer may make a complaint.
5. Pathway Homes shall, without charge, give consumers any help they may need to read and understand their service record and provide corrections to it.

6. Pathway Homes may deny access to all or a part of a consumer's service record only if a physician or a licensed psychologist involved in providing services to the consumer: talks to the consumer; looks over the service record as a result of the consumer's request for access; and signs and puts in the service record permanently a written statement that he or she thinks access to the service record by the consumer at this time would be physically or mentally harmful to the consumer. The physician or licensed psychologist must also tell the consumer as much about his or her service record as possible without risking harm to the consumer.
7. A consumer or his authorized representative may request to amend the consumer's service record. This request shall be dated and made to the consumer's primary case manager or the case manager's supervisor in writing and include a reason supporting the request. If a consumer needs assistance with the written request, he may get help from his or her primary case manager. Pathway Homes shall investigate and provide to the consumer or authorized representative, and file in the service record, a written response concerning the consumer's request within 60 days of the date of the request.
 - A. If the report finds that the service record is incomplete, inaccurate, not pertinent, not timely, or not necessary, Pathway Homes shall:
 1. Inform the consumer that the amendment was made;
 2. Either mark that part of the service record clearly to say so, or else remove that part of the service record and file it separately with an appropriate cross reference to indicate that the information was removed.
 3. Not disclose the original service record without separate consent or legal authority.
 4. After requesting information from the consumer about the identification of other persons or entities who have received information from the service record needing amendment, and obtaining the consumer's authorization to notify these persons or entities of the amendment, promptly notify in writing all persons who have received the incorrect information that the service record has been amended and request that recipients acknowledge the amendment

- B. If the response to the request is not satisfactory to the consumer, Pathway Homes shall, upon request, file in the service record the consumer's statement explaining his or her position. If needed, Pathway Homes shall help the consumer to write this statement. If a statement is filed, Pathway Homes shall:
 - 1. Give all persons who have copies of the record a copy of the consumer's statement.
 - 2. Clearly note in any later disclosure of the record that it is disputed and include a copy of the statement with the disputed record.
 - C. All documentation of denials of requests or amend a service record shall be in compliance with HIPAA and Virginia State law, and shall be:
 - 1. In plain language;
 - 2. Explain the basis for denial;
 - 3. Explain the right to file in the service record a statement explaining his or her position, and right to request that Pathway Homes provide the request for amendment and the denial with any future disclosures of the disputed information.
 - 4. Explain how the consumer may make a complaint.
8. The designated agency Privacy Officer shall review, in consultation with involved agency staff and the President/CEO, and maintain copies of all documentation related to access or amendment of service records by consumers or their authorized representatives.



Policy: Uses and Disclosures of Confidential Information

Section: Programs and Services

Policy Date: 01/01/1995

Date(s) Revised: 4/10/08; 07/11/2011

Number of Pages: (11)

Policy Number: 5-U1

This Policy Applies to:

► The agency.

Incorporated in its entirety into new Service Records Policy under *Uses and Disclosures of Confidential Information* section

PURPOSE

Pathway Homes is committed to protecting the rights of consumers concerning confidentiality. This policy establishes Pathway Homes role and responsibilities concerning confidentiality.

POLICY

It is Pathway Homes policy that each consumer is entitled to have all identifying information that Pathway Homes maintains or is aware of about him or her to remain confidential. Each consumer has a right to give authorization before any information is used or disclosed unless another law, federal regulation, or this policy specifically require Pathways to disclose the information.

PROCEDURE

Use and Disclosure of Confidential Information

Routine disclosures are those made on a regular basis and are subject to the procedures within this policy and the following minimum necessary standard.

Pathway Homes shall ensure that the amount of information disclosed is restricted to the minimum necessary to accomplish the intended purpose of the disclosure, and that any request for confidential information is limited to that which is reasonably necessary to accomplish the purpose for which the request is made. Pathway Homes shall not disclose or request an entire service or medical record unless the entire record is specifically justified as the amount reasonable necessary to accomplish the purpose of the use or disclosure request.

Only Pathway Homes workforce members who need to use, view, read, or store confidential information to carry out the duties of their positions shall access the necessary confidential information.

For all non-routine disclosures, Pathway Homes shall limit the request to the information reasonably necessary to accomplish the purpose for which the request is made and shall review these requests on an individual basis.

If a consumer's services record pertains in whole or in part to referral, diagnosis, or treatment of substance abuse, Pathways shall disclose information only according to applicable federal regulations (see USC 42CFR Part 2).

Pathway Homes shall provide each consumer and his authorized representative, if appropriate, a copy of Pathways Notice of Privacy Practices that includes how information can be disclosed and how others might get information about the consumer without his consent.

Pathway Homes shall encourage consumers to provide authorizations to disclose information about his or her general condition or well-being to family members, friends or others.

Authorization to Use or Disclose Information

1. Confidential consumer information shall not be disclosed to anyone who is not a Pathway Homes workforce member who is involved in the services of the consumer or in the operations of Pathway Homes, unless a prior authorization is signed by the consumer or the consumer's authorized representative, or another state or federal law requires such a disclosure. A separate authorization specific to substance abuse (42 CFR) is necessary for disclosure of any information pertaining to substance abuse.
2. Pathway Homes shall not condition the provision of mental health services or other healthcare related services on the giving of any authorization to use or disclose information.
3. Prior to any disclosure, Pathways shall get verification of the identity of the person making the request, and his or her authority to have access to the information requested.
4. The authorization for the disclosure of information shall not be combined with any other document to create a compound authorization, will be written in plain language, and will include:
 - A. A description of the information to be used or disclosed;
 - B. The name of the organization or other specific identification of the person(s), or class of persons, authorized to make the requested use or disclosure;
 - C. The name or other specific identification of the person(s), to whom Pathway Homes may make the disclosure;
 - D. A description of each purpose of the requested use or disclosure;

- E. An expiration date; usually not to exceed one year;
 - F. Signature of the consumer and date. If the authorization is signed by the consumer's authorized representative, a description of the authorized representative's authority to act for the individual must also be provided;
 - G. A statement of the consumer's right to revoke the authorization and a description of how that may be accomplished;
 - H. A reference to Pathway Homes' Notice of Privacy Practices;
 - I. A statement that informs the consumer that Pathway Homes is not allowed to condition the provision of mental health support services or other healthcare related services on the giving of any authorization to use or disclose information;
 - J. A statement that informs the consumer that there is potential for information disclosed pursuant to the authorization to be subject to re-disclosure by the recipient and no longer protected by federal privacy rules.
- 5. All signed authorizations shall be retained in the consumer's services record, and a copy provided to the consumer or their authorized representative.
 - 6. Consumers can revoke an authorization at any time, except to the extent that Pathways has taken action in reliance on the authorization. Any revocation of an authorization to use or disclose information shall be documented in the individual's service record.
 - 7. When Pathways discloses information, a statement shall be attached that informs the person receiving the information that it must not be disclosed to anyone else unless the consumer consents or unless the law allows or requires further disclosure, and documentation shall be made in the consumer's service record of the date of the disclosure; the name of the entity or person who received the information, and if known the address of that entity or person; a description of the information disclosed, and the purpose of the disclosure, or a copy of the written request for the disclosure.
 - 8. Approval for duplicating for the purposes of disclosing hard-copy information from a consumer's service record is subject to the following:
 - A. Receipt of a written request by the person or agency seeking the information stating the reason(s) for the request.
 - B. As appropriate, a written authorization of the consumer or the consumer's authorized representative, or court order.

- C. Verification of the identity of the person making the request, if it is not known, and his or her authority to have access to the information requested.
- D. Consultation with supervisor.
- E. Documentation in the consumer's services record of the date of the disclosure; the name of the entity or person who received the information, and if known the address of that entity or person; a description of the information disclosed, and the purpose of the disclosure, or a copy of the written request for the disclosure.

Uses and Disclosures When No Authorization is Required

There are circumstances when Pathways may use or disclose confidential information without an authorization. In certain circumstances, Pathways may elect to request an authorization from the consumer prior to disclosing information, knowing that under certain circumstances, Pathways may be required by law or may elect to disclose the information without the authorization. If the disclosure is not required by law, Pathways shall give strong consideration to any objections from the individual or his authorized representative in making the decision to disclose information. The circumstances for disclosing substance abuse information without an authorization are more restrictive and are governed by federal regulations USC 42CFR Part 2 (see section B below).

If information is disclosed without consent, to anyone other than the Virginia Department of Behavioral Health and Developmental Services (DBHDS), the CSB or to another service provider, Pathway Homes shall put a written notation of the information disclosed, the name of the person who received the information and his or her address if it is known, the purpose of disclosure, and the date of disclosure permanently in the consumer's services record prior to the disclosure, and provide this information in writing to the consumer or his authorized representative. If the disclosure situation is an emergency, this documentation shall be made promptly afterward.

- A. Criteria for disclosure without an authorization exclusive of substance abuse:

1) Emergencies:

- a. Pathways may disclose information upon a good faith belief that the disclosure is necessary to prevent or lessen a serious and imminent threat to health or safety of a person or the public, to a person who is reasonably able to prevent or lessen the threat, including the threat's target. Pathways shall communicate only those facts necessary to alleviate the potential threat.

2) Providers or Health Plans:

- a. Pathway Homes may disclose to any full or part-time employee, agent or contractor of Pathways, or to DBHDS or the CSB, information required to give services to the consumer or to get payment for services.
- b. Disclosure of certain limited information may be made to insurance companies and other third party payers.

3) Court Proceedings:

- a. If a consumer, or someone acting for him, introduces any aspect of his mental condition or services as an issue before a court, administrative agency, or medical malpractice review panel, Pathways may disclose any information relevant to that issue. Pathways may disclose any records if they are properly subpoenaed, if a court orders them to be produced, or if involuntary commitment or certification is being proposed or conducted (see sections on “Court Orders” and “Privileged Communication.”).

4) Legal Council:

- a. Pathway Homes may disclose information to the agency’s legal counsel, or to anyone working on behalf of the legal counsel.

5) Human Rights Committees:

- a. Pathway Homes may disclose to the LHRC and the SHRC any information necessary for the conduct of responsibilities under human rights regulations.

6) Others authorized or required by the Commissioner, CSB, or private program director:

- a. Pathway Homes may disclose information to other persons if authorized or required by one of the above, for the following activities:
 - 1) Licensing, human rights, or certification or accreditation reviews;
 - 2) Hearings, reviews, appeal or investigation under the human rights regulations;
 - 3) Statistical reporting;

4) Preauthorization, utilization reviews, financial and related administrative services reviews and audits; or

5) Other similar oversight and review activities.

7) Preadmission screening, services and discharge planning:

a. Pathway Homes may disclose to DBHDS, the CSB or to other providers information necessary to prescreen consumers or to prepare and carry out a comprehensive individualized services or discharge plan.

8) Protection and Advocacy:

a. Pathway Homes may disclose to the protection and advocacy agency in accordance with that agency's legal authority under federal and state law any information that may establish probable cause to believe that a consumer has been abused or neglected and any information concerning the death or serious injury of a consumer while receiving services.

9) Historical Research:

a. Pathway Homes may disclose information to persons engaging in bona fide historical research if all of the following conditions are met:

1. The President/CEO authorized the research;
2. Pathway Homes obtains documentation that a waiver in whole, or in part of the required authorization has been approved by an Institutional Review Board (IRB) as defined by HIPAA, or a privacy board which meets certain conditions specified within HIPAA;
3. The individual or individuals who are subject of the disclosure are deceased;
4. There are no known living persons authorized by law to consent; and
5. The disclosure would in no way reveal the identity of any person who is not the subject of the historical research.

10) Protection of the public safety “Duty to Warn”:

- a. If a consumer makes a specific threat to cause serious bodily injury or death to an individual and the agency believes the consumer has the intent and ability to carry out the threat immediately or imminently, Pathway Homes may disclose facts necessary to alleviate potential threat.

11) Inspector General:

- a. Pathway Homes may disclose to the Inspector General any individual services record and other information relevant to the provision of services.

12) Virginia Patient Level Data System

- a. Pathway Homes may disclose financial and services information to Virginia Health Information as required by law.

13) Psychotherapy notes:

- a. Pathway Homes may disclose psychotherapy notes for internal training purposes to students and mental health practitioners who are being taught under supervision to practice or improve their skills in counseling.
- b. Pathway Homes may disclose psychotherapy notes to defend the agency or its employees against accusations of wrongful conduct.

14) Law enforcement official:

- a. Pathway Homes may disclose information to law enforcement pursuant to a search warrant or grand jury subpoena.
- b. In response to a law enforcement request, for the purpose of identifying or locating a suspect, fugitive, individual required to register as a sex offender, material witness, or missing persons, Pathway Homes may disclose only the following information about the individual:
 - 1) Name and address;
 - 2) Date and place of birth;
 - 3) Social security number;
 - 4) Blood type;

- 5) Date and time of treatment received;
- 6) Date and time of death;
- 7) Description of distinguishing physical characteristics; and
- 8) Type of injury sustained by the individual.

c. Pathway Homes may disclose information to law enforcement if there is reason to suspect that such death may have resulted from criminal conduct.

d. Pathway Homes may disclose information to law enforcement if there is reason to believe the information disclosed constitutes evidence of a crime that occurred on the agency's premises.

15) Other:

a. Pathway Homes may disclose confidential information to other public health authorities as required by law for the purposes of preventing or controlling disease, injury, or disability, including the reporting of disease, injury, vital events such as birth or death, and the conduct of public health surveillance, public health investigations, and public health interventions.

b. Pathway Homes may disclose confidential information to a health oversight agency, as defined by HIPAA, for oversight activities as required by law. Examples of these oversight agencies include the Office of Civil Rights, The Department of Justice, the Department of Health and Human Services, Center for Medicare and Medicaid Services, DBHDS, the Department of Housing and Urban Development, and the Department of Social Services.

c. Pathway Homes may disclose confidential information to a coroner or medical examiner for the purpose of identifying a deceased person, determining cause of death, or other duties authorized by law.

d. Pathway Homes may disclose confidential information to funeral directors, consistent with applicable law, as necessary to carry out their duties with respect to the decedent.

e. Pathway Homes may disclose confidential information as required by law, for certain reasons of national security or protective services of the President of the United States.

f. Pathway Homes may use confidential information for health care operation activities of the agency. These activities may include evaluating staff and provider performance, reviewing the competence or qualifications of health care professionals, conducting or arranging for medical review, legal services or auditing functions, business management and general administrative activities including and conducting quality assessments and improvement activities.

B. Criteria for disclosure of substance abuse information without an authorization:

1) Medical emergencies:

Pathways may disclose information to medical personnel to the extent necessary to meet a bona fide medical emergency.

2) Administrative/management oversight:

Pathways may disclose information to qualified personnel for the purpose of conducting audits and program/agency evaluations, but such personnel may not identify, directly or indirectly, any individual in any report.

3) Crimes committed on agency property:

Pathways may disclose information to law enforcement which is directly related to an individual's commission of a crime, or threat to commit such crime, on agency property or against an agency employee. The information disclosed is limited to the circumstances of the incident, including status of the individual within the program, the his/her name and address, and the individual's last known whereabouts.

4) Suspected child abuse or neglect:

Pathways may disclose information to Child Protective Services (CPS) as required by state law. However restrictions continue to apply to the consumer record (refer to federal regulations USC 42CFR Part 2.)

5) Other:

The federal regulation USC 42CFR Part 2 has complicated criteria. Therefore anytime a request for information is made that does not clearly fit within this policy's guidelines, staff should consult with a supervisor.

Court Orders for Confidential Information

In the event of a court order to release information from a consumer's record Pathways will first determine if the information is related to substance abuse and therefore protected under federal law (USC 42CFR Part 2). If protected under 42 CFR, Pathway Homes will comply with all applicable federal guidelines. If information is not related to substance abuse the following procedures apply:

1. Pathways shall notify the consumer or consumer's authorized representative of the court order and attempt to obtain a written release to duplicate and disseminate the record.
2. Pathway Homes' President/CEO or designee may consult with Pathways' legal counsel.
3. Pathways shall ensure that the consumer's services record is copied with appropriate safeguards for confidentiality.
4. The copy of the record, in whole or in part, shall be sealed in an envelope clearly labeled as confidential.
5. A receipt shall be obtained from the person to whom the record was delivered.
6. Documentation shall be made in the consumer's services record of the information disclosed, the name of the person who received the information and his or her address if it is known, the purpose of disclosure, and the date of disclosure.

Privileged Communication

Privileged communication refers to any information a practitioner in a professional capacity may have acquired about a consumer through the provision of services. Except at the request of or with the consent of a consumer, no licensed professional counselor, licensed clinical social worker, or licensed psychologist shall be required in giving testimony as a witness in any civil action to disclose any information communicated to him in a confidential manner, properly entrusted to him in his professional capacity and necessary to enable him to discharge his professional or occupational services according to the usual course of his practice or discipline (Code of Virginia § 8.01-400.2).

In the event that a Pathway Homes employee must testify in a civil matter without the consumer's authorization, he should assert privilege by respectfully stating that he believes the information in question is privileged communication and allow the court to rule that he must answer questions.

If, in the course of testimony, a clinician is asked to reveal substance abuse related consumer information, he should respectfully inform the judge that special federal law (USC 42CFR Part 2)

applies to such information and request the opportunity to seek legal counsel or allow the court to rule that he can disclose the protected information.

Sequestering of Records

It is extremely important to have complete and accurate clinical information at all times, especially in connection with malpractice claims or investigations. Pathway Homes will ensure that medical records submitted for review do not have missing or adulterated documents.

1. Upon receipt of notification, or if there is reason to believe that a claim has been filed, immediately sequester the client's entire record. An independent staff person (at least one removed from the client) must review the record and write a summary of general findings.
2. Make a copy of the clinical record. If the client is deceased, it is not necessary to make copies unless a claim is filed. Sequester the record, paginate it, and hold it for at least two years.
3. Return the COPY of the clinical record to the program site to be used for continued clinical care of the client. New original data can be added to the file in circulation.
4. Paginate the original record by numbering the sequestered pages of the record from oldest to newest using indelible ink.
5. Keep the paginated original record under lock and key in the administrative safe for at least two years after the incident.
6. Copies of the original record may be sent to the claimant's attorney, provided consent is obtained. If the client or the client's designee, authorized by the client, requests to review the sequestered original records, he/she may do so only in the presence of an authorized Pathway Homes employee.
7. The same requirements for documentation of care and protection of information that apply to paper records, apply equally to electronic health records (EHR). The EHR must immediately be electronically locked and/or stored to prevent alteration and loss of evidence.

See also *Access to and Amendment of Service Records; Records Management and Documentation; Resident Records and Release of Information from Resident Records; Service Records; Service Record Security; Uses and Disclosure of Confidential Information.*



Policy: Records Management and Documentation
Section: Programs and Services
Policy Date: 04/14/2003
Date(s) Revised:
Number of Pages: (2)

Policy Number: 5-R1

This Policy Applies to:
► The agency.

Shortened significantly and incorporated into new Service Records Policy under *Quality Records Review* Section in new policy

PURPOSE

Pathway Homes is committed to ensuring the confidentiality and security of resident records, and that they are maintained in such a way that is accurate, timely and complete.

POLICY

Pathway Homes shall have policies and procedures that comply with the Health Insurance and Portability Act of 1996 (HIPAA), including those that describe the confidentiality, accessibility, security, retention of resident records, as well as those that describe the contents, format, system of documentation, and review process for resident records.

PROCEDURES

Pathway Homes Peer Review Committee reviews resident clinical and administrative charts for completeness, accuracy and timeliness of entries. Supervisors are responsible for reviewing closed charts for completeness, accuracy and timeliness of discharge information in closed charts.

The Privacy Officer shall be responsible for the development and implementation of all policies and procedures related to compliance with HIPAA. Policies and procedures shall be changed as necessary and appropriate to comply with changes in the laws related to security and privacy of confidential information.

For procedures related to the above policy, refer to the following documents:

1. Assessments and Individualized Service Plan policy;
2. Uses and Disclosures of Confidential Information policy;
3. Service Record Security policy;
4. Photographs and Recordings policy;

5. Access to and Correction of Service Records policy;
6. Complaint and Fair Hearing policy;
7. Use of Electronic Mail policy;
8. Use of Facsimile policy;
9. Business Associate Agreements policy;
10. Notice of Privacy Practices;
11. Order of Retired File;
12. Order of Closed File;
13. Active Clinical Chart;
14. Active Administrative File; and
15. Guidelines for Clinical Charting of Interdisciplinary Notes.

Please review the attached Code of Ethics and Conflict of Interest Policy and the acknowledgement page. Please do not sign the acknowledgement, but come prepared for the presentation to be given by Eleanor Vincent and Dan Gray.



Policy: Code of Ethics and Conflict of Interest

Section: Organization

Policy Date: 01/01/1985

Date(s) Revised: 10/14/2003, 3/13/2006,
4/12/2010

Number of Pages: 6

Policy Number: O-S1.d

This Policy Applies to:

► The agency.

PURPOSE

This Code of Ethics embodies standards of conduct for all employees, board members, contractors, interns, and volunteers of Pathway Homes. This code represents expected standards of ethical behavior in professional relationships with consumers, colleagues, employees, and with the community and society as a whole. Providing services is a public trust that requires integrity, compassion, respect for individual differences, a commitment to services, a sense of dedication to the tasks, and a belief in the dignity and worth of human beings. In subscribing to and abiding by this code, it is understood that Pathways views ethical responsibility in as inclusive a context as each situation demands, taking all the following principles into consideration, and choosing a course of action consistent with the spirit and intent of this code.

POLICY

All employees, board members, contractors, interns and volunteers shall adhere to the highest ethical and moral standards of behavior. All staff members, board members, and interns shall acknowledge in writing their understanding of and commitment to upholding the code of ethical behavior. This code applies to all persons conducting business on behalf of Pathway Homes, Inc. This code is not intended to cover all conceivable areas of ethical behavior, but instead, address the most commonly identified areas which require guidance. Any individual unclear on the applicability of this policy to their position responsibilities or to work performed on behalf of Pathway Homes is responsible for immediately consulting with a supervisor or manager.

PROCEDURE

In representing Pathway Homes and its interests, it is the responsibility of each employee, board member, or agent to act with integrity, competence, diligence, respect and in an ethical manner. The agency's Code of Ethics shall be reviewed and signed during orientation and shall be reviewed with each individual at least annually. A copy of the Code of Ethics shall also be made available to all persons served by Pathway Homes.

Code of Ethics:

Human Rights of Individuals Served.

I regard it as my primary obligation to respect the human rights of each individual served.
(see *Human Rights policy*).

Respect for Diversity and Non-Discrimination.

I will proactively seek to prevent and eliminate discrimination both within the organization and in the community. I will promote and encourage respect for diversity. I will actively work to expand choices and opportunities for consumers. I will not discriminate on the basis of race, color, sex, sexual orientation, age, religion, national origin, marital status, political belief, mental or physical disability, or any other preference or personal characteristic, condition, or status.

Professional Competence and Development.

I shall perform only those functions for which I am qualified by education, training or experience. I agree to strive for personal and professional growth and understand that I will be expected to learn to perform new functions when reasonable. I understand that I am expected to keep current with emerging knowledge. I understand that I may delegate to a staff member only those responsibilities which that person can reasonably be expected to perform competently on the basis of his or her education, training and experience.

Corporate Citizenship.

Corporate Citizenship is defined as the agency's efforts, activities, and interests in integrating into, contributing to, and supporting the community in which it delivers services. I understand that the integrity of Pathway Homes and its services depends largely on the actions of all persons conducting business on behalf of the agency. I understand I am expected to demonstrate corporate citizenship by contributing to Pathway Homes' efforts and activities which support the community in which services are provided. I further understand that my private conduct is a personal matter except when such conduct potentially

compromises the fulfillment of my professional responsibilities.

Privacy.

I shall protect and maintain confidentiality of all consumer information in compliance with Human Rights and the Health Information Portability and Accountability Act. If I have access to private and potentially sensitive information about other employees or the agency, I will maintain the confidentiality of such information and discuss this information only when it is a function of my position responsibilities. I will maintain the confidentiality of proprietary agency information.

Conflict of Interest.

I will not engage in any activity, practice or conduct that could reasonably be expected to conflict with the interests of the agency or stakeholders, or potentially impair my objectivity. It is my responsibility to be cognizant of the potential for conflict when I am in a position to influence decisions that may result in a direct or indirect personal benefit.

Pathway Homes, Inc. expects employees, board members and agents to support and adhere to the highest standards of organizational ethics. Pathway Homes does not intend to restrict arbitrarily an employee's personal activities; rather, Pathway Homes wants to make it clear that no conflict of interest should exist that could conceivably influence an employee's judgement in handling Pathway Homes' programs or that might present an unfair advantage to donors, contributors, program recipients, vendors, suppliers and contractors.

All of Pathway Homes' employees, board members and agents have an ethical and legal responsibility to avoid any conflict between the interests of Pathway Homes and other charitable, business, or commercial interest that employees or board members have as individuals. A conflict of interest exists when other charitable, business, or commercial interests compete with employees' obligations to serve Pathway Homes' interests. Even the perception of a conflict of interest can cause harm to Pathway Homes and the employee, board member, or agent involved.

No employee, officer, board member, or agent shall participate in the selection, award, or administration of a contract supported by Federal funds if a real or apparent conflict of interest would be involved. Such a conflict would arise when the employee, Board member, officer, or agency, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in the firm selected for an award. The officers, employees, and agents of the recipient shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, or parties to sub-agreements.

Dual Relationships.*Consumers*

I understand that I may not engage in business or social relationships with persons served, their family members, or significant others beyond the expectations and scope of my job, or that presents an actual or perceived conflict. I understand that I am prohibited from providing services to any consumers with whom I have, or have had, a business, social, or intimate relationship. It is understood that such relationships may compromise services or undermine my objectivity. I understand that self-help or other groups involving self disclosure may pose a conflict if a staff member with direct influence over a consumer's services and the person served are both participants. I understand that should such a situation arise, it is my responsibility to consult with my supervisor to determine the most appropriate course of action. Such consultations will prioritize considerations for the consumer's needs, as balanced with those of the staff member.

Employees

I understand that sexual relationships with interns, students, employees, and volunteers within my supervisory chain of command are strictly prohibited. It is also prohibited for me to hire, promote, or place in my direct supervisory chain of command any members of my family, members of my household, or other individuals with whom I have an extended and significant relationship. I understand that non-Pathway Homes related business relationships with interns, students, employees, and volunteers within my supervisory chain of command are strongly discouraged due to the potential for conflict, abuse, or exploitation. I understand

that when social relationships with employees within my supervisory chain of command exist, it is the responsibility of the employee with greater authority to be aware and responsive to the issues of equal access and equitable treatment for all supervisees. I understand that the professional relationship must supercede the social relationship. I further understand that my involvement in self-help or other self-disclosure groups with another employee within my chain of command must be negotiated with the goal of maximizing benefit for both individuals.

Other Stakeholders

I understand that it is my responsibility to be cognizant and responsive to the possibility of perceived or actual conflict in my relationships with other stakeholders. It is my responsibility to seek consultation when needed.

Other Employment

I understand that I may not use agency facilities, supplies, equipment or time to support other employment or business pursuits. I am strictly forbidden from engaging in any other employment that may be perceived as a conflict of interest or interferes with my ability to perform the essential functions of my job. I understand that it is my responsibility to be cognizant and responsive to potential conflicts between agency interests and other employment and to seek consultation when needed.

Gifts

I understand that any gifts I receive from consumers, their family members or other stakeholders shall be discussed with my supervisor in order to ensure that the gift is appropriate given the relationship between myself and the gift giver. Any gifts that I choose to give to consumers or other employees must be offered in such a manner as to ensure that there is no demonstration of favoritism or discrimination. I understand that lending money to consumers, family members or other stakeholders is not accepted practice. I understand that I may never borrow money from consumers, their family members or other stakeholders.

Violations and Reporting

I understand that any conduct or activity that violates Pathways Homes Code of Ethics must be immediately reported to a member of Pathway Homes Management Team. Any reported infractions of this Code will be investigated fully and may result in disciplinary action (*see Disciplinary Action policy*).



CODE OF ETHICS AND CONFLICT OF INTEREST ACKNOWLEDGMENT

I have read, understand and agree to adhere to the Code of Ethics and Conflict of Interest policy and procedures as outlined by Pathway Homes, Inc. I understand that any conduct or activity that violates Pathways Code of Ethics must be immediately reported to a member of Pathway Homes' Management Team. I further understand that any violations of this Code may result in disciplinary action, up to and including termination.

Printed Name of Employee, Intern, Volunteer, Board Member, or Agent of Pathway Homes, Inc.

Position Title

Signature of Above

Date

Signature of Supervisor

Date