615 Protection of Department Data

615.1 Confidentiality of Department Information

You are required by law to safeguard the confidentiality of provider, applicant, participant, and case information. Disciplinary action, including discharge, can be taken against staff who violate confidentiality requirements.

Provider, applicant, participant and case information may be used only for purposes that directly relate to the administration of the medical and child support programs.

Provider, applicant, participant and case information may only be disclosed based on the procedures described in the program manuals. The use or disclosure of provider, applicant, participant or case information for personal, commercial or political purposes is strictly prohibited.

615.2 Reporting Abuse and Neglect

A. Child Abuse or Neglect

Persons who are mandated reporters under the Abused and Neglected Child Reporting Act are identified in 325 ILCS 5/4. If your job falls into one of the categories listed in the act, you must report or cause a report to be made to the Child Abuse Hotline, 1-800-25-ABUSE, whenever you have reasonable cause to believe that a child is being abused or neglected.

The department encourages all employees, even those who are not mandated reporters, to call the Child Abuse Hotline to report suspected child abuse or neglect.

B. Elder Abuse, Neglect or Exploitation

Persons who are mandated reporters under the Elder Abuse and Neglect Act are identified in 320 ILCS 20/2. Department employees who come into contact with older persons in the scope of their professional duties are included. You must report any suspected mistreatment of a person 60 years of age or older, where the older person would be unable, due to dysfunction, to make a report for themselves. The statewide Senior HelpLine can be reached at 1-800-252-8966.

The department encourages all employees to report suspected elder abuse or neglect even if the older person is able to make a report or if you become aware of the suspected mistreatment other than through the course of your

professional duties.

C. Abuse and Neglect of Long Term Care Facility Residents

Persons who are mandated reporters under the Abused and Neglected Long Term Care Facility Residents Reporting Act are identified in 210 ILCS 30/4. Department field personnel are required to report when they have reasonable cause to believe any resident with whom they have direct contact has been subjected to abuse or neglect. Report suspected abuse or neglect to the Nursing Home Hotline at 1-800-252-4343.

The department encourages all employees, even those who are not mandated reporters, to report suspected abuse or neglect of long term care facility residents.

615.3 Employees Applying for or Receiving Medical or Child Support Services

You may receive medical or child support services provided by the department if you meet all eligibility requirements.

You must receive prior approval to take ABT if you need such time to apply for or receive medical or child support services.

== 615.4 Segregation of Medical and Personnel Records

The Department entered into an agreement with the Federal Equal Employment Opportunity Commission (EEOC) that employee's medical records, Request for Reasonable Accommodation, Disability Declaration Form and their personnel records will no longer be co-mingled.

In accordance with the American with Disabilities Act (ADA), HFS is required to maintain the confidentiality of information obtained regarding the medical condition or history and reasonable accommodation request(s) of any applicant or employee.

Medical information must be collected and maintained on separate forms and stored in separate and locked file cabinets apart from those holding non-medical (personnel) files and must be treated as confidential records.

Medical information must be kept confidential even when someone is no longer an applicant or employee.

If a "working file" is maintained, this file cannot contain any medical information.

If a performance evaluation is completed showing an employee is frequently absent from work, a description of absences may identify the absences were due to a chronic illness, but the illness cannot be named.

If making a hiring decision, ADA provisions specify medical information on an applicant may be provided only after a conditional offer of employment has been made.

Medical Information may be disclosed to others under the following circumstances:

- ADA Accommodation
- ADA Investigation
- Workers' Compensation
- Emergency Treatment
- Insurance Purposes