Policy Name:	**Confidentiality and Informed Consent**				
Owner:	Senior Director, Workforce Services	**Origination Date:**	4/1/1995	**Published:**	11/20/2025
Applies To:	Workforce Services				

1. **Policy Statement:**

Goodwill Northern New England has policies containing standards and procedures addressing both the protection and disclosure of what is defined as confidential information about persons receiving its services.

For the purposes of this policy, confidential information includes information collected or developed by Goodwill Northern New England that directly identifies an individual receiving services and relates to the person's physical, mental, or behavioral condition, medical history, or services provided. Information that protects the anonymity of persons receiving services through encryption, encoding, or is non-service recipient for identifying research is not confidential information.

This policy applies to all Goodwill employees, volunteers, or contractors within the Workforce Services division and may contain standards that are more restrictive than current law. This policy does not supersede any additional state or federal statutes that may apply to a program or service.

Policy

All confidential information must be handled, stored, and released in a manner that complies with federal and state law, and in accordance with this policy. Confidential information will be released only pursuant to a written authorization signed by the person served (or legal guardian). The signed release will be placed in the individual's case record. Valid and signed releases from external agencies are acceptable. Goodwill staff will not disclose information in excess of the information and purposes indicated in the authorization.

Persons served will be advised as to their right to control the disclosure of their confidential information. The person served also has the right to add their own statements to their records.

Procedure

Information that is created by and maintained in Goodwill Northern New England case records is the property of Goodwill Northern New England and is maintained for use by the person served by Goodwill Northern New England staff. The original case record containing information will not be released unless legally required for compliance with a court order, and only when a copy is not acceptable. If the original record is surrendered to the court, a copy of the entire record will be retained.

Errors made in entering information are corrected by inserting a line through the error (e.g. error); the person making the correction initials the cross out and then enters the correct information.

At admission or intake, Goodwill Northern New England policies concerning confidentiality will be reviewed with the person served, and copies made available to them upon request. Goodwill staff, in reviewing the policy at program intake, will make clear which program staff members do not require written authorization for disclosure of information due to program design, such as a program where frontline staff are interchangeable or are required to "team" to support groups of clients.

Disclosure

A request for the release of confidential information to the person served does not automatically require signed written authorization.

Exceptions to the requirement of written authorization for disclosure of information are as follows:

- To another Goodwill Northern New England employee if disclosure is related to billing for services or processing payment to persons served;

- For the purposes of carrying out usual and customary activities for monitoring the quality assurance of the services provided by governing entities, funding entities, or internal Goodwill Northern New England quality assurance team;

- To alleviate a direct threat of imminent harm to any individual;

- In connection with legally required reporting obligations, by court order or statute, or in response to a government subpoena;

- To regulatory agents, their employees or independent contractors performing authorized regulatory functions.

To another Goodwill Northern New England employee if disclosure is related to coverage for a primary client case worker due to paid time off (PTO), leave, conflicting work schedule, or any other scenario where a primary staff member is not available and client has time-sensitive needs.

To another Goodwill Northern New England employee if disclosure is related to a primary client case worker leaving job and transfer of record to a temporary or permanent case worker.
To another Goodwill Northern New England employee, if disclosure is related to a transfer of records to balance out frontline staff caseloads to ensure quality services are being provided.

Disclosure to any other individual, organization or entity, including other departments or programs within Goodwill Northern New England, requires written authorization from the person served or legal guardian.

Written Authorization

Written authorizations will be maintained in the individual's case record and be effective for the period indicated on the release, not to exceed their discharge or exit from programming.

The person served or guardian has the right to revoke authorizations to release information. Revocation will not affect the rights or legal responsibilities of anyone that disclosed or received information prior to the revocation. To revoke a prior authorization, the person served or legal guardian will inform Goodwill staff

Goodwill Northern New England will NOT release information obtained from other (non-Goodwill) sources; however, Goodwill Northern New England staff will assist persons served in acquiring the information from the sources where the information originated.

The person served or legal guardian has the right to review information to be disclosed prior to its release and to have a copy of the signed release form. The authorization may be revoked at any time.

Informed Consent

Persons receiving services at Goodwill have the right to informed consent for all services. Informed consent is obtained only when the recipient or his/her guardian is provided with adequate information concerning the proposed services, including the potential risks, benefits, and alternatives. The recipient/guardian also has the right to refuse services. Informed consent must be documented in writing with the signature of the recipient/guardian, or depending on program policies, provided verbally and documented in clear case notes in the record.

Adult recipients are presumed to possess the capacity to give consent to services unless s/he has been judged by a court for lacking capacity, and a guardian has been appointed. This determination must be documented in the case record noting guardianship on the Identification Sheet and a court order stating guardianship has been granted. Any team member with serious concern regarding an individual's capacity to make informed consent shall confer with the appropriate case manager or program leader.
Minor recipients, ages 16-17, are presumed to possess the capacity to give consent to services regarding employment and training if a parent or guardian is not accessible, and this will significantly delay or prevent services. For services that are not related to employment and training, such as life stability challenges, the team member with the concern regarding an individual's capacity to make informed consent shall confer with the appropriate program leader and make a determination.

As part of the planning process, a guardian may indicate, in writing, those instances in which their prior authorization will or will not be required.

In cases of unanticipated needs or significant changes in the Plan where written authorization is required, the informed consent of a guardian may be obtained by a phone call, but written authorization shall be obtained as soon as is practical and not to exceed 30 days. This shall be documented in the case records.

Information about Speaking Up for Us (SUFU), Maine Self-Advocacy Group, will be shared will all individuals receiving HCBS at least annually, including support to get involved with SUFU.

All staff will be trained at time of hire on this policy and on support, strategies and expected outcomes for people related to informed choice and autonomy. Re-training will promptly occur, as needed, to ensure service expectations are followed correctly and consistently.

2. **Key Related Documents**:

3. **Related Regulations/Standards**: