



Adult Protective Services Confidentiality

Policy 8.01

Effective: April 10, 2024

Introduction

All records and documents, and information contained in Adult Protective Services records, concerning investigations of vulnerable adults, as well as those receiving protective services, are confidential and shall be maintained in the case management system.

Scope

This policy provides procedures and guidelines for staff to ensure confidentiality of all records and/or electronic documents pertaining to Adult Protective Services clients.

Policy

A. Release of Confidential Information

1. Information from Adult Protective Services (APS) records that is necessary for a vulnerable adult to receive services/assistance (e.g., Social Services Block Grant (SSBG) referrals), or to complete an investigation, may be communicated verbally by APS staff. All other verbal requests for information must be approved by the team coordinator (TC) and Tennessee Department of Human Services (TDHS) Office of General Counsel (OGC) prior to any release of information or records.

Note: Sensitive and high profile cases shall be handled by assigned staff with discretion and care. Staff are prohibited from sharing any information, including the client name, with APS staff other than the assigned reviewer(s).

2. No **written** documentation shall be provided to any external agency without the specific approval of TDHS OGC.
3. No information about the determination (i.e. indicated/unfounded) of an alleged perpetrator may be released outside of the due process procedures or without the written approval by TDHS OGC.
4. APS staff may not release identifying information about the reporter without the written approval of TDHS OGC.

Note: Steps to release confidential information can be found in [Confidentiality Procedures](#).

B. Violation of Confidentiality

Any APS staff or contractor who releases/shares confidential documents/information in violation of the law:

1. Is guilty of a Class B misdemeanor;
2. If convicted, may be fined not more than five hundred dollars (\$500);
3. May, in the discretion of the court, be confined in the county jail or workhouse not exceeding six (6) months;
4. May be subject to personal civil liability for violation of privacy.

C. Correspondence and Other Notes

1. During the course of an investigation, it is necessary to request various records in order to complete the safety/risk assessment. These records can include medical, financial, living wills, etc. The investigative specialist may also receive correspondence that is relevant to the investigation. Health Insurance Portability and Accountability Act (HIPAA) requires TDHS to maintain the privacy of APS clients by not releasing their individually identifiable health information to anyone without the approval of TDHS OGC.
2. To safeguard and protect confidential information received from an outside source, the investigative specialist should be mindful of their surroundings and take the following precautions:
 - a. Limit access to authorized personnel only;
 - b. Ensure that the records are not left unattended (e.g., inadvertently left behind in a public location, left out on the investigative specialist's desk, etc.) or visible to unauthorized parties (e.g., working in a public location, visible on the seat of car, etc.);
 - c. Electronically attach the records to the case management system (CMS) as soon as possible;
 - d. Shred the records once they have been attached in the CMS.

Supporting Documents

[Confidentiality Procedures](#)

[2.03 Tennessee Department of Human Services Incident Reporting and Response](#)

[2.05 Safeguarding and Reporting Unauthorized Inspection, Disclosure or Receipt of Federally Regulated Data](#)

Definitions/Acronyms

Term	Definition
APS	Adult Protective Services
Assigned Reviewers	Designated approvers for the Case Management System
CMS	Case Management System
HIPAA	Health Insurance Portability and Accountability Act
OGC	Office of General Counsel
Records	Includes, but is not limited to: paper files, reports, records, communications and working documents, computer records, including e-mails, photographs, video recordings, and reports made to the abuse registry, law enforcement, and local TDHS offices.
TDHS	Tennessee Department of Human Services
TC	Team Coordinator

Supersedes

8.01 APS Confidentiality, eff. date 06/01/2022

Authority

Tenn. Code Ann. §§ 71-6-118(c)(2), 40-35-111(e)(2), 71-6-123, 71-6-103(d)(5), 71-6-103(d)(1), 71-6-103(j)(5), § 39-15-509 (e), § 71-1-118 (c)(2)(D)

Application

Adult Protective Services Staff, Contract Agencies

Revision History

Date	Version	Location of Change	Description/Reason for Change
04/09/2024	04/10/2024	Correspondence and Other Notes section	Specified assessment type
12/12/2023	06/01/2022	Scope, Policy Section	Minor language corrections
05/19/2022	06/01/2022	Policy Section	Policy updated
03/26/2018	07/15/2018	N/A	New Policy

Approval History

Approved By	Approver Title	Approved Date	Effective Date
Clarence H. Carter	Commissioner	04/09/2024	04/10/2024
Clarence H. Carter	Commissioner	05/19/2022	06/01/2022
Danielle Barnes	Commissioner	03/26/2018	07/15/2018

Current Approver:
