

Non-Disclosure Statement Licensing Activity with Representative

(For purposes of this notice, licensing activity includes licensing visits, investigations and informal conferences)

The Department of Human Services (DHS) (or its designee) is conducting this licensing visit/investigation/informal conference for the purpose of licensing activities. Information obtained during this licensing activity may be used by DHS (or its designee) in its role as the licensing agency or for purposes of oversight of the adult foster home. As a part of this licensing activity, DHS (or its designee) has determined that it is necessary to interview the licensee and the licensee has asserted his or her right to have representation during this licensing activity. Information disclosed to the representative in the course of licensing activity is incidental for purpose of licensing.

The purpose of this Non-Disclosure Statement is to inform the representative that information about any resident is confidential and protected under state¹ and federal² law and cannot be disclosed to others. Resident information disclosed to a representative is incidental to the licensee being interviewed in relation to licensing. Disclosure to a representative during a licensee interview is limited to the minimum necessary information to achieve the purpose of licensing.

This Non-Disclosure Statement does not create any independent right of access to any information or create any independent right to participate as a representative. This Non-Disclosure Statement merely addresses circumstances in which DHS is otherwise authorized by law to disclose information or to permit participation by a representative incidental to a licensee interview for purposes of licensing.

1. All documentation or information about a resident disclosed in the course of this licensee interview must be used solely for the purpose of licensing activities.
2. Every representative who is present during an interview or views documents must be provided a copy of this non-disclosure statement. DHS (or its designee) and its employees are required to maintain a record of disclosures. The licensing record maintained by DHS (or its designee) must include a copy of this Non-Disclosure Statement if a representative is present during a licensee interview. Such information may be subject to disclosure to the resident or their personal representative, if the resident would be authorized to obtain an accounting or other right of access required under federal or state law. This non-disclosure statement does not create any independent right of access or disclosure that is not otherwise established in federal or state law.

¹ See ORS 192.518 Policy for protected health information.

² The HIPAA Privacy Rules describe the privacy that must be accorded to Protected Health Information about individuals who are the subject of the abuse investigation. See 45 CFR Parts 160 and 164.

3. It is the intent of this non-disclosure statement to avoid waiver of any exemption from public disclosure of any information disclosed incidental to the licensee interview. All such information, including documents, retains its confidential status. Nothing in this non-disclosure statement is intended to have any effect on disclosures otherwise permitted by law in relation to disciplinary proceedings or facility sanction proceedings, if any.

Representative acknowledges receipt of this non-disclosure statement.

Representative signature: _____ Date: _____

Representative name: _____

Representative address: _____

Date of licensing activity: _____

Licensee name: _____

Licensors name: _____ County: _____