



ADMINISTRATIVE RULES OF MONTANA



37.34.108 CONFIDENTIALITY OF INFORMATION

- (1) Confidential information, for purposes of this chapter, includes the following information about any person applying for or receiving services through the developmental disabilities program:
 - (a) name, address, and phone number;
 - (b) the amount or type of services provided;
 - (c) information related to the social and economic conditions or circumstances;
 - (d) agency evaluation of information;
 - (e) medical data, including diagnosis, treatment, and past history of disease or disability;
 - (f) educational, training, habilitation or any similar data;
 - (g) any of the above information pertaining to the immediate family members.
- (2) The department and the provider must not disclose confidential information concerning the person except to department staff and providers who assist in eligibility determination, referral, or the provision of services to the person.
- (3) Information, as specified, may be disclosed upon the written consent of:
 - (a) the person if a legally competent adult; or
 - (b) the person's parents, if legally responsible for the person, or the legal representative of the person.
- (4) Information may be disclosed if it is in summary, statistical, or any other form which does not identify and cannot be used to identify the person.
- (5) Information may be disclosed pursuant to a court order issued by a court of competent jurisdiction, to the extent required by the court order.
- (6) Information may be disclosed to the extent required to take immediate life-saving measures.
- (7) Information may be disclosed to the extent required by federal or state law.
- (8) The disclosure of any information related to the person will be governed by requirements of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and the requirements of Title 45 Part 160 and 164 of the Code of Federal Regulations (CFR) and all other applicable state and federal laws protecting the person's privacy.

Authorizing statute(s): 53-20-204, MCA

Implementing statute(s): 53-20-204, 53-20-205, MCA

History: NEW, 1979 MAR p. 1710, Eff. 12/28/79; AMD, 1995 MAR p. 1136, Eff. 6/30/95; TRANS, from SRS, 1998 MAR p. 3124; AMD, 2013 MAR p. 165, Eff. 2/1/13.