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**Policy Title:** Privacy and Confidentiality Policy

**Rule Reference** 0940-5-38-.06(1)(f)

**Effective Date:** September 18, 2025

**Approved by:** Tonya Reagan

**Policy Statement:** Affordable Assist Private Care shall maintain strict confidentiality of all service recipient information. All staff are required to comply with federal and state confidentiality laws, including HIPAA, and the provisions outlined in Tennessee Rule 0940-05-38-.06(1)(f). No service recipient shall be compelled to make public statements of gratitude, and no identifiable photographs shall be used without proper written consent.

**Procedures:**

**1. Compliance with Confidentiality Laws**

- All personal support services workers shall comply with HIPAA, Tenn. Code Ann. § 33-3-103, and all applicable state and federal confidentiality laws.
- Confidential information includes, but is not limited to: medical records, personal identifiers, financial data, and care plans
- Staff shall not disclose, share, or discuss service recipient information outside of authorized care coordination or legal obligations.
- All documentation shall be stored securely and accessed only by authorized personnel.

**2. Prohibition of Public Gratitude Statements**

- Service recipients shall not be required, encouraged, or pressured to make public statements acknowledging gratitude to Affordable Assist or its staff.
- Testimonials, endorsements, or public acknowledgments may only be used if initiated voluntarily and documented with written consent.

**3. Use of Identifiable Photographs**

- Identifiable photographs of service recipients shall not be used for any purpose—including marketing, training, or documentation—without the written and signed consent of the individual or their legal guardian/conservator.
- Consent forms shall specify the intended use, duration, and revocation rights.
- All approved images shall be stored securely and used only for the purposes outlined in the consent.

**4. Client's Right to Access and Amend Records** In accordance with HIPAA, service recipients have the right to inspect, review, and request a copy of their own health information.

- **Request Process:** All requests to access or amend records must be submitted in writing to the agency Administrator.
- **Timeline:** The agency will respond to all requests in a timely manner, within 30 days of receipt.
- **Amendments:** If a service recipient believes that information in their record is incorrect or incomplete, they may request an amendment in writing. The agency will review the request and provide a written response.

### **HIPAA & State Confidentiality Compliance Statement**

Affordable Assist Private Care affirms full compliance with the Health Insurance Portability and Accountability Act (HIPAA) of 1996 and applicable Tennessee Department of Mental Health and Substance Abuse Services (TDMHSAS) regulations, including:

- Tenn. Comp. R. & Regs. 0940-05-38-.06 – requiring written policies to protect client confidentiality.
- Tenn. Comp. R. & Regs. 0940-05-38-.09 – specifying documentation and protection of service recipient records
- HIPAA Privacy Rule (45 CFR Part 164) – mandating safeguards for Protected Health Information (PHI)

### **By adopting this policy, Affordable Assist ensures that:**

- All client information—verbal, written, or electronic—is considered confidential and protected
- Staff receive training on HIPAA and Tennessee confidentiality laws during orientation and annually thereafter
- PHI is disclosed only with proper authorization or as required by law (e.g., abuse, neglect, emergencies)
- Records are stored securely and accessed only by authorized personnel
- Clients are informed of their privacy rights at admission and receive a Notice of Privacy Practices

**Oversight & Enforcement** Clients and staff may report confidentiality or privacy concerns to:

- **Affordable Assist Administrator:** (931) 200-3058 or (931) 200-8322
- **U.S. Department of Health & Human Services** – Office for Civil Rights: 1-800-368-1019
- **Tennessee Department of Health Complaint Intake Line:** 1-877-287-0010
- **TDMHSAS Licensure Complaint Line:** 1-800-797-9470
- **Adult Protective Services (APS) Hotline:** 1-888-277-8366 (for concerns involving abuse, neglect, or exploitation)