

FINAL REPORT

CASE #0601 SAN JOAQUIN COUNTY OFFICE OF SUBSTANCE ABUSE

REASON FOR INVESTIGATION:

Following a July 2001 news story alleging that confidential treatment records from the County Office of Substance Abuse were improperly disposed of near the Stockton Airport, The San Joaquin County 2001-2002 Civil Grand Jury (SJCCGJ) initiated an investigation into the record storage and destruction practices of the department.

BACKGROUND:

The County Office of Substance Abuse is a department of the Health Care Services Agency. Through a variety of programs both inpatient and outpatient, the department addresses the needs of county residents as they relate to substance abuse. The department serves approximately 7,000 clients each year, operating programs at a number of different locations within the county. There are currently two locations used to house long term record storage.

METHOD OF INVESTIGATION:

- Interviewed Office of Substance Abuse Director
- Reviewed Policy and Procedures re Storage and Shredding of Confidential Materials and Files
- Inspected Offices and Storage Facility at San Joaquin General Hospital Ward 14
- Reviewed Draft of Comprehensive Review of the Office of Substance Abuse, March 22, 2002 by MAXIMUS

FINDINGS:

- State and Federal Regulations require all confidential treatment records be retained for seven years.
- Confidential records are destroyed by shredding.
- Client treatment records for the County Office of Substance Abuse are stored in two locations:
 - o Ward 14 on the grounds of the San Joaquin General Hospital.
 - o In the basement of Railroad Square.

- Access to the facility is gained by checking out the key to the building from the maintenance office on the grounds. Files were found to be in a locked room, accessible with a key in the possession of the Director of the Office of Substance Abuse.
 - The boxes of records were not stored in any type of methodical order, such as by year or program. There is no inventory system of tracking the stored files.
- Prior to the July 2001 news story, housekeeping staff customarily transported client records between program locations and storage facilities.
 - The lack of coordination between the Family Ties and Railroad Square resulted in the files being discarded improperly.
 - A new policy was drafted in August of 2001, which requires client files be kept locked file cabinets, and when moved to storage, are to be moved by a housekeeper accompanied by a counselor from the program.
 - There is no documentation of a specific policy outlining the procedure for identification of files for destruction.
 - There is no system in place to record which files have been destroyed.
 - In conjunction with the implementation of new federal privacy regulations under the Health Insurance Portability & Accountability Act of 1996 (HIPAA), the County Health Care Services Agency has formed a workgroup to develop new policies and procedures which includes the treatment of confidential medical records.

RECOMMENDATIONS:

1. The County Office of Substance Abuse develop a plan for record storage to be in a single secured location.
2. The County Office of Substance Abuse install storage racks for the file boxes to make location and identification of the contents less onerous, and to provide a safer environment for staff members.
3. The County Office of Substance Abuse develop and implement a written policy for record retention that includes a procedure to inventory the records.
4. The County Office of Substance Abuse develop and implement a policy assigning authorized staff members the responsibility of maintaining the storage facility and insuring the proper destruction of confidential records.

RESPONSE REQUIRED:

Pursuant to Section 933.05 of the Penal Code:

The Office of Substance Abuse and Health Care Services shall report to the Presiding Judge of the San Joaquin Superior Court, in writing and within ninety (90) days of publication of this report, the response shall indicate the following:

As to each finding in the report a response indicating one of the following:

- a. The respondent agrees with the finding.
- b. The respondent disagrees with the finding, with an explanation of the reasons therefore.

As to each recommendation, a response indicating one of the following:

- a. The recommendation has been implemented, with a summary of the action taken.
- b. The recommendation has not yet been implemented, but will be with a time frame for implementation.
- c. The recommendation requires further analysis, with an explanation of the scope of the analysis and a time frame not to exceed 6 months.
- d. The recommendation will not be implemented, with an explanation therefore.