

801—6.7(17A,22) Consent to disclosure by the subject of a confidential record. To the extent permitted by any applicable provision of law, a person who is the subject of a confidential record may have a copy of the portion of that record concerning the subject disclosed to a third party. A request for such a disclosure must be in writing and must identify the particular record or records that may be disclosed, and the particular person or class of persons to whom the record may be disclosed and the time period during which the record may be disclosed. The person who is the subject of the record and, where applicable, the person to whom the record is to be disclosed, may be required to provide proof of identity.

No confidential information about clients of the agency shall be released without the client's consent, except as provided in rule 801—6.10(17A,22). Release of information includes:

1. Granting access to or allowing the copying of a record,
2. Providing information either in writing or orally, or
3. Acknowledging information to be true or false.

6.7(1) Forms.

a. General. Agency forms are to be used for releases by the subject as noted below. However, information may be released with authorization on a form from another source providing that such meets the requirements of law.

b. Obtaining information from a third party. The Iowa Veterans Home is required to obtain information to establish eligibility, provide services and determine charges. Requests to third parties for this information involve release of confidential identifying information about clients. Consent to Release of Information, Form 475-0859, is used for releases by the subject.

c. Disclosure of information to a third party. At the request of the subject, the Iowa Veterans Home releases information to third parties. Form 475-0859, Consent to Release of Information, or Form 475-0700, Release of Condition Information, is used, depending on the nature of the authorization.

d. Mental health and substance abuse information. Mental health or substance abuse information can be released only by completion of the specific authorization section of Form 475-0859 or a similar form from another source that meets the requirements of law.

e. Photographs or videotapes. Form 475-1073, Authorization to Take and Use Photographs/Videotapes, is used for permission to use photographs or videotapes for the purposes specified on the form.

6.7(2) Exceptions to use of forms.

a. Counsel. Appearance of counsel before the agency on behalf of a person who is the subject of a confidential record is deemed to constitute consent for the agency to disclose records about that person to the person's attorney.

b. Public official. A letter from the subject to a public official which seeks the official's intervention on behalf of the subject in a matter that involves the agency shall be treated as an authorization to release information. The agency shall release sufficient information about the subject to the official to resolve the matter.

c. Medical emergency. Agency staff may authorize release of confidential information to medical personnel in a medical emergency if the subject is unable to give or withhold consent. As soon as possible after the release of information, the subject shall be advised of the release.

d. Abuse information. Consent to release information is not required to report suspected dependent adult abuse.

6.7(3) Consent by subject's legal representative.

a. Exercise of right. The subject's rights under this rule may also be exercised by the subject's legal representative, except as provided in paragraph 6.7(3)"b."

b. Exceptions.

(1) *Scope of authority.* Legal representatives may act only within the scope of their authority. For example, court-appointed conservators and protective payees appointed by an agency shall have access to and authority to release the following information only:

1. Name and address of client.
2. Amounts of assistance or type of financial services received.
3. Information about the economic circumstances of the client.

(2) Substance abuse information. Only the subject can consent to the disclosure of substance abuse information, regardless of the subject's age or condition.

(3) Failure to act in good faith. If the agency has reason to believe that the legal representative is not acting in good faith in the best interests of the subject, the agency may refuse to release information on the authorization of the legal representative.