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TASC

(Treatment Alternatives for Safer Communities)

STANDARDS

May 12, 2008

FOREWARD

Significant numbers of offenders involved in the criminal justice system have alcohol and/or substance abuse dependencies. Many of these offenders are non-violent and in need of appropriate screening and referral for specialized treatment services to change their behavior. Federal, state, and local governments recognize the importance of alternative to incarceration program services in avoiding unnecessary reliance on incarceration. These programs screen, refer and monitor offenders in treatment consistent with the goals of public safety.

In recent years, there has been increasing awareness of the value of Treatment Alternatives for Safer Communities (TASC) program services as a means to early identify suitable offenders with substance abuse problems. TASC services positively influence numerous offenders to acknowledge their substance abuse problems, undergo treatment and counseling, comply with terms and conditions of their release, and lead law-abiding lives. TASC programs provide essential support and coordination of service delivery to achieve successful reintegration of offenders to their respective communities.

The New York State Division of Probation and Correctional Alternatives (DPCA) recognizes the range of TASC services offered across the state and works to assist programs implement best practices through the establishment of statewide standards. The promotion and adoption of model statewide Standards facilitates greater dialogue among criminal justice practitioners, fosters better understanding of offender needs, and improves service delivery and coordination. This promotes the increased utilization of TASC services by releasing authorities, achieves substantial cost-savings and advances the goals of public safety through the reduction of offender recidivism.

These model Standards incorporate many relevant and universal provisions from the National TASC guidelines provided by the U.S. Department of Health and Human Services, entitled "TASC in the 21st Century: A Guide for Practitioners and Policymakers". To assist practitioners, DPCA has promulgated these Statewide Standards to clarify and refine other salient program issues, ensuring that they reflect best practice. In doing so, programs will be able to better identify eligible candidates, address critical service gaps, improve program management and enhance service delivery.

Lastly, these Standards are promulgated with the intent that they continue to be evaluated by community correction professionals and regularly updated to ensure that they advance the highest quality of service to communities throughout New York State.

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I. OVERVIEW

The TASC program model originated as a federal initiative, known as the Treatment Alternatives to Street Crime under the Drug Abuse Office and Treatment Act of 1972.

TASC was established to integrate alcohol and substance abuse[1] treatment into justice processing to provide continuous treatment and supervision for substance-involved justice populations.

Today, TASC programs throughout the country serve a variety of populations. The goal of TASC programs, then and now, is to provide a treatment intervention to stop the cycle of addiction, arrest, incarceration and release.

Some operating programs continue to use the original name, Treatment Alternatives to Street Crime. Others use names that reflect their role in their own communities, while generally retaining the TASC acronym. They include: Treatment Assessment Screening Center, Treatment Accountability for Safer Communities, and Treatment Alternatives for Safer Communities, which is the one used in New York State.

The purpose of TASC programs is to:

- Serve as a vehicle for coordinating decision-making and programming related to substance involved justice populations;

- Provide information and education to both treatment providers and justice system practitioners on effective strategies for managing this population;

- Participate and serve on boards and other entities that determine policies and procedures regarding the delivery of services; and

- Facilitate activities and events that encourage collaboration.

[1] As alcohol is a form of substance abuse, hereafter these *Standards* will refer to the term "substance abuse" as covering both alcohol and drug abuse.

II. STATUTORY AND REGULATORY AUTHORITY

Section 243(2) of the New York State Executive Law authorizes the State Director of Probation and Correctional Alternatives (DPCA) to exercise general supervision over correctional alternatives programs throughout New York State. The Director further exercises general supervision over the administration and implementation of alternative-to-incarceration (ATI) service plans under the provisions of Article 13-A of such law. "Eligible programs" with respect to such plans are defined under Section 261(1)(b) to include substance abuse or alcohol intervention programs such as TASC. Section 266 also recognizes additional authority of DPCA with respect to "eligible alcohol and substance abuse programs" as part of any such plan. Section 261(1)(c) defines this term to mean "eligible programs which assist the courts, public officers and others in identifying and avoiding inappropriate incarceration by providing services to offenders who have or have had a history of alcohol or substance abuse." They are directed to offenders who have been charged with or convicted of a felony, are at risk of incarceration as pre-trial detainees, are determinate sentenced offenders, indeterminate sentenced offenders, or probation or parole violators. These services may include, but shall not be limited to those that provide treatment, care or rehabilitative services, either residential or out-patient to such offenders or programs that develop individualized service plans to address offender alcohol or substance abuse problems, or those that provide referrals and other linkages to alcohol or substance abuse programs. TASC programs also meet this definition.

The State Director is authorized to adopt general rules and regulations to regulate methods and procedures in the administration and funding of ATI programs. Such rules and regulations are binding upon all counties and eligible programs and, when duly adopted, have the force and effect of law.

DPCA's responsibilities include, but are not limited to:

- Maintenance of program standards through the monitoring of local program performance in relation to the adopted standard;
- Assessment, refinement, development, and enforcement of statewide standards; and
- Provision of technical assistance to local programs.

III. ADMINISTRATIVE STANDARDS

A. Training

1. Programs shall ensure that their employees are sufficiently trained to undertake the duties and responsibilities of the program.

2. Training shall include timely orientation of all program staff regarding these Standards, and shall seek to ensure that all employees perform their duties consistent with the provisions of these Standards, applicable laws, and governing rules and regulations.

3. Programs shall, where feasible, initiate training to educate service providers and other members of the criminal justice system regarding the policies and practices of TASC programs.

B. Information Gathering and Data Collection

1. Programs shall develop and maintain information systems that facilitate ongoing monitoring of the effectiveness of the program in relation to these Standards.

2. Programs shall conduct periodic reviews to determine whether any TASC program practices need to be adjusted.

3. Programs shall collect statistical information to determine completion rates and other indicators of programmatic success.

C. Collaboration and Education

1. Programs shall take steps to ensure that the criminal justice community is informed as to TASC services offered in their jurisdiction.

2. Programs shall collaborate with the criminal justice community including alternative to incarceration advisory boards or criminal justice coordinating councils in promoting greater usage of TASC services, refining policies and practices with respect to program services, and expanding referral sources to assist offenders in securing release to treatment.

3. Programs shall meet periodically with community representatives to ensure program practices address concerns of the community on matters involving TASC populations, such as referral and monitoring of those released, handling of

substance abuse treatment, health services (physical and mental disabilities), employment services, language barriers and social services.

Commentary

To function effectively and meet the needs of clients, it is important that TASC service programs have sound policies that are developed on a jurisdiction-wide basis, involving a broad range of agencies and organizations.

IV. ORGANIZATIONAL STRUCTURE, MANAGEMENT AND INTEGRITY

A. Structure

Each TASC program should have a sound management structure that provides for appropriate guidance and oversight of the program's staff through operational policies and procedures and for effective internal administration of the program. This structure should enable effective interaction of the program with the court, other criminal justice agencies, treatment providers, and representatives of the community served by the TASC program. The TASC agency or program should develop and implement appropriate policies and procedures for the recruitment, selection and training of staff.

B. Management

The TASC program should have policies and procedures that enable it to function effectively within the criminal justice system. In particular, the program should:

1. Have a mission statement;

2. Establish goals and objectives for effectively assisting in TASC decision-making and the assessing, evaluating, referring, monitoring and/or supervising of individuals released to TASC in the jurisdiction and for the operation of the TASC program;

3. Develop and regularly update strategic plans designed to enable accomplishment of the goals that are established;

4. Develop and regularly update written policies and procedures describing the performance of key functions;

5. Develop and maintain a data management system which includes information necessary to report to funding and policymakers and comply with reporting requirements as set forth by DPCA;

6. Develop and maintain an information management system to support the prompt identification of potential program participants, utilization of risk and needs assessments, the identification of appropriate release conditions, and the documentation of compliance, including monitoring, reporting and the recording of case file dispositions;

7. Develop and implement a quality assurance program that evaluates the TASC case management and case file management systems;

8. Establish procedures for regularly measuring the performance of the TASC agency or program in relation to the goals that have been set;
9. Take steps to ensure that the criminal justice community is informed regarding TASC services offered in their jurisdiction, as well as the policies and practices of the TASC program; and

10. Develop and implement a quality assurance program to evaluate the effectiveness of the treatment delivery system.

C. Integrity

TASC agencies or programs should establish and maintain organizational integrity.

1. To ensure objectivity and professionalism, the agency should be structured to promote substantial independence in the performance of its core functions and to avoid the appearance of impropriety and/or conflicts of interest.

2. Programs should ensure that their employees are familiar and comply with all applicable laws, rules, regulations, policies and standards and are sufficiently trained in the fields of both substance abuse and justice to fulfill their duties and responsibilities.

Commentary

This section provides a general framework for the organization and operation of a TASC agency or program. TASC provides a central point for managing policy and information, as well as individuals who need treatment and other services. TASC connects the treatment, justice and other systems through formal communication protocols. The TASC model is designed to link and integrate treatment services into justice system processes. It is important that the agency or program function as an autonomous component of the justice system and maintain neutrality and independence from both prosecution and defense to remain credible and viable.

V. PROGRAM OBJECTIVES

TASC program services shall strive to achieve the following objectives:

A. Assist the releasing authorities with influencing behavioral change and reducing recidivism;

B. Help reduce detention and incarceration by identifying eligible individuals most likely to benefit from treatment;

C. Assess participants for level of treatment needed;

D. Provide relevant, objective information and/or recommendations to assist releasing authorities (i.e. courts, board of parole) and public officials in making decisions regarding intervention strategies;

E. Make appropriate referrals to treatment;

F. Facilitate the engagement of referred individuals with treatment services;

G. Provide monitoring and supervision services as appropriate;

H. Support treatment compliance through ongoing communication and contact with program participants;

I. Provide a structure to coordinate treatment with justice systems; and

J. Provide progress reports to the releasing authorities.

Commentary
Programs should periodically assess policies and procedures to determine if objectives are being achieved and make appropriate modifications where necessary.

VI. PROCEDURAL STANDARDS

A. Eligibility Criteria

1. All TASC programs shall have clearly defined eligibility criteria so that program staff, releasing authorities, justice agencies and treatment and service providers understand who is eligible to participant. This ensures fairness and impartiality.

2. TASC programs shall rely on comprehensive evaluations of their clients that are performed by fully licensed substance abuse and mental health professionals to determine eligibility.

3. TASC programs shall consider the nature and circumstances surrounding the offense and the individual's criminal/civil history in making decisions about developing criteria for TASC program participation. In developing criteria for TASC program participation, TASC programs shall consider the nature of and circumstances surrounding the current offense as well as an individual's criminal history.

4. TASC programs shall only accept individuals who are placed with them pursuant to the legal authority of the courts, other releasing authorities, or referring justice agencies.

Commentary

Eligibility for TASC participation varies widely by jurisdiction. While most TASC programs focus on individuals within the criminal justice system and family court clients who have drug charges or other charges related to substance abuse, other populations, including persons with mental illness, and persons involved in child custody disputes are also accepted. Some TASC programs have expanded the model to work with non-justice populations, including drug-free workplace referrals and TANF (Temporary Assistance to Needy Families) eligible offenders.

Eligibility criteria should be established based on the needs of the particular jurisdiction, the goals of the TASC program, the skills of its staff, state laws, rules and regulations and the range of available services in the community.

B. Screening and/or Interviews

TASC programs shall strive to ensure the identification of appropriate candidates through a well-defined objective screening/interviewing process that ensures the following:

1. Client eligibility criteria are met;

2. Outreach is conducted with probation, parole, corrections, courts, or other releasing authorities to afford equal opportunity to all potential program participants; and

3. Reasonable accommodations shall be made to screen/interview individuals with mental or physical disabilities or language barriers.

4. TASC programs shall develop and administer a preliminary screening/ interviewing protocol that outlines local eligibility criteria. Legally eligible candidates shall be screened/interviewed utilizing this protocol to determine local eligibility and the necessity for a complete comprehensive evaluation.

Commentary

Screening/interviewing processes generally include a face-to-face interview, completion of a screening instrument, review of collateral information (i.e. results of chemical tests, review of criminal history records), explanation of program requirements and the signing of forms related to confidentiality and participation.

Clinical screening[2] *can be defined as a process to determine appropriateness and suitability for treatment, and generally consists of a brief assessment of substance use and social history to:*

- *Determine the presence of substance use, mental health disorders, and medical conditions;*
- *Define major areas of strengths and deficits;*
- *Determine if the severity of substance abuse problems can be addressed by available treatment;*
- *Identify persons who do not have substance abuse problems;*
- *Identify environmental factors that may undermine the individual's ability to benefit from treatment or create an unacceptable public safety risk;*
- *Verify criminal history and other justice system involvement;*
- *Identify minimum level of security or supervision needed to promote public safety;*
- *Identify motivational triggers;*
- *Orient the potential client to program requirements; and*
- *Obtain consent for records and access to collateral contacts.*

C. Assessment/Evaluation and Referral

1. TASC programs shall employ staff who are trained and qualified to administer and supervise needs assessment/evaluation.

[2] Clinical screening as defined by *Peters and Peyton, 1998; Center for Substance Abuse Treatment, 1994*

2. A needs assessment shall be conducted by trained and qualified TASC staff (or under the supervision of an experienced TASC staff member) on all potential program participants deemed program eligible through the screening process.

3. TASC programs shall utilize standardized assessment instruments to determine the need for substance abuse evaluation and treatment and other services thereby ensuring the appropriate type and level of care and the development of a comprehensive case management plan.

4. The assessment/evaluation tool should gather the following data:

    - Identifying information/demographics
    - Circumstances of referral
    - Legal history/status
    - Drug and alcohol history
    - Substance abuse treatment history
    - Psychiatric/psychological symptoms/difficulties
    - Psychiatric treatment history
    - Medical history/status
    - Family/developmental/social history
    - Educational history
    - Employment history/support status
    - Insurance information
    - Sexual identity history
    - Indicators of treatment compliance
    - Cultural identity factors
    - Nicotine use information

5. The TASC program shall take steps to ensure the individual is referred to a treatment or service agency that addresses the identified need.

6. TASC programs shall take necessary steps to ensure that clients understand program expectations. Referrals are then monitored to ensure and facilitate timely admission. Where possible, TASC programs shall monitor the client's participation in treatment to make sure he or she is appropriately engaged in services.

Commentary

Effective TASC assessments/evaluations should combine the results of a reliable and valid needs assessment with additional information gathered from the justice system and other sources to develop a case management plan that includes supervision, treatment, chemical testing and other services.

TASC programs vary with regard to conducting needs assessments. In some jurisdictions, TASC programs perform comprehensive assessments/evaluations that are then accepted by the treatment provider. In other jurisdictions, such assessments/evaluations are performed by licensed treatment providers and then incorporated with other information into the TASC case management plan.

Needs assessment instruments utilized shall be scientifically validated and proven reliable with substance abuse and justice populations.

Once placement decisions are made and clients are referred to treatment programs, TASC program staff must follow-up to make sure the client reports as directed and is actively engaged in treatment.

D. Effective Case Management

TASC programs shall identify individuals in need of treatment, assess their treatment needs, refer them to the most appropriate treatment agency, provide linkage to other agencies (social services, employment and training, mental health, housing, etc.), and provide updates to the court or other releasing and supervising authorities on the client progress.

TASC programs shall ensure that clients are sufficiently engaged and progressing in treatment and with other services, and that relevant parties in the justice, treatment and social services systems receive accurate and timely information related to status.

Effective case management includes:

1. The participation of the program participant in the development of the case planning.

2. Ensuring the participant understands and accepts his or her case plan which addresses their treatment or service needs;

3. Reinforcing the goals and expectations of the TASC program as it relates to the individual's involvement in the justice system;

4. Facilitating access to the full continuum of available services by developing networks to meet specific needs;

5. Maintaining ongoing communication with releasing and/or supervising authorities and treatment providers to monitor progress and update the individual's status;

6. Establish regular contact with clients to assess progress and, if necessary, to assist in resolving problems;

7. Advocating for the best interest of the client throughout treatment and during transition; and

8. Providing additional support services when possible during transition from the TASC program.

Commentary

Effective case management is an important aspect of the TASC program. It is the linkage between treatment providers, the justice system and other agencies that provide valuable services to TASC clients. Collaboration and communication between agencies working with TASC clients increases the likelihood that they remain in substance abuse treatment longer and ultimately successfully complete the treatment process. In most cases, this assures compliance with court mandates. Studies have shown that length of time in treatment is one of the best predictors of treatment success[3].

TASC case managers provide consistent guidance as clients move through various justice processes and multiple treatments and other social services. TASC provides the necessary leverage, support and advocacy to encourage treatment participation and retention to effectuate behavioral change. TASC case managers work to intervene before negative client behavior or non-compliance results in treatment termination, and to develop alternative plans when current strategies prove ineffective.

The strength of effective case management is the relationship between the TASC case manager and the client. In order to produce the most favorable treatment outcomes, it is important that the TASC case manager be supportive, non-judgmental and objective.

E. Substance Abuse Monitoring Protocols

TASC programs and/or service providers shall strive to ensure each client's abstinence from substances through a well-defined monitoring process that includes the following:

1. Written procedures for specimen collection be developed that ensure both staff and client safety;

2. Collection of specimens for analysis should be observed in accordance with the developed protocol;

[3] *(McLellan, A. Thomas and James R McKay, "Components of Successful Treatment Programs: Lessons from the Research Literature". .. 1998)*

3. Staff trained in proper collection, substance identification, signs of use and how different substances are metabolized;

4. Comprehensive baseline testing for numerous substances conducted on each client, in addition to regular testing for their "drug of choice". Clients should be tested periodically for use of numerous substances for comparison with the baseline test;

5. Regularly conducted tests regardless of suspicion of substance use;

6. A standard approach to the results of a substance test. Guidelines establishing appropriate responses, whether positive or negative, should be prepared for staff to follow, including praise and positive reinforcement for negative results and intensification of intervention for positive results;

7. A new set of strategies to be used in the event of client relapse; and

8. Information on a standardized approach should be disseminated to staff along with training regarding prevention, intervention and individual case management strategies.

Commentary

Information gained from both positive and negative test results are equally important. TASC program case management should provide chemical testing services to ensure access to a full array of therapeutic and other services. When clients fail to provide negative drug screens, more intensive treatment, or medical or social detoxification may be required.[4]

In addition to chemical tests conducted by TASC staff, testing may also be conducted by justice staff or by the treatment program. Test results should be shared among all professionals associated with each case and should be coordinated to conserve resources and to reduce the predictability of administration of such tests.[5]

As noted in the national Guidelines, "[F]requent, random testing for recent use of substances is an effective way to monitor client compliance, encourage abstinence and assess the effectiveness of treatment and other interventions."[6] *TASC, justice and treatment professionals should understand that positive test results for clients who are active in their addiction and are just*

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[4] *According to TASC in the 21st Century: A Guide for Practitioners and Policymakers: "Medical detoxification is required for those individuals who may experience serious health problems associated with withdrawal. Social detoxification is required for those individuals who can not maintain abstinence but who would not be medically compromised by a rapid cessation of substances."*

[5] See previous.

[6] See previous.

beginning treatment may occur, but over time, the number of positive tests should diminish and cease. Further, Chemical testing alone may serve to reduce substance abuse among some populations, but most persons with substance abuse problems need additional services and support to move toward recovery. These guidelines maintain that "[C]hemical testing screening (urinalysis, breathalyzer tests, hair analysis and other methods) is most effective when conducted randomly, frequently and regularly. Valid results of chemical and other physical tests… [including observation] provide a clear and objective way to measure client progress" while client reporting and overall behavior may serve a key role in client management. Programs should be cognizant of the fact that ingestion of some over the counter or prescribed medications or products may indicate false positive results. The TASC program staff should seek to familiarize themselves as to how false positive results may occur and seek confirmation testing.

F. Competency with Diverse Populations

TASC programs shall take necessary steps to develop the knowledge, awareness and skills to deal with different cultural, racial, gender and ethnic populations and address diversity barriers.

TASC programs shall use treatment providers that are sensitive and effective with appropriate populations when making referrals.

TASC programs shall:

1. Ensure hiring and training practices and program services safeguard against discrimination by promoting cultural, racial, gender and ethnic competency;

2. Minimize language barriers through multilingual staff or appropriate referrals;

3. Identify and network cultural, racial, gender and ethnic groups that can help support and improve client transition and reintegration;

4. Include diverse community representation on their respective TASC boards or advisory groups;

5. Offer materials, where available, which are multilingual and appropriately sensitive to diverse populations; and

6. Review program statistics to ensure that TASC programming is adequately assisting the cultural, racial, gender and ethnic populations of the communities they serve.

Commentary
According to the Center for Substance Abuse Prevention (1994), culturally competent programs:

- *"Acknowledge culture as a predominant force in shaping behaviors, values and institutions;*

- *Acknowledge and accept that cultural differences exist and have an impact on service delivery;*

- *Believe that diversity within cultures is as important as diversity between cultures;*

- *Respect the unique, culturally defined needs of the various client populations;*

- *Recognize that, concepts such as "family" and "community" are different for various subcultures and even for subgroups within cultures;*

- *Understand that people from different racial and ethnic groups and other cultural groups are usually best served by persons who are a part of or in tune with their culture; and*

- *Recognize that taking the best of both worlds enhances the capacity of all."*

VII. CONFIDENTIALITY

A. The Program shall maintain confidentiality of TASC program records.

B. Information obtained by TASC during the course of program services shall remain confidential and shall not be disclosed unless authorized by these Standards, New York State/Federal Law, and applicable rules and regulations governing program records, including, but not limited to medical, drug and alcohol, mental health records and HIV related information (i.e. the Health Insurance Portability Accountability Act, 42 U.S.C. 290dd-2 and 42 C.F.R. Part 2, Public Health Law Article 27-F, and Mental Hygiene Law §33.13.) Any disclosure of TASC information shall be limited to the minimum information necessary to carry out the purpose of such disclosure.

C. The program shall establish a written policy regarding the limited access to any offender's files. Such policy shall include provisions permitting access, upon request, by the offender or his/her attorney. This policy may provide for appropriate exceptions from such disclosure, including information which, has been secured from sources upon a promise of confidentiality of information which if disclosed, would endanger the life or safety of any person, or would constitute an unwarranted invasion of personal privacy. This policy shall not deny access by the offender and their attorneys to any statements made by such.

D. At the time of the initial interview, offender shall be clearly advised of the potential uses of the information offered and/or secured from treatment providers so that he or she may make a voluntary decision whether to participate in TASC services. Applicable consent forms authorizing release of medical records shall be presented to the offender for signature. Wherever feasible, the offender shall execute a criminal justice consent form authorized by 42 C.F.R. §2.35 to facilitate disclosure to elements of the criminal justice system which have made participation in a drug and/or alcohol program a condition of the disposition of any criminal proceeding against the defendant or of the individual's probation, parole or other release from custody. The program shall complete this form so it may provide information as to the participant's progress to the prosecuting attorney, the court granting release, or probation or parole officers who are supervising any such individuals until final disposition of the participant's case.

E. The program may disclose information under the following circumstances subject to any enumerated limitations with respect to release:

1. To public health authorities or other appropriate governmental authorities for purposes of reporting child abuse or neglect (see 45 CFR §164.512(b)(1)(ii));

2. To a person who may have been exposed to a communicable disease or may otherwise be at risk of contracting or spreading a disease or condition if the

covered entity is authorized by law to notify such person as necessary in the conduct of a pubic health intervention (see 45 CFR§164.512(b)(1)(iv));

3. To a governmental authority, including a social service or protective service agency, authorized by law to receive reports of such abuse, neglect, or domestic violence, upon reasonable belief that an individual is a victim of abuse, neglect, or domestic violence. In such cases there must be prompt notification to the individual that a report has been or will be made in certain instances (see 45 CFR §164.512(c));

4. For judicial and administrative proceedings subject to specific requirements and limitations, including in response to an order of a court or administrative tribunal in response to a subpoena (see 45 CFR §164.512(e);

5. For a law enforcement purpose to a law enforcement official if certain conditions are met, as applicable. (i.e. information sought is relevant and material to a legitimate law enforcement inquiry) (see 45 CFR§164.512(f)(1));

6. In response to a law enforcement official's request for information for the purpose of identifying or locating a suspect, fugitive, material witness, or missing person certain personal information may be released (see 45 CFR §164.512(f)(2));

7. In response to a law enforcement official's request for information about an individual who is or is suspected to be a victim of a crime in certain instances. (see 45 CFR §164.512(f)(3));

8. For reporting a crime in emergencies to alert law enforcement certain information may be disclosed (see 45 CFR §164.512(f)(6));

9. To individuals or agencies designated by the offender/participant, upon specific written authorization; or

10. To other individuals or agencies as recognized by HIPAA regulations. (see 45 CFR Part 164).

F. To prevent or lessen a serious and imminent threat to the health or safety of an individual or the public, in cases in which TASC program staff has specific information leading to a belief that the offender intends to harm law enforcement authorities, particular individuals (e.g. victims), or the community at-large, the program shall inform the court and/or appropriate law enforcement agency of the nature of the potential harm. Such notification is subject to any restrictions imposed by law (i.e. Public Health Law §2785 governing court authorization for disclosure of confidential HIV related information). The program shall disclose only such information as is necessary to fully advise of the

nature and source of the potential harm and to assist in locating the offender (see 45 CFR §164.512(j)).

G. No person, public or private agency receiving information from a TASC program may re-disclose such information, except as is necessary to accomplish the purpose for which such information was disclosed by the TASC program. All contracts and written communications between the TASC program and individuals or organizations agreeing to provide supportive services for the custody or care of TASC participants must contain a non-disclosure clause. This clause shall obligate such individual or organization to adhere to the confidentiality provisions of this section.

H. TASC programs shall develop policies and procedures governing confidentiality and access to TASC records and designate an appropriate staff person to ensure that staff are familiar with and adhere to these policies and procedures.

Commentary

Due to the complexity of laws concerning the confidentiality of treatment records, TASC programs shall ensure that their staff are trained as to confidentiality requirements of 42 CFR Part 2 and 45 CFR Part 164 and other applicable state laws and seek necessary guidance or clarification of laws in this area with appropriate health officials. Consent forms must be drafted to maximize their usefulness with program services, yet be tailored to the individual circumstances related to delivery of services. The consent form shall authorize communication among all relevant parties that will need to share information and define what information is to be released. The consent should expire when it is no longer needed; any timeframe should be long enough to avoid the need for the execution of an additional consent form.

VIII. REVISION OF STANDARDS

1. The Division of Probation and Correctional Alternatives shall periodically review and revise these Standards based upon changes in law, and other informed sources of information.

2. Revised standards shall be issued by the State Director of Probation and Correctional Alternatives and shall take effect upon issuance, unless otherwise specified.

Robert M. Maccarone
State Director

Issued: May 12, 2008