



Area: Confidentiality	Applicable Standards: Las Vegas Rescue Mission, Federal and State regulations, NAC 458.163	Pages 1 of 4
Title: HIPAA and Confidentiality	Issued: 7/5/19	Revised: 1/20/2026
Approved by CEO Heather Engle (Signature): <i>Heather Engle</i>		
Dates and Initials When reviewed (Annually): 1-20-2026 <i>HE</i>		

Health Insurance Portability and Accountability Act of 1996 and Confidentiality Laws Policy

PURPOSE:

The purpose of this policy is to establish and ensure privacy of persons served in prevention services and treatment services. This includes their care information including any payment for care, protected by two federal laws; the Health Insurance Portability and Accountability Act of 1996 (HIPAA), 45 C.F.R. Parts 160, 162 and 164 and Confidentiality Law, 42 C.F.R. Part 2.

POLICY:

It is the policy of the Las Vegas Rescue Mission that all employees are trained, understand and follow HIPAA Privacy Standards. While shelter services do not fall under clinical care, it is the policy of the LVRM that staff will make best efforts protect their privacy as well.

DEFINITION:

NAC 458.163 Operators: Responsibilities concerning confidentiality and recordkeeping. ([NRS 458.025](#), [458.055](#)) An operator shall ensure that:

1. The program complies with all applicable confidentiality and recordkeeping provisions set forth in 42 C.F.R. Part 2, 45 C.F.R. Parts 160, 162 and 164, [NRS 458.055](#) and any other applicable confidentiality laws pertaining to the services provided by the program. In the event of a conflict in the confidentiality requirements set forth in 42 C.F.R. Part 2, 45 C.F.R. Parts 160, 162 and 164, [NRS 458.055](#) and any other applicable confidentiality laws, the more restrictive law will apply.

2. A client or participant provides separate and explicit consent to allow the operator or a designee thereof to release information which identifies the client or participant and his or her human immunodeficiency virus seropositive status.

3. The program allows a consultant to have access to confidential information concerning clients or participants only if the confidentiality agreements required by 42 C.F.R. Part 2 and 45 C.F.R. Parts 160, 162 and 164 are satisfied. Such agreements must be maintained in the personnel file of the consultant.

(Added to NAC by Bd. of Health by R120-04, eff. 10-5-2004)



RESPONSIBILITY:

It is the responsibility for the CEO, COO and Senior Management to implement, train, and maintain HIPAA and confidentiality laws and regulations.

It is the responsibility of supervisors and staff to enforce and continue to follow HIPAA and confidentiality laws and regulations.

PROCEDURES:

LVRM will utilize HIPAA Privacy Standards Notice form and Policy in all programs. This may be found posted inside the programs, in program handbooks (if applicable), or reviewed during orientation meetings.

Shelter Guests, Prevention participants or treatment residents will always be given an opportunity to ask questions and review the document, prior to being requested to sign the document. A copy of the document signed will be provided to the signor.

Confidentiality Policy – ICE

1. A sign will be hung at the security guard post for LVRM’s front entry designating the Las Vegas Rescue Mission as a “Non-Public Area.”
2. ICE may only be given entry to LVRM grounds if they present with a judicial warrant.
 - a. A judicial warrant can be either a search warrant or an arrest warrant. A federal judicial warrant required prompt compliance. To be valid, a judicial warrant must include the following:
 - i. Signed by a judicial officer (a judge or a magistrate)
 - ii. Specify the place to be searched and the persons or items to be seized
 - iii. Have the correct date and have been issued within the past 14 days.
 - b. If the warrant is missing one or more of these requirements, **it is invalid**. Anything with an incorrect date, wrong address, or signed by an ICE agent is not valid.
 - c. A search warrant is a type of judicial warrant that allowed police to enter the address listed on the warrant, but officers can only search the areas and for items listed in the warrant.
 - i. The search warrant must state specifically the place to be searched and the items to be seized.
 - ii. Staff should tell the officers they are only allowed to search the areas identified in the warrant and point out those areas.
 - iii. If officers search areas that are not included in the warrant, staff should tell the officers that they are searching in an area that is outside of the warrant area and out of bounds.
 - iv. If the officers ask to search areas not identified in the warrant, staff should say, “No. You are not authorized to search that area and it is our policy to not allowed searches without warrants.”
 - d. An arrest warrant allows police to detain a person for a particular crime. If a warrant is properly executed, staff should only provide agents with access to areas specified in the warrant.

