

Mental Health & Recovery Board of Clark, Greene, and Madison Counties

NOTICE OF PRIVACY PRACTICES
Effective: April 14, 2003



I. THIS NOTICE DESCRIBES HOW MEDICAL INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY.

II. Our Duty to Safeguard Your Protected Health Information.

Individually identifiable information about your past, present, or future health or condition, the provision of health care to you, or payment for the health care is considered "Protected Health Information" ("PHI"). We are required to extend certain protections to your PHI, and to give you this Notice about our privacy practices that explains how, when and why we may use or disclose your PHI. Except in specified circumstances, we must use or disclose only the minimum necessary PHI to accomplish the intended purpose of the use or disclosure.

We are required by HIPAA law § 164.520(b)(1)(v)(C) to follow the privacy practices described in this Notice, though **we reserve the right to change our privacy practices and the terms of this Notice at any time.** If we do so, we will post a new Notice at our office 1055 E. High Street, Springfield, Ohio 45505. Our Notice of Privacy will also be distributed to all our contract agencies. You may request a copy of the new notice from the MHRB receptionist or Dr. Kent Youngman, Privacy Officer, Mental Health & Recovery Board of Clark, Greene, and Madison Counties, 1055 E. High Street, Springfield, Ohio 45505, and it may also be posted on our website at www.mhrb.org

Nothing in this notice restricts or modifies the Client's Rights process in any way. Any concerned individual can file a Client Rights concern, complaint, or grievance and may do so in the manner and location of their choosing. All MHRB contract agencies have a Clients Rights Officer who will provide assistance filing a complaint or grievance. The MHRB also has a Client Rights Officer who will provide assistance. A complete list of organizations that can provide assistance with client rights issues is available at the Mental Health & Recovery Board and at all of the MHRB contract agencies.

III. How We May Use and Disclose Your Protected Health Information.

We use and disclose PHI for a variety of reasons. We have a limited right to use and/or disclosure your PHI for purposes of treatment, payment or our health care operations. For uses beyond that, we must have your written authorization unless the law permits or requires us to make the use or disclosure without your authorization. If we disclose your PHI to an outside entity in order for that entity to perform a function on our behalf, we must have in place an agreement from the outside entity that it will extend the same degree of privacy protection to your information that we must apply to your PHI. However, the law provides that we are permitted to make some uses/disclosures without your consent or authorization. The following offers more description and some examples of our potential uses/disclosures of your PHI.

◆ **Uses and Disclosures Relating to Treatment, Payment, or Health Care Operations.** Generally, we may use or disclose your PHI as follows:

For treatment: We may disclose your PHI to doctors, nurses, and other health care personnel who are involved in providing your health care. For example, your PHI will be shared among members of your treatment team, or with our central pharmacy staff. Your PHI may also be shared with outside entities performing ancillary services relating to your treatment, such as lab work or x-rays, or for consultation purposes, or ADAMH/CMH Boards and/or community mental health agencies involved in provision or coordination of your care.

To obtain payment: We may use/disclose your PHI in order to bill and collect payment for your health care services. For example, we may contact your employer to verify employment status, and/or release portions of your PHI to the Medicaid program, the ODMH central office, ODJFS for Medicaid subscribers, the local ADAMH/CMH Board and/or a private insurer to get paid for services that we delivered to you.

For health care operations: We may use/disclose your PHI in the course of operating The Mental health & Recovery Board's funding duties. We may use your PHI in evaluating the quality of services provided, or disclose your PHI to our

accountant, attorney, and other MHRB Staff for audit purposes. Since we are an integrated system, we may disclose your PHI to designated staff in our office, the Ohio Department of Mental Health, Ohio Department of Alcohol and Drug Addiction Services, Ohio Department of Jobs and Family Services for similar purposes. Release of your PHI to the Multi-Agency Community Services Information System [MACSIS] and/or state agencies might also be necessary to determine your eligibility for publicly funded services. Unless you provide us with alternative instructions, we may send updated versions of this Notice of Privacy and other similar materials to your home.

◆ **Uses and Disclosures Requiring Authorization:** For uses and disclosures beyond treatment, payment and operations purposes we are required by HIPAA law §164.508(b)(5) to have your written authorization, unless the use or disclosure falls within one of the exceptions described below. Authorizations can be revoked at any time to stop future uses/disclosures except to the extent that we have already undertaken an action in reliance upon your authorization. A copy of the MHRB Consent/authorization (form # 5) is available at the MHRB receptionist desk.

◆ **Uses and Disclosures of PHI from Mental Health Records Not Requiring Consent or Authorization:** The law provides that we may use/disclose your PHI from mental health records without consent or authorization in the following circumstances:

When required by law: We may disclose PHI when a law requires that we report information about suspected abuse, neglect or domestic violence, or relating to suspected criminal activity, or in response to a court order. We must also disclose PHI to authorities that monitor compliance with these privacy requirements.

For public health activities: We may disclose PHI when we are required to collect information about disease or injury, or to report vital statistics to the public health authority.

For health oversight activities: We may disclose PHI to our central office, the protection and advocacy agency, or another agency responsible for monitoring the health care system for such purposes as reporting or investigation of unusual incidents.

Relating to decedents: We may disclose PHI relating to an individual's death to coroners, medical examiners or funeral directors, and to organ procurement organizations relating to organ, eye, or tissue donations or transplants.

For research purposes: In certain circumstances, and under supervision of a privacy board, we may disclose PHI to our central office research staff and their designees in order to assist medical/psychiatric research.

To avert threat to health or safety: In order to avoid a serious threat to health or safety, we may disclose PHI as necessary to law enforcement or other persons who can reasonably prevent or lessen the threat of harm.

For specific government functions: We may disclose PHI of military personnel and veterans in certain situations, to correctional facilities in certain situations, to government benefit programs relating to eligibility and enrollment, and for national security reasons, such as protection of the President.

◆ **Uses and Disclosures of PHI from Alcohol and Other Drug Records Not Requiring Consent or Authorization:** The law provides that we may use/disclose your PHI from alcohol and other drug records without consent or authorization in the following circumstances:

When required by law: We may disclose PHI when a law requires that we report information about suspected child abuse and neglect, or when a crime has been committed on the program premises or against program personnel, or in response to a court order.

Relating to decedents: We may disclose PHI relating to an individual's death if state or federal law requires the information for collection of vital statistics or inquiry into cause of death.

For research, audit or evaluation purposes: In certain circumstances, we may disclose PHI for research, audit or evaluation purposes.

To avert threat to health or safety: In order to avoid a serious threat to health or safety, we may disclose PHI to law enforcement when a threat is made to commit a crime on the program premises or against program personnel.

◆ **Uses and Disclosures Requiring You to have an Opportunity to Object:** In the following situations, we may disclose a limited amount of your PHI if we inform you about the disclosure in advance and you do not object, as long as the disclosure is not otherwise prohibited by law. However, if there is an emergency situation and you cannot be given your opportunity to object, disclosure may be made if it is consistent with any prior expressed wishes and disclosure is determined to be in your best interests. You must be informed and given an opportunity to object to further disclosure as soon as you are able to do so.

To families, friends or others involved in your care: We may share with these people information directly related to their involvement in your care, or payment for your care. We may also share PHI with these people to notify them about your location, general condition, or death.

IV. Your Rights Regarding Your Protected Health Information. You have the following rights relating to your protected health information:

To request restrictions on uses/disclosures: HIPAA law §164.522(a) gives you the right to ask that we limit how we use or disclose your PHI. We will consider your request, but are not legally bound to agree to the restriction. To the extent that we do agree to any restrictions on our use/disclosure of your PHI, we will put the agreement in writing and abide by it except in

emergency situations. We cannot agree to limit uses/disclosures that are required by law. See related MHRB Policies & Procedures.

To choose how we contact you: HIPAA law §164.522(b) gives you the right to ask that we send you information at an alternative address or by an alternative means. We must agree to your request as long as it is reasonably easy for us to do so. See related MHRB Policies & Procedures.

To inspect and copy your PHI: Unless your access is restricted for clear and documented treatment reasons, HIPAA law §164.524 gives you the right to see your protected health information upon your written request. We will respond to your request within 30 days. If we deny you access, we will give you written reasons for the denial and explain any right to have the denial reviewed. If you want copies of your PHI, a charge for copying may be imposed, depending on your circumstances. You have a right to choose what portions of your information you want copied and to have prior information on the cost of copying. See related MHRB Policies & Procedures. Since the Mental health & Recovery Board mainly works with data concerning Payment and Operations, we do not have active medical records information. You should start with the Agency that is or was treating you first.

To request amendment of your PHI: If you believe that there is a mistake or missing information in our record of your PHI, : HIPAA law §164.526 states that you may request, in writing, that we correct or add to the record. We will respond within 60 days of receiving your request. We may deny the request if we determine that the PHI is: (i) correct and complete; (ii) not created by us and/or not part of our records, or; (iii) not permitted to be disclosed. Any denial will state the reasons for denial and explain your rights to have the request and denial, along with any statement in response that you provide, appended to your PHI. If we approve the request for amendment, we will change the PHI and so inform you, and tell others that need to know about the change in the PHI. See related MHRB Policies & Procedures. Since the Mental health & Recovery Board mainly works with data concerning Payment and Operations we do not have active medical records information. You should start with the Agency that is or was treating you first.

To find out what disclosures have been made: : HIPAA law §164.528 gives you the right to get a list of when, to whom, for what purpose, and what content of your PHI has been released other than instances of disclosure: for treatment, payment, and operations; to you, or your family; or pursuant to your written authorization. The list also will not include any disclosures made for national security purposes, to law enforcement officials or correctional facilities, or disclosures made before April, 2003. We will respond to your written request for such a list within 60 days of receiving it. Your request can relate to disclosures going as far back as six years. There will be no charge for up to one such list each year. There may be a charge for more frequent requests. See related MHRB Policies & Procedures.

To receive this notice: You have a right to receive a paper copy of this Notice and/or an electronic copy by email upon request.

V. How to Complain about our Privacy Practices:

If you think we may have violated your privacy rights, or you disagree with a decision we made about access to your PHI, you may file a complaint with the person listed in Section VI. Below. See related MHRB Policies & Procedures. You also may file a written complaint with the Secretary of the U.S. Department of Health and Human Services at 200 Independence Ave, S. W., Washington, D. C. 20201. We will take no retaliatory action against you if you make such complaints.

VI. Contact Person for Information, or to Submit a Complaint:

If you have questions about this Notice or any complaints about our privacy practices, please contact Dr. Kent Youngman, MHRB Privacy Officer, 1055 E. High St., Springfield, Ohio 45505.

VII. Effective Date: This Notice effective on 4/14/03. This notice will be included as part of the enrollment process at our contract agencies starting on or before April 5, 2003. The Mental health & Recovery Board will mail out this notice to everyone that had services posted between March 31, 2002 and the March 31, 2003 extracts. The Notice will also be mailed out when we return the out of county enrollment forms starting March 31, 2003.

VIII. Changes to this Notice: We reserve the right to change this Notice at any time. We reserve the right to make the revised or changed Notice effective for health information we already have about you as well as any information we receive in the future. We will post a copy of the current Notice at the Board Office. The Notice will contain on the first page in the top center, the effective date.