

# JEFFERSON CENTER for Mental Health

## NOTICE OF PRIVACY RIGHTS

THIS NOTICE DESCRIBES HOW MEDICAL [INCLUDING MENTAL HEALTH] INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY.

During the process of providing services to you, Jefferson Center for Mental Health (the Center) will obtain, record, and use mental health and medical information about you that is protected health information. Ordinarily that information is confidential and will not be used or disclosed, except as described below.

### I. USES AND DISCLOSURES OF PROTECTED INFORMATION

- A. General Uses and Disclosures Not Requiring the Client's Consent. The Center will use and disclose protected health information in following ways.
1. *Treatment.* Treatment refers to the provision, coordination, or management of health care and related services by one or more health care providers. For example, Center staff involved with your care may use your information to plan your course of treatment and consult with other staff to ensure the most appropriate methods are being used to assist you.
  2. *Payment.* Payment refers to the activities undertaken by a health care provider to obtain or provide reimbursement for the provision of health care. For example, the Center will use your information to develop accounts receivable information, bill you, and with your consent, provide information to your insurance company for services provided. The information provided to insurers and other third party payers may include information that identifies you, as well as your diagnosis, type of service, date of service, provider name/identifier, and other information about your condition and treatment. If you are a recipient of Medicaid, information will be provided to the State of Colorado's Medicaid program, including but not limited to your treatment, condition, diagnosis, and services received.
  3. *Health Care Operations.* Health Care Operations refers to activities undertaken by the Center that are regular functions of management and administrative activities. For example, the Center may use your health information in monitoring of service quality, staff training and evaluation, medical reviews, legal services, auditing functions, compliance programs, and business planning.
  4. *Contacting the Client.* The Center may contact you to remind you of appointments and to tell you about treatments or other services that might be of benefit to you.
  5. *Required by Law.* The Center will disclose protected health information when required by law. This includes, but is not limited to:
    - a. Reporting child abuse or neglect;
    - b. When court ordered to release information;
    - c. When there is a legal duty to warn or take action regarding imminent danger to others;
    - d. When the client is a danger to self or others or gravely disabled;
    - e. When required to report certain communicable diseases and certain injuries;
    - f. When a Coroner is investigating the client's death; and
    - g. To government regulatory and oversight agencies that oversee the Center and staff activities.
  6. *Crimes on the premises or observed by Center personnel.* Crimes that are observed by Center staff, which are directed toward staff, or occur on the premises of the Center will be reported to law enforcement.
  7. *Business Associates.* Some of the functions of the Center are provided by contracts with business associates. For example, some administrative, clinical, quality assurance, billing, legal, auditing, and practice management services may be provided by contracting with outside entities to perform these services. In those situations, protected health information will be provided to those contractors as is needed to perform their contracted tasks. In those situations, the business associates are required to enter into an agreement maintaining the privacy of the protected health information released to them.
  8. *Research.* The Center may use or disclose protected health information for research purposes if the relevant limitations of the Federal HIPAA Privacy Regulation are followed. 45 CFR § 164.512(i).
  9. *Involuntary Clients.* Information regarding clients who are being treated involuntarily, pursuant to law, will be shared with other treatment providers, legal entities, and others, as necessary to provide the care and management coordination needed.

10. *Family Members.* Except for certain minors, incompetent clients, or involuntary clients, protected health information cannot be provided to family members without the client's consent. In situations where family members are present during a discussion with the client, and it can be reasonably inferred from the circumstances that the client does not object, information may be disclosed in the course of that discussion. However, if the client objects, protected health information will not be disclosed.

11. *Fund Raising.* The Center, or its fund raising Foundation, may contact clients as a part of its fund raising activities.

12. *Emergencies.* In life threatening emergencies Center staff will disclose information necessary to avoid serious harm or death.

B. *Client Authorization or Consent.* The Center may not use or disclose protected health information in any other way without a signed Authorization or release of information. When you sign an Authorization, or a release of information, it may later be revoked, provided that the revocation is in writing. The revocation will apply except to the extent the Center has already taken action in reliance thereon.

## **II. YOUR RIGHTS AS A CLIENT**

A. *Additional Restrictions.* You have the right to request additional restrictions on the use or disclosure of your health information. The Center does not have to agree to that request, and there are certain limits to any restriction, which will be provided to you at the time of your request. In order to exercise this right, ask Center staff for the appropriate request form.

B. *Alternative Means of Receiving Confidential Communications.* You have the right to request that you receive communications of protected health information from the Center by alternative means or at alternative locations. For example, if you do not want the Center to mail bills or other materials to your home, you can request that this information be sent to another address. In order to exercise this right, ask Center staff for the appropriate request form.

C. *Access to Protected Health Information.* You have the right to inspect and obtain a copy of the protected health information the Center has regarding you, in the designated record set. There are some limitations to this right, which will be provided to you at the time of your request, if any such limitation applies. In order to exercise this right, ask Center staff for the appropriate request form.

D. *Amendment of Your Record.* You have the right to request that the Center amend your protected health information. The Center is not required to amend the record if it is determined that the record is accurate and complete. There are other exceptions, which will be provided to you at the time of your request, if relevant, along with the appeal process available to you. In order to exercise this right, ask Center staff for the appropriate request form.

E. *Accounting of Disclosures.* You have the right to receive an accounting of certain disclosures the Center has made regarding your protected health information. However, that accounting does not include disclosures that were made for the purpose of treatment, payment, or health care operations. In addition, the accounting does not include disclosures made to you, disclosures made pursuant to a signed Authorization, or disclosures made prior to April 14, 2003. There are other exceptions that will be provided to you, should you request an accounting. In order to exercise this right, ask Center staff for the appropriate request form.

F. *Copy of this Notice.* You have a right to obtain another copy of this Notice upon request.

## **III. ADDITIONAL INFORMATION**

A. *Privacy Law.* The Center is required by law to maintain the privacy of protected health information. In addition, the Center is required by law to provide clients with notice of its legal duties and privacy practices with respect to protected health information. That is the purpose of this Notice.

B. *Terms of the Notice.* The Center is required to abide by the terms of this Notice, or any amended Notice that may follow.

C. *Changes to the Notice.* The Center reserves the right to change the terms of its Notice and to make the new Notice provisions effective for all protected health information that it maintains. When the Notice is revised, the revised Notice will be posted in the Center's service delivery sites and will be available upon request.

D. *Complaints Regarding Privacy Rights.* If you believe the Center has violated your privacy rights, you have the right to complain to the Center's management through the Complaint Recipient. To file your complaint, call the Office of Consumer and Family Affairs at (303) 425-0300. You also have the right to complain to the United States Secretary of Health and Human Services by sending your complaint to the Office of Civil Rights, U.S. Department of Health and Human Services, 200 Independence Avenue, S.W., Room 515F, HHH Bldg., Washington, D.C. 20201. It is the policy of the Center that there will be no retaliation for your filing of such a complaint.

E. *Additional Information.* If you desire additional information about your privacy rights at the Center, please call the Jefferson Center for Mental Health Privacy Officer at (303) 425-0300.

F. *Effective Date.* This Notice is effective April 14, 2003.