

## Notice of Privacy Practices

**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.**

### Understanding Your Medical and Mental Health Record Information

Each time you visit a hospital, physician, or other healthcare provider, the provider makes a record of your visit. Typically, this record contains your health history, current symptoms, examination and test results, diagnoses, treatment, and a plan for future care or treatment. This information, often referred to as your medical record, serves as a:

- Basis for planning your care and treatment
- Means of communication among the many health professional who contribute to your care
- Legal document describing the care you received
- Means by which you or a third-party payor can verify that you actually received the services billed for
- A tool in medical education
- A source of information for public health officials charged with improving the health of the regions they serve
- A tool to assess the appropriateness and quality of care you received
- A tool to improve the quality of healthcare and achieve better patient outcomes

Understanding what is in your health records and how your health information is used helps you to:

Ensure its accuracy and completeness

Understand who, what, where, why, and how others may access your health information

Make informed consent decisions about permitting disclosure to others

Better understand how to protect your right to confidentiality

Better understand the health information rights detailed below

### Our Responsibility under the Federal Privacy Standard

Highland Springs has a duty to protect the privacy of health information about you, called “protected health information,” or “PHI,” for short. Highland Springs must give you notice of its legal duties and privacy practices concerning PHI. Highland Springs’ responsibilities including the following:

- Maintain the privacy of your health information, including implementing reasonable and appropriate physical, administrative and technical safeguards to protect the information

- Provide you with this notice as to Highland Springs' legal duties and privacy practices with respect to PHI about you
- Explain how, when and why Highland Springs uses and/or discloses PHI about you
- Abide by the terms of this Notice, as may be revised from time to time
- Train Highland Springs personnel concerning privacy and confidentiality
- Implement a sanction policy to discipline those who breach privacy/confidentiality or Highland Springs policies with regard thereto
- Mitigate (lessen the harm of) any breach of privacy/confidentiality

Highland Springs will make copies of the Notice available at its facility upon request. Highland Springs will also post this Notice at the facility, so you may read it there, and on its website, so that you may receive it electronically.

Highland Springs reserves the right to change the terms of this Notice and to make the new provisions effective for all PHI it maintains. Should Highland Springs change this Notice, Highland Springs will promptly:

- Post the revised Notice in its facility
- Make copies of the revised Notice available upon request (either at the Highland Springs facility or through the contact person list on this Notice)
- Post the revised notice on its website

Highland Springs will not use or disclose your health information without your consent or authorization, except as described in this Notice or as otherwise required by law.

**Highland Springs may use and disclose PHI about you without your consent or authorization in the following circumstances:**

In general, Highland Springs is required by law to obtain your written consent or authorization prior to using or disclosing your PHI that does not identify you as a substance abuser or a patient of the substance abuse services. However, there are exceptions to this requirement.

Treatment: Within Highland Springs, employees, students, consultants and volunteers involved in your case, treatment, or habilitation may exchange PHI as necessary for the purpose of carrying out their responsibilities in serving you. Upon specific request, your PHI may be released to the physician or psychologist who referred you to Highland Springs. A professional at Highland Springs may disclose your PHI, as necessary, to another physician or health care provider who provides you with emergency medical services.

Next of Kin: In addition, Highland Springs may disclose the fact of your admission or discharge to your next of kin, if the next of kin or the responsible professional determines that such disclosure is in your best interest. If you have next of kin who is substantially involved with your care, upon his or her request, Highland Springs shall provide this kin with information relating to your admission and discharge from Highland Springs, any decision on your part to leave Highland Springs against

medical advice, and referrals and appointment information for treatment after discharge after Highland Springs notifies you that such information was requested.

Business Associates: Highland Springs also may disclose your PHI to providers of support services who have entered into Business Associates Agreements with Highland Springs. Highland Springs provides some services through contracts with “Business Associates.” For example, Highland Springs may provide certain diagnostic tests through a third party, or it may contract with a copy service to make copies of medical records. These entities constitute Business Associates of Highland Springs; when the hospital contracts for these services, Highland Springs may disclose your PHI to a Business Associate including a subcontractor that acts on behalf of the Business Associate so that it can perform the function(s) Highland Springs has contracted with them to do and bill you or third party payor for services rendered. To protect your PHI, Highland Springs requires the Business Associate to appropriately safeguard your information in accordance with a written agreement.

Other Permitted Uses and Disclosures: In addition, Highland Springs may use or disclose PHI that does not identify you as a substance abuser or a patient of substance abuse services without your written consent or authorization as follows:

- To an internal client advocate as necessary to fulfill his or her monitoring and advocacy functions
- To disclose an advance instruction to a physician, psychologist or other qualified professional when such disclosure is necessary to give effect to or provide treatment in accordance with the advance instruction
- To State or Federal governmental agencies, when there is reason to believe that you may be eligible for financial benefits through the government agency, to establish such financial benefits
- To the state for certain purposes of research and evaluation, or for conducting general research or audits
- For the purposes of alerting others to an imminent danger to you, or another’s, health or safety, or if there is a likelihood of the commission of a felony or violent misdemeanor, or to communicate with appropriate law enforcement in the event of your escape from Highland Springs
- To an attorney, upon your request or the request of your legally responsible person
- As required by law – for example, when a court orders disclosure or when child abuse or neglect is suspected
- For purposes of filing a petition for involuntary commitment or a petition for an adjudication of incompetency and the appointment of a guardian
- As required by State law when you are a defendant in a criminal case, or to the court and counsel involved in any commitment or other court hearings you face

- To Highland Springs counsel, or counsel for an employee of Highland Springs, if such information is relevant to litigation, to the operations of Highland Springs, or to the provision of services by Highland Springs
- To the Department of Corrections, upon request if the Department has determined that you are in need of treatment for mental illness or developmental disability
- To disclose PHI regarding communicable diseases, as discussed below
- As necessary to comply with other State or Federal law, including disclosure to the State and/or Federal Department of Health and Human Services as necessary, for a determination that Highland Springs is in compliance with the federal privacy standards

Alcohol and Drug Abuse Records: If you receive substance abuse services from Highland Springs, federal law generally requires that Highland Springs cannot disclose PHI that would identify you as a substance abuser or a patient of substance abuse services without your written consent. There are some exceptions to this requirement. Highland Springs may use or disclose PHI that would identify you as substance abuser or a patient of substance abuse services without your consent or authorization as follows:

- Within Highland Springs for activities related to the provision of substance abuse diagnosis, treatment, or referral for treatment
- AS permitted by a court order
- To medical personnel in a medical emergency
- To qualified personnel for research, audit, or program evaluation
- To comply with State law mandating the reporting of suspected child abuse or neglect
- To communicate with law enforcement personnel about a crime or threatened crime on the premises of Highland Springs or against Highland Springs personnel

Communicable Diseases: If you have one of several specific communicable diseases (for example, tuberculosis, syphilis, or HIV/AIDS), Highland Springs will treat PHI about your disease as confidential and will disclose such PHI without your written consent only in limited circumstances as permitted or required by law. Highland Springs may use or disclose PHI about your disease without your consent or authorization as follows:

- To health care personnel providing medical care to you
- As necessary to protect public health
- As permitted by a subpoena or court order
- To local or State health directors, upon request
- As otherwise permitted or required by laws specifically addressing the release of information or records related to HIV/AIDS

**Highland Springs may use or disclose PHI about you without your consent in the following circumstance:**

Treatment: Highland Springs may use and disclose your PHI to provide, coordinate, or manage your health care and related services, including the disclosure of your PHI to health care providers outside of Highland Springs. For example, Highland Springs may use and disclose your PHI when referring you to another health care provider. Highland Springs also may disclose your PHI to individuals who may be involved in your medical care after you leave Highland Springs. For example, if you are referred to a counselor or psychiatrist for follow-up treatment at Highland Springs.

Payment: Highland Springs may use and disclose your PHI to bill and collect payment for treatment and services provided to you. For example, Highland Springs may share your PHI with your health plan(s) in order to request coverage and obtain approval prior to providing services to you (in non-emergency situations).

Highland Springs may send a bill to you or to third party payor, and this bill may include PHI such as your diagnosis, treatment received, and list of supplies used. Highland Springs may share portions of your PHI, as necessary, with billing departments, collection agencies, insurance companies, and other health care providers.

NOTE: You do have the right to restrict uses and disclosures of PHI to health plans if you have paid for services out of pocket in full.

Health Care Operations: Highland Springs may use and disclose PHI to perform business activities – i.e. “health care operations.” These health care operations enable Highland Springs to improve the quality of care that it provides. For example, members of Highland Springs, medical staff, its risk manager, and other team members may use PHI to assess the care and outcomes in your case, in an effort to continually improve the quality and effectiveness of health care services provided. Highland Springs also may use your PHI in order to provide training programs for its employees resolve grievances within the organization, or review and evaluate the skills and qualifications of health care providers who are treating you.

Minimum Necessary Standard: When using or disclosing your PHI or when requesting your PHI from another entity, Highland Springs will make reasonable efforts not to use, disclose, or request more than the minimum amount of PHI necessary to accomplish the intended purpose of the use, disclosure or request, taking into consideration practical and technological limitation. However, the minimum necessary standard will not apply in the following situations:

- Disclosures to or requests by a health care provider for treatment
- Uses or disclosures made to you
- Uses or disclosures made pursuant to an authorization
- Disclosures made to the Secretary of the US Department of Health and Human Services
- Uses or disclosures that are required by law
- Uses or disclosures that are required for Highland Springs' compliance with legal regulations

## **Your Rights under the Federal Privacy Standards**

Although your health records are the physical property of the healthcare provider who completed them, you have certain rights with regard to the information contained therein.

1. You have a right to request restrictions on uses and disclosures of your health information by submitting a request in writing. The right to request does not extend to certain uses or disclosures permitted or required by law, such as uses or disclosures for public health activities. In those cases, you do not have the right to request restriction. Highland Springs is not required to agree to your requested restriction. However, if Highland Springs does agree to restriction, it will comply with the restriction unless the information is needed to provide emergency treatment to you, or the disclosure is otherwise required under federal regulations.
2. You have the right to request how and where Highland Springs contacts you about PHI. For example, you may request that Highland Springs contact you at your work address or phone number. Your request must be in writing. Highland Springs is required to accommodate all reasonable requests.
3. You have the right to obtain a paper copy of this Notice at any time by contacting the facility Privacy Official. Highland Springs will provide a copy of this Notice no later than the date you first receive treatment at the facility, except in emergency situations, and then Highland Springs will provide the Notice to you as soon as reasonable practical after the emergency treatment situation.
4. You have the right to inspect a copy of your PHI upon submission of a written request. Again, this right is not absolute and in certain situations, Highland Springs can deny access – for example, if a licensed health care professional believes that access to such information could cause harm to your physical or mental well-being.

You do not have a right of access to the following:

- Psychotherapy notes. These include notes that are recorded in any medium by a mental health professional documenting or analyzing a conversation during a private counseling session or a group, joint, or family counseling session and that are separated from the rest of your medical record
- Information compiled in reasonable anticipation of or for use in civil, criminal, or administrative actions or proceedings
- Protected Health Information (PHI) that is subjected to the Clinical Laboratory Improvement Amendments of 1988 (“CLIA”), 42 U.S.C. Section 263a, to the extent that the provision of access to the individual would be prohibited by law
- Information obtained from someone other than a healthcare provider under a promise of confidentiality and the access requested would be reasonable likely to reveal the source of the information

In other situations, the provider may deny you access, but if it does, the provider must provide you with an opportunity to have the denial reviewed by another licensed professional within 60 days of the denial. These “reviewable” grounds for denial include:

- Licensed healthcare professional has determined, in the exercise of professional judgment, that the access is reasonable likely to endanger the life or physical safety of the individual or another person
- Protected Health Information makes reference to another person (other than a healthcare provider) and a licensed healthcare provider has determined, in the exercise of professional judgment, that providing access is reasonably likely to cause substantial harm to such other person
- The request is made by the individual's personal representative and a licensed healthcare professional has determined, in the exercise of professional judgment, that providing access to such personal representative is reasonable likely to cause substantial harm to the individual or another person

If Highland Springs denies you access to your PHI, Highland Springs will explain why and what your rights are, including how to seek review. If Highland Springs grants you access to you PHI, Highland Springs will give you instructions on any additional steps, if needed, for you to have access to the information. Highland Springs reserves the right to charge a reasonable fee for making copies of the requested PHI.

5. You have the right to request in writing amendment of your PHI. Highland Springs may deny your request if:
- Highland Springs did not create the record, unless you provide a reasonable basis to believe the originator of the PHI is no longer available to act on the requested amendment
  - The records are not available for your access, as discussed above in number 4
  - The record is accurate and complete
  - The PHI that is the subject of your request is not maintained by or for Highland Springs

If Highland Springs denies your request for amendment, Highland Springs will notify you why and how you can submit a written statement disagreeing with the denial (which may be rebutted by Highland Springs) and how you can complain to Highland Springs about the denial.

If Highland Springs grants the request, Highland Springs will make the correction and distribute the correction to those who need it and those you identify to Highland Springs that you want to receive the corrected information.

6. You have the right to obtain an accounting of certain disclosures by Highland Springs of your PHI during the six years prior to the date of your request. However, Highland Springs does not need to provide an accounting for:
- Disclosures to persons involved in the individual's care or disclosures for other notification purposes as provided in Section 164.510 of the HIPAA Privacy Rules (uses and disclosures requiring an opportunity for the individual to agree or to object, including notification to family members, personal representatives, or other persons responsible for the care of the individual, of the individual's location, general condition or death)
  - National security or intelligence purposes under Section 164.512 (k)(2) (disclosures not requiring consent, authorization, or an opportunity to object, see Chapter 16)

- Correctional institutions or law enforcement officials under Section 164.512 (k)(5) (disclosures not requiring consent, authorization, or an opportunity to object)
- Disclosures of PHI made prior to the compliance date, April 14, 2003
- Disclosures of PHI made to carry out treatment, payment or health care operations
- Disclosures of PHI made to you about your own PHI
- Disclosures of PHI incidental to a permissible disclosure
- Disclosures of PHI made pursuant to your written authorization

Highland Springs must respond to the request for accounting within 60 days of the request by providing the accounting or by granting itself a one-time 30-day extension in which to provide the accounting. The accounting will include:

- Date of each disclosure
- Name and address, if know, of the organization or person who received the protected health information
- Brief statement of the purpose of the disclosure that reasonable informs you of the basis for the disclosure or, in lieu of such statement, a copy of the written request for disclosure where permitted by law

The first accounting in any 12 month period is free. Thereafter, Highland Springs reserves the right to charge a reasonable retrieval and copying fee.

7. You have the right to revoke your consent or authorization to use or disclose health information in accordance with the instructions on the consent or authorization form, except to the extent that we have already acted in reliance on the consent or authorization.
8. Highland Springs is required to notify you and obtain your authorization for the following uses and disclosures:
  - Any uses and disclosures for marketing purposes
  - Any uses and disclosures that constitute the sale of PHI
  - Most uses and disclosures of Psycho Therapy notes (as described in number 4)
  - Other uses and disclosures not described in this notice

9. Pursuant to 45 C.F.R. 160 and 164;

You have the right to be notified in the event of a breach of PHI. A “Breach” is defined as “the acquisition, access, use or disclosure of PHI in a manner not permitted under subpart E of this part which compromises the security or privacy of PHI.” Any “acquisition, access, use or disclosure of PHI in a manner not permitted under subpart E is presumed to be a breach unless the covered entity or Business Associate, as applicable, demonstrates that there is a low probability that the PHI has been compromised based on a risk assessment.”

### **How to Report a Problem**

You have the right to complain to Highland Springs by notifying the Privacy Official, Highland Springs, 4199 Millpond Dr., Highland Hills, OH 44122; phone 216-302-3070, Highland Springs will not retaliate against you for filing a complaint. You may also complain to the Secretary of Health and Human Services at 1-877-696-6775, 200 Independence Avenue SW, Washington, DC 20201, if you believe your rights to privacy have been violated.