

Mental Health America of Westmoreland County NOTICE OF PRIVACY PRACTICES

THE PURPOSE OF THIS NOTICE IS TO DESCRIBE THE PRIVACY POLICY OF MHA WITH REGARD TO THE USE AND DISCLOSURE OF HEALTH CARE INFORMATION. PLEASE REVIEW IT CAREFULLY.

WE HAVE A LEGAL RESPONSIBILITY TO SAFEGUARD THE HEALTH CARE INFORMATION OF OUR CLIENTS AND CONSUMERS, WHICH ALSO INCLUDES FINANCIAL INFORMATION ASSOCIATED WITH A CLIENT/CONSUMERS HEALTH CARE. The following information explains how, when and why we may use and disclose health care information. With some exceptions, we will avoid using or disclosing any more health information than is absolutely necessary in order to meet the purpose or request of such disclosure.

We are legally required to follow the privacy practices that are described in this Notice, which are currently in effect.

However, we reserve the right to change the terms of this Notice and our privacy practices at any time and such changes will be retroactive to previously acquired information. A copy of these policies will be displayed at all times in our reception area and will reflect changes to this policy as they occur. You may also request, at any time, a copy of our Notice of Privacy Practices from MHA Director of Operations.

We would like to take this opportunity to answer some common questions concerning our privacy practices:

QUESTION: HOW WILL THIS ORGANIZATION USE AND DISCLOSE MY PROTECTED HEALTH INFORMATION?

Answer: In most cases, it is unlikely that MHA will have a reason to use or disclose your protected health information. However, there may be some circumstances where such information may be used or disclosed for the coordination of community support services with other organizations. For some of these uses or disclosures, we need your specific authorization. Below, we describe the different categories of our uses and disclosures and give you some examples of each.

A. Uses and Disclosures Relating to Treatment, Payment or Healthcare Operations. We may, by federal law, use and disclose your health information for the following reasons:

- 1. For Treatment:** MHA does not provide clinical treatment. We will not use or disclose your health information for treatment purposes. See health care operations below.
- 2. To Obtain Payment for Treatment:** MHA does not provide services that are reimbursed or billable from insurance companies, Medicaid or other sources. Services are provided under a funding arrangement with the Westmoreland County Mental Health/Mental Retardation Program. We may receive information about your health care or service providers, but there is no reason we would disclose this information to obtain payment for services.
- 3. For Health Care Operations:** We may, at times, need to use and disclose your health information for internal operational purposes. For example, we may use your health information to evaluate the quality of the treatment that our staff has provided to you. We may also need to provide some of your health information to our accountants, attorneys and consultants in order to make sure that we're complying with law; if this information concerns mental health disorders and/or treatment, drug and alcohol abuse and/or treatment, and/or HIV status, we may be further limited in what we provide and may be required to first obtain from you specific authorization.

B. Certain Other Uses and Disclosures are Permitted by Federal Law. We may use and disclose your health information without your authorization for the following reasons:

1. **When a Disclosure is required by Federal, State or Local Law, in Judicial or Administrative Proceedings or by Law Enforcement.** For example, we may disclose your protected health information if we are ordered by a court, or if a law requires that we report information to a government agency or law enforcement authorities, such as in the case of a dog bite, suspected child abuse or a gunshot wound.
2. **For Public Health Activities.** Under the law, information about certain diseases, and about any deaths, needs to be reported to government agencies that collect that information. With the possible exception of information concerning mental health disorders and/or treatment, drug and alcohol abuse and/or treatment, and HIV status (for which we may need your specific authorization), we are also permitted to provide some health information to the coroner or a funeral director, if necessary, after a client's death. However, in most cases we would direct authorities to other health care providers that would have such information.
3. **For Health Oversight Activities.** We will need to provide your health information if requested to do so by the County and/or the State when they oversee the program in which you receive services. We will also need to provide information to government agencies that have the right to inspect our offices and/or investigate healthcare practices.
4. **Research Purposes.** In certain limited circumstance (for example, where approved by an appropriate Privacy Board or Institutional Review Board under federal law), we may be permitted to use or provide protected health information for a research study. Again, it is highly unlikely that we would have such information and would instead direct those seeking information to the appropriate providers.
5. **To Avoid Harm.** If one of our employees believes that it is necessary to protect you, or to protect another person or the public as a whole, we may provide protected health information to the police or others who may be able to prevent or lessen the possible harm
6. **For Specific Government Functions.** With the possible exception of information concerning mental health disorders and/or treatment, drug and alcohol abuse and/or treatment, and HIV status (for which we may need your specific authorization), we may disclose the health information of military personnel or veterans where required by U.S. military authorities. Similarly, we may also disclose a client's health

information for national security purposes, such as assisting in the investigation of suspected terrorists who may be a threat to our nation. However, it is highly unlikely that we will have such information, and would direct authorities to the appropriate providers.

7. **For Workers' Compensation.** We may provide your health information as described under the workers' compensation law, if your condition was the result of a workplace injury for which you are seeking workers' compensation.
8. **Appointment Reminders and Health-Related Benefits or Services.** Unless you tell us that you would prefer not to receive them, we may use or disclose your information to provide you with appointment reminders or to [give you information about/send to you newsletters about] alternative programs and treatments that may help you.
9. **Fundraising Activities.** For example, if our Organization chose to raise funds to support one or more of our programs or facilities, or some other charitable cause or community health education program, we may use the information that we have about you to contact you. If you do not wish to be contacted as part of any fundraising activities, please contact MHA Director of Operations.

C. Certain Uses and Disclosures Require You to Have the Opportunity to Object.

1. **Disclosures to Family, Friends or Others Involved in Your Care.** We may provide a limited amount of your health information to a family member, friend or other person known to be involved in your care or, unless you tell us not to. For example, if a family member comes with you to your appointment and you allow them to come into the meeting room with you, we may disclose otherwise protected health information to them during the appointment, unless you tell us not to. (This information may not contain information about mental health disorders and/or treatment, drug and alcohol abuse and/or treatment, and HIV status, without your specific authorization.)
2. **Disclosures to Notify a Family Member, Friend or Other Selected Person.** Depending on what MHA service you are using, when you first started in our program, we may have asked that you provide us with an emergency contact person in case something should happen to

you while you are at our facilities. Unless you tell us otherwise, we will disclose certain limited health information about you (your general condition, location, etc.) to your emergency contact or another available family member, should you need to be admitted to the hospital, for example. (This information may not contain information about mental health disorders and/or treatment, drug and alcohol abuse and/or treatment, and HIV status, without your specific authorization.)

D. Other Uses and Disclosures Require Your Prior Written

Authorization. In situations other than those categories of uses and disclosures mentioned above, or those disclosures permitted under federal law, we will ask for your written authorization before using or disclosing any of your protected health information. In addition, we need to ask for your specific written authorization to disclose information concerning your mental health, drug and alcohol abuse and/or treatment, or to disclose your HIV status.

If you choose to sign an authorization to disclose any of your health information, you can later revoke it to stop further uses and disclosures to the extent that we have not already taken action relying on the authorization, so long as it is revoked in writing.

QUESTION: WHAT RIGHTS DO I HAVE CONCERNING MY PROTECTED HEALTH INFORMATION?

Answer: You have the following rights with respect to your protected health information:

A. The Right to Request Limits on Uses and Disclosures of Your Health Information. You have the right to ask us to limit how we use and disclose your health information. We will certainly consider your request, but you should know that we are not required to agree to it. If we do agree to your request, we will put the limits in writing and will abide by them, except in the case of an emergency. Please note that you are not permitted to limit the uses and disclosures that we are required or allowed by law to make.

B. The Right to Choose How We Send Health Information to You or How We Contact You. You have the right to ask that we contact you at an alternate address or telephone number (for example, sending information to your work address instead of your home address) or by alternate means (for example, by e-mail/mail instead of telephone). We must agree to your request so long as we can easily do so.

C. The Right to See or to Get a Copy of Your Protected Health Information. In most cases, you have the right to look at or get a copy of your health information that we have, but you must make the request in writing. A request form is available through MHA Director of Operations. We will respond to you within 30 days after receiving your written request. If we do not have the health information that you are requesting, but we know who does, we will tell you how to get it. In certain situations, we may deny your request. If we do, we will tell you, in writing, our reasons for the denial. In certain circumstances, you may have a right to appeal the decision.

D. The Right to Receive a List of Certain Disclosures of Your Health Information That We Have Made. You have the right to get a list of certain types of disclosures that we have made of your health information. This list would not include uses or disclosures for treatment, payment or healthcare operations, disclosures to you or with your written authorization, or disclosures to your family for notification purposes or due to their involvement in your care. This list also would not include any disclosures made for national security purposes, disclosures to corrections or law enforcement authorities if you were in custody at the time, or disclosures made prior to April 14, 2003. You may not request an accounting for more than a six (6) year period.

To make such a request, we require that you do so in writing; a request form is available upon asking through MHA Director of Operations. We will respond to you within 60 days of receiving your request. The list that you may receive will include the date of the disclosure, the person or organization that received the information (with their address, if available), a brief description of the information disclosed, and a brief reason for the disclosure.

E. The Right to Ask to Correct or Update Your Health Information. If you believe that there is a mistake in your health information or that a piece of important information is missing, you have a right to ask that we make an appropriate change to your information. You must make the request in writing, with the reason for your request, on a request form that is available through MHA Director of Operations. We will respond within 60 days of receiving your request. If we approve your request, we will make the change to your health information, tell you when we have done so, and will tell others that need to know about the change.

We may deny your request if the protected health information: (1) is correct and complete; (2) was not created by us; (3) is not allowed to be disclosed to you; or (4) is not part of our records. Our written denial will state the reasons that your request was denied and explain your right to file a written statement of disagreement with the denial. If you do not wish to do so, you may ask that we include a copy of your request form, and our denial form, with all future disclosures of that health information.

F. The Right to Get a Paper Copy of This Notice. If you have agreed to receive this Notice via e-mail, you will always have the right to request a paper copy of this Notice, also.

QUESTION: HOW DO I COMPLAIN OR ASK QUESTIONS ABOUT THIS ORGANIZATION'S PRIVACY PRACTICES?

Answer: If you have any questions about anything discussed in this Notice or about any of our privacy practices, or if you have any concerns or complaints, please contact MHA Director of Operations at (724)834-6351. You also have the right to file a written complaint with the Secretary of the U.S. Department of Health and Human Services. We may not take any retaliatory action against you if you lodge any type of complaint.

QUESTION: WHEN DOES THIS NOTICE TAKE EFFECT?

Answer: This Notice takes effect on April 14, 2003.