

NOTICE OF PRIVACY PRACTICES

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

If you have questions about any part of this notice or if you want more information about our privacy practices, please contact: Chief Executive Director, or Privacy Officers 304 N. Jefferson, PO Box 807, Iola, KS 66749, Phone 620/365-8641.

WHY WE ARE PROVIDING THIS NOTICE:

Southeast Kansas Mental Health Center compile health information relating to you and the treatment and services you receive. This information is called protected health information (PHI) and is maintained in a designated record set. We may use and disclose this information in various ways. Sometimes your agreement or authorization is necessary for us to use or disclose your information and sometimes it is not. This Notice describes how we use and disclose your protected health information and your rights. We are required by law to give you this Notice, and we are required to follow it. We may change this Notice at any time if the law changes or when our policies change. If we change the Notice you will be given a revised Notice.

USES AND DISCLOSURES OF YOUR HEALTH INFORMATION THAT MAY BE MADE *WITHOUT YOUR AUTHORIZATION*:

For your treatment. We may share your protected health information with other treatment providers. For example, if you have a heart condition, we may use your information to contact a specialist and may send your information to that specialist. We may send your information to other treatment providers, as necessary. For appointment reminders. We may use your protected health information to remind you of appointments, including leaving a voicemail message, text, and or email.

For payment. We may use and disclose health information about you to obtain payment for healthcare services that you received. We may use health information about you to arrange for payment (such as preparing bills and managing accounts). We also may disclose health information about you to others (such as insurers, collection agencies, and consumer reporting agencies). In some instances, we may disclose health information about you to an insurance plan before you receive certain healthcare services because, for example, we may need to know whether the insurance plan will pay for a particular service. However, if you pay full fee out of pocket for your treatment and make a specific request that we not send information to your insurance company for that treatment, we will not send that information to your insurer except under certain circumstances.

For example, we may need to obtain a pre-authorization for treatment or send your health information to an insurance company so it may pay for treatment.

1. For our healthcare operations. We may use and disclose health information about you in performing a variety of business activities that we call "healthcare operations." These "healthcare operations" activities allow us to, for example, improve the quality of care we provide and reduce healthcare costs. **Examples** include:

- A. Reviewing and evaluating the skills, qualifications, and performance of healthcare providers taking care of you.
- B. Providing training programs for students, trainees, healthcare providers or non-healthcare professionals to help them practice or improve their skills.
- C. Cooperating with outside organizations that evaluate, certify or license healthcare providers, staff or facilities in a particular field or specialty.
- D. Working with others (such as lawyers, accountants, and other providers) who assist us to comply with this Notice and other applicable laws.

2. For Business Associate Agreements. Southeast Kansas Mental Health Center provides services through business associate contracts, for which we may disclose protected health information about you so that they may perform the job that we have asked them to do, and bill you or your third-party payer for the services rendered. We require the business associate to appropriately safeguard your protected health information through a **Business Associate Agreement** with Southeast Kansas Mental Health Center. **Examples** include clearinghouses for billing, software vendors, some insurers, and drug wholesalers.

3. As Required by Law. We will use and disclose health information about you whenever we are required by law to do so. There are many state and federal laws that require us to use and disclose health information. For example, state law requires us to report gunshot wounds and other injuries to the police and to report known or suspected child abuse or neglect to the Department of Social Services. We will comply with those state laws and with all other applicable laws.

4. When permitted by law, we may use or disclose health information about you without your permission for various activities that are recognized as "national priorities." We will only disclose health information about you in the following circumstances when we are permitted to do so by law. Below are brief descriptions of the "national priority" activities recognized by law.

- A. **Threat to health or safety:** We may use or disclose health information about you if we believe it is necessary to prevent or lessen a serious threat to health or safety.
- B. **Public health activities:** We may use or disclose health information about you for public health activities. Public health activities require the use of health information for various activities, including, but not limited to, activities related to investigating diseases, reporting child abuse and neglect, monitoring drugs or devices regulated by the Food and Drug Administration, and monitoring work-related illnesses or injuries. For example, if you have been exposed to a communicable disease (such as a sexually transmitted disease), we may report it to the State and take other actions to prevent the spread of the disease.
- C. **Abuse, neglect, or domestic violence:** We may disclose health information about you to a government authority (such as the Department of Social Services) if you are an adult and we reasonably believe that you may be a victim of abuse, neglect, or domestic violence.
- D. **Health oversight activities:** We may disclose health information about you to a health oversight agency – which is basically an agency responsible for overseeing the healthcare system or certain government programs. For example, a government agency may request information from us while they are investigating possible insurance fraud.
- E. **Court proceedings:** We may disclose health information about you to a court or an officer of the court (such as an attorney). For example, we will disclose health information about you to a court if a judge orders us to do so.
- F. **Law enforcement:** We may disclose health information about you to a law enforcement official for specific law enforcement purposes. For example, we may disclose limited health information about you to a police officer if the officer needs the information to help find or identify a missing person.
- G. **Inmates or Persons in Custody:** If you are an inmate of a correctional institution or under the custody of a law enforcement official, we may release your protected health information to the correctional institution or a law enforcement official when it is necessary for the institution to provide you with health care; when it is necessary to protect your health and safety or the health and safety of others; or when it is necessary

for the safety and security of the correctional institution.

- H. **Coroners and others:** We may disclose health information about you to a coroner, medical examiner, or funeral director or to organizations that help with organ, eye and tissue transplants.
 - I. **Workers' compensation:** We may disclose health information about you in order to comply with workers' compensation laws.
 - J. **Employers:** We may disclose your protected health information to your employer if we provide you with health care services at your employer's request and the services are related to an evaluation for medical surveillance of the workplace or to evaluate whether you have a work-related illness or injury. We will tell you when we make this type of disclosure.
 - K. **Treatment alternatives:** For providing your information on treatment alternatives or other services. We may use and disclose protected health information to tell you about or recommend possible treatment options or alternatives that may be of interest to you. We may also use and disclose protected health information to tell you about health-related benefits or services that may be of interest to you. In some cases, the facility may receive payment for these activities. We will give you the opportunity to let us know if you no longer wish to receive this type of information.
 - L. **Research organizations:** We may use or disclose health information about you to research organizations if the organization has satisfied certain conditions about protecting the privacy of health information.
 - M. **Certain government functions:** We may use or disclose health information about you for certain government functions, including but not limited to military and veterans' activities and national security and intelligence activities. We may also use or disclose health information about you to a correctional institution in some circumstances where that information may be needed for health care purposes.
5. **Fundraising.** If we conduct fundraising and we use communications like the U.S. Postal Service or electronic email for fundraising, you have the right to opt-out of receiving such communications from us. Please contact our Privacy Officers to opt-out of fundraising communications if you chose to do so.

AUTHORIZATIONS:

Other than the uses and disclosures described above (#1-5), we will not use or disclose health information about you without the "authorization" – or signed permission – of you or your personal representative. In some instances, we may wish to use or disclose health information about you, and we may contact you to ask you to sign an authorization form. In other instances, you may contact us to ask us to disclose health information and we will ask you to sign an authorization form.

If you sign a written authorization allowing us to disclose health information about you, you may later revoke (or cancel) your authorization in writing (except in very limited circumstances related to obtaining insurance coverage). If you would like to revoke your authorization, you may write us a letter revoking your authorization. If you revoke your authorization, we will follow your instructions except to the extent that we have already relied upon your authorization and taken some action.

The following uses and disclosures of health information about you will only be made with your authorization (signed permission):

- ✓ Uses and disclosures for marketing purposes.
- ✓ Uses and disclosures that constitute the sales of health information about you.
- ✓ Most uses and disclosures of psychotherapy notes if we maintain psychotherapy notes.
- ✓ Any other uses and disclosures not described in this Notice.

YOUR HEALTH INFORMATION RIGHTS:

1. **Right to Copy of This Notice.** You have a right to have a paper copy of our Notice of Privacy Practices at any time. If you would like to have a copy of our Notice, ask the receptionist for a copy, or contact our Privacy Officers.
2. **Right to Access:** You have the right to access, or to inspect and obtain a copy of your protected health information. To exercise this right, you should contact the Privacy Officer because you must complete a specific form, so we have the information we need to process your request. You may request that your records be provided in an electronic format, and we can work together to agree on an appropriate electronic format. Or you can receive your records in a paper copy. You may also direct that your protected health information be sent in electronic format to another individual. You may be charged a reasonable fee for access. We can refuse access under certain circumstances. If we refuse access, we will tell you in writing and in some circumstances, you may ask that a neutral person review the refusal.
3. **Right to Amend Your Records.** If you feel that your protected health information is incorrect or incomplete, you may ask that we amend your health records. To exercise this right, you must contact the Privacy Officer to complete a specific form stating your reason for the request and other information that we need to process your request. We can refuse your request if we did not create the information, if the information is not part of the information we maintain, if the information is part of information that you were denied access to, or if the information is accurate and complete as written. You will be notified in writing if your request is refused, and you will be provided an opportunity to have your request included in your protected health information.
4. **Right to Accounting.** You have the right to receive an accounting (which means a detailed listing) of disclosures that we have made for the previous six (6) years. If you would like to receive an accounting, you may send us a letter requesting an accounting, fill out a **specific form**, or contact our Privacy Officer. Accounting Request Forms are available from our Privacy Officer.
The accounting will not include several types of disclosures, including disclosures for treatment, payment or healthcare operations. If we maintain your health information in an Electronic Health Record (EHR) system, you may request that include disclosures for treatment, payment, or healthcare operations. The accounting will also not include disclosures made prior to April 14, 2003.
You have the right to one accounting per year at no cost.
5. **Right to Request Restrictions.** You have the right to ask us to restrict disclosures of your protected health information. To exercise this right, you should contact the Privacy Officer because you must complete a specific form to provide us with the information that we need to process your request. If you self-pay for a service and do not want your health information to go to a third party payer, we will not send the information, unless it has already been sent, you do not complete payment, or there is another specific reason we cannot accept your request. For example, if your treatment is a bundled service and cannot be unbundled and you do not wish to pay for the entire bundle, or the law requires us to bill the third-party payer (e.g., a governmental payer), we cannot accept your request. We do not have to agree to any other restriction. If we have previously agreed to another type of restriction, we may end that restriction. If we end a restriction, we will inform you in writing.
6. **Right to Communication Accommodation.** You have the right to request that we communicate with you in a certain way or at a specific location. To exercise this right, you should contact the Privacy Officer because you must complete a specific form to provide us the information that we need to process your request.
7. **Breach Notification.** You also have the right to be notified in the event of a breach of health information about you. If a breach of your health information

occurs, and if that information is unsecured (not encrypted), we will notify you promptly with the following information:

- ✓ A brief description of what happened.
- ✓ A description of the health information that was involved.
- ✓ Recommended steps you can take to protect yourself from harm.
- ✓ What steps we are taking in response to the breach.
- ✓ Contact procedures so you can obtain further information.

8. Right to File a Complaint. If you believe that your privacy rights have been violated or if you are dissatisfied with our privacy policies or procedures, you may file a written complaint either with us or with the federal government.

We will not take any action against you or change our treatment of you in anyway if you file a complaint. To file a written complaint with us, you may bring your complaint directly to our Privacy Officer, or you may mail it to the following address:

ATTN: Privacy Officer
SEKMHC
P.O. Box 807
Iola, KS 66749

To file a written complaint with the federal government, please use the following contact information:

Office for Civil Rights
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Room 509F, HHH Building
Washington, D.C. 20201

Toll-Free Phone: 1-(877) 696-6775 Website: <http://www.hhs.gov/ocr/privacy/hipaa/complaints/index.html> Email: OCRComplaint@hhs.gov

YOUR RIGHTS REGARDING ELECTRONIC HEALTH INFORMATION TECHNOLOGY:

Southeast Kansas Mental Health Center participates in electronic health information technology or HIT. This technology allows a provider or a health plan to make a single request through a health information organization or HIO to obtain electronic records for a specific patient from other HIT participants for purposes of treatment, payment, or health care operations. HIOs are required to use appropriate safeguards to prevent unauthorized uses and disclosures.

You have two options with respect to HIT. First, you may permit authorized individuals to access your electronic health information through an HIO. If you choose this option, you do not have to do anything.

Second, you may restrict access to all of your information through an HIO (except as required by law). If you wish to restrict access, you must submit the required information either online at <http://www.KanHIT.org> or by completing and mailing a form. This form is available at <http://www.KanHIT.org>. You cannot restrict access to certain information only; your choice is to permit or restrict access to all of your information.

If you have questions regarding HIT or HIOs, please visit <http://www.KanHIT.org> for additional information.

If you receive health care services in a state other than Kansas, different rules may apply regarding restrictions on access to your electronic health information.

Please communicate directly with your out-of-state health care provider regarding those rules.

OTHER USES AND DISCLOSURES:

1. Most uses and disclosures of psychotherapy notes, uses and disclosures for marketing purposes, and uses and disclosures that constitute a sale of protected health information require your authorization. Psychotherapy notes are a particular type of protected health information. Mental health records generally are not considered psychotherapy notes. Your authorization is necessary for us to disclose psychotherapy notes.
2. There are some circumstances when we directly or indirectly receive a financial (e.g., monetary payment) or non-financial (e.g., in-kind item or service) benefit from a use or disclosure of your protected health information. Your authorization is necessary for us to sell your protected health information. Your authorization is also necessary for some marketing uses of your protected health information.
3. Other uses and disclosures of your protected health information not covered by this Notice or the laws that apply to us will be made only with your written authorization. You may revoke your authorization in writing at any time, provided you notify us. If you revoke your authorization, it will not take back any disclosures we have already made.

ACKNOWLEDGEMENT OF RECEIPT:

You will be asked to sign an acknowledgement of receipt of this Notice of Privacy Practices. If you have any questions regarding this Notice of Privacy Practices, please contact our Privacy Officers.

CHANGES TO THIS NOTICE:

If we change the Notice, you will be given a revised Notice.

We reserve the right to change this Notice at any time. We reserve the right to make the revised Notice effective for protected health information that we currently maintain in our possession, as well as for any protected health information we receive, use, or disclose in the future. A current copy of the Notice will be posted in our waiting area and on our website.

Effective Date: 03/23/2013, Revised 03/13/13, Revised 05/29/15