



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. Privacy is a very important concern for all those who receive services from Madison Youth and Family Services (“MY&FS”). If you have any questions regarding your privacy rights, our staff will be happy to help you understand our procedures and your rights. Questions can be directed to the Assistant Director of Clinical Services, who serves as the agency’s privacy enforcement officer.

Protected Health Information

Each time you visit us information is collected about you and your physical and mental health. The information we collect from you is called protected health information (“PHI”). PHI includes all individually identifiable health information, including, but not limited to, information which relates to your past, present, or future physical or mental health or condition, the provision of health care to you, or the past, present, or future payment for the provision of health care to you. This information goes into a record maintained on you by MY&FS. At MY&FS, by way of example, your PHI is likely to include the following specific types of information:

- Medical records
- Treatment records
- Diagnostic records
- Billing records related to treatment provided by MY&FS
- Psychotherapy notes
- Demographic data (age, ethnicity, family constellation)

At MY&FS, PHI may be used or disclosed in the following ways or for the following purposes:

- *For providing you with medical care
- *For seeking and receiving payment from you, your insurance provider or a third party for the treatment and services you receive at MY&FS
- *For suggesting or recommending potential treatment options or alternatives to you
- *For complying with local, state or federal law
- *For coordinating your medical care among and between medical professionals
- *For conducting health care operations
- *For providing you with appointment reminders
- *For informing you of health-related benefits and services which may be available to you

MY&FS is *permitted* to use and disclose PHI, *without your authorization*, for the following purposes or situations: (1) to you; (2) for treatment, payment, and health care operations; (3) opportunity to agree or object; (4) incident to an otherwise permitted use and disclosure; (5) public interest and benefit activities; and (6) limited data set for the purposes of research, public health or health care operations. Each of these situations is described more fully below:

- (1) **To you:** The law permits MY&FS to disclose your PHI to you, given that you are the subject of the information.
- (2) **Treatment, payment and health care operations:** MY&FS may use and disclose PHI for its own treatment, payment, and health care operation activities. It may also disclose PHI for the treatment activities of any health care provider, the payment activities of another covered entity and of any health care provider, or the health care operations of another covered entity involving either quality or competency assurance activities or fraud and abuse detection and compliance activities, if both covered entities have or had a relationship with you and the PHI pertains to the relationship.

Treatment is defined as the provision, coordination, or management of health care and related services for an individual by one or more health care providers, including consultation between providers regarding a patient and referral of a patient by one provider to another. Specific examples of how MY&FS might use your PHI for treatment include, but are not limited to, providing you with psychological treatments or services such as individual, family, or group therapy; psychological, educational, or vocational testing; treatment planning; or measuring the benefits of our services. Additionally, MY&FS may contact you to provide appointment reminders or information about treatment alternatives or other health-related benefits and services that may be of interest to you.

Payment encompasses the activities of MY&FS to obtain payment or to be reimbursed for the provision of health care to you. Specific examples of how MY&FS might use your PHI for payment include, but are not limited to, using your information to bill you, your insurance carrier, or others so that we can be paid for the treatments we provide to you; contacting your insurance company to find out exactly what your insurance covers; and informing your insurance carrier about your diagnoses, what treatments you have received, and the changes we expect in your conditions.

Health care operations are any of the following activities: (a) quality assessment and improvement activities, including case management and care coordination; (b) competency assurance activities, including performance evaluation, credentialing, and accreditation; (c) conducting or arranging for medical reviews, audits, or legal services, including fraud and abuse detection and compliance programs; (d) specified insurance functions, such as underwriting, risk rating, and reinsuring risk; (e) business planning, development, management, and administration; and (f) business management and general administrative activities of MY&FS, including, but not limited to: de-identifying PHI, creating a limited data set, and certain fundraising for the benefit of MY&FS. Specific examples of how MY&FS might use your PHI for health care operations include, but are not limited to, using your PHI to see where we can make improvements in the care and services we provide.

(3) **Uses and Disclosures with Opportunity to Agree or Object:** Informal permission may be obtained by asking you, or by circumstances that clearly give you the opportunity to agree, acquiesce, or object. Where you are incapacitated, in an emergency situation, or not available, MY&FS may make such uses and disclosures, if in the exercise of its professional judgment, the use or disclosure is determined to be in your best interests. An example of such a situation includes for notification and other purposes. MY&FS may rely on your informal permission to disclose to your family, relatives, or friends, or to other persons with whom you identify, PHI directly relevant to that person’s involvement in your care or payment for your care. Similarly, MY&FS may rely on your informal permission to use or disclose PHI for the purpose of notifying (including identifying or locating) family members, personal representatives, or others responsible for your care of your location, general condition, or death. In addition, PHI may be disclosed for notification purposes to public or private entities authorized by law or charter to assist in disaster relief efforts.

(4) **Incidental Use and Disclosure:** The Health Insurance Portability and Accountability Act (“HIPAA”) does not require that every risk of an incidental use or disclosure of PHI be eliminated. A use or disclosure of PHI that occurs as a result of, or as “incident to,” an otherwise permitted use or disclosure is permitted as long as MY&FS has adopted reasonable safeguards and the information being shared was limited to the minimum necessary.

(5) **Public Interest and Benefit Activities:** These disclosures are permitted in recognition of the important uses made of health information outside of the health care context:

Required by Law. MY&FS may use and disclose PHI without your authorization as required by law (including by statute, regulation, or court orders). **Public Health Activities.** MY&FS may disclose PHI to: (a) public health authorities authorized by law to collect or receive such information for preventing or controlling disease, injury, or disability and to public health or other government authorities authorized to receive reports of child abuse and neglect; (b) entities subject to FDA regulation regarding FDA regulated products or activities for purposes such as adverse event reporting, tracking of products, product recalls, and post-marketing surveillance; (c)

individuals who may have contracted or been exposed to a communicable disease when notification is authorized by law; and (d) employers, regarding employees, when requested by employers, for information concerning a work-related illness or injury or workplace related medical surveillance, because such information is needed by the employer to comply with the Occupational Safety and Health Administration (“OSHA”), the Mine Safety and Health Administration (MSHA), or similar state law.

Victims of Abuse, Neglect or Domestic Violence. In certain circumstances, MY&FS may disclose PHI to appropriate government authorities regarding victims of abuse, neglect, or domestic violence.

Health Oversight Activities. MY&FS may disclose PHI to health oversight agencies for purposes of legally authorized health oversight activities, such as audits and investigations necessary for oversight of the health care system and government benefit programs.

Judicial and Administrative Proceedings. MY&FS may disclose PHI in a judicial or administrative proceeding if the request for the information is through an order from a court or administrative tribunal. Such information may also be disclosed in response to a subpoena or other lawful process if certain assurances regarding notice to you or a protective order are provided.

Law Enforcement Purposes. MY&FS may disclose PHI to law enforcement officials for law enforcement purposes under the following six circumstances, and subject to specified conditions: (a) as required by law (including court orders, court-ordered warrants, subpoenas) and administrative requests; (b) to identify or locate a suspect, fugitive, material witness, or missing person; (c) in response to a law enforcement official’s request for information about a victim or suspected victim of a crime; (d) to alert law enforcement of a person’s death, if the covered entity suspects that criminal activity caused the death; (e) when MY&FS believes that PHI is evidence of a crime that occurred on its premises; and (f) by MY&FS in a medical emergency not occurring on its premises, when necessary to inform law enforcement about the commission and nature of a crime, the location of the crime or crime victims, and the perpetrator of the crime.

Decedents. MY&FS may disclose PHI to funeral directors as needed, and to coroners or medical examiners to identify a deceased person, determine the cause of death, and perform other functions authorized by law.

Cadaveric Organ, Eye, or Tissue Donation. MY&FS may use or disclose PHI to facilitate the donation and transplantation of cadaveric organs, eyes, and tissue.

Serious Threat to Health or Safety. MY&FS may disclose PHI that it believes is necessary to prevent or lessen a serious and imminent threat to a person or the public, when such disclosure is made to someone it believes can prevent or lessen the threat (including the target of the threat). MY&FS may also disclose to law enforcement if the information is needed to identify or apprehend an escapee or violent criminal.

Essential Government Functions. An authorization is not required to use or disclose PHI for certain essential government functions. Such functions include, but are not limited to, assuring proper execution of a military mission, conducting intelligence and national security activities that are authorized by law, providing protective services to the President, making medical suitability determinations for U.S. State Department employees, protecting the health and safety of inmates or employees in a correctional institution, and determining eligibility for or conducting enrollment in certain government benefit programs.

Workers’ Compensation. MY&FS may disclose PHI as authorized by, and to comply with, workers’ compensation laws and other similar programs providing benefits for work-related injuries or illnesses.

(6) Limited Data Set: A limited data set is PHI from which certain specified direct identifiers of individuals and their relatives, household members, and employers have been removed. A limited data set may be used and disclosed for research, health care operations, and public health purposes, provided the recipient enters into a data use agreement promising specified safeguards for the PHI within the limited data set.

MY&FS is required to disclose your PHI in two limited circumstances: (1) to you, or your personal representative, when you/your representative request access to, or an accounting or disclosures of, your PHI; and (2) to the U.S. Department of Health and Human Services when it is undertaking a compliance investigation, review or enforcement action. All other uses and disclosures will be made only with written authorization. You have the right to revoke such authorization at any time, except to the extent that MY&FS has taken action in reliance thereon. Any such revocation must be made in writing. All use and/or disclosure permitted or required by law, or made upon your authorization, may be made on behalf of MY&FS by any of its officers, members, employees, agents, or representatives while acting on its behalf.

Duties of MY&FS with respect to your PHI:

MY&FS is required by law to maintain the privacy of your PHI and to provide you with notice of its legal duties and privacy practices with respect to your PHI. Additionally, it is required to abide by the terms of the notice currently in effect. However, it reserves the right to change the terms of its notice and to make the new notice provisions effective for all PHI that it maintains. If it does so, it will provide you with a copy of any such revised notices. Additionally, we will post the revised notice in a conspicuous location in our office, as well as on our website at www.madisonyouthservices.org.

Your rights concerning your PHI:

- *If you believe that the information in your records is incorrect, incomplete or inaccurate, you have the right to ask us to amend your records to correct the situation.
- *Such requests should be made in writing to MY&FS’s privacy officer and should state the reasons for the request.
- *You have a right to an accounting of all disclosures of your PHI.
- *You have a right to request that MY&FS restrict its use or disclosure of your PHI for treatment, payment, or health care operations, disclosure to persons involved in your health care or payment for health care, or disclosure to notify family members or others about your general condition, location, or death. However, MY&FS is not required to grant such requests.
- *You have a right to request an alternative means or location for receiving communications of your PHI. For example, if you would prefer MY&FS call you at home rather than at work, you may request that it do so. MY&FS will accommodate all such requests to the extent they are reasonable.
- *You have a right to obtain a paper copy of this Notice of Privacy Practices upon request.
- *You have a right to review and obtain a copy of your PHI with certain limited exceptions.
- *You have the right to file a complaint if you believe your privacy rights have been violated. You can file a complaint with MY&FS’s privacy enforcement officer and/or with the Secretary of the U.S. Department of Health and Human Services. All complaints must be in writing. Filing a complaint will not change the health care we provide to you in any way.

Procedures for obtaining more information or for filing a complaint regarding a violation of MY&FS’s privacy practices or of your rights under the law

- *If you need more information, have questions about the privacy practices described herein, or have a complaint regarding a potential violation of MY&FS’s privacy practices or your privacy rights under the law, please speak to the Assistant Director for Clinical Services, who serves as the agency’s privacy enforcement officer and who can be reached by phone at (203) 245-5645 or by e-mail link from our web page madisonyouthservices.org.
- *If you have a problem with how your PHI has been handled, or if you believe your privacy rights have been violated, please contact the Assistant Director for Clinical Services. As stated above, you have the right to file a complaint with MY&FS, as well as with the Secretary of the U.S. Department of Health and Human Services.
- *Your care here will not be affected by any questions, concerns or complaints filed with the Assistant Director for Clinical Services or with the Secretary of the U.S. Department of Health and Human Services. Moreover, MY&FS will not take any adverse action against you. MY&FS may not, and will not, retaliate against you for exercising your rights under HIPAA or any other law, for assisting in an investigation carried out by the U.S. Department of Health and Human Services or other appropriate enforcement agency, or for opposing an act or practice that you believe in good faith violates HIPAA.