



## 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.**

**WE HAVE A LEGAL DUTY TO SAFEGUARD YOUR PROTECTED HEALTH INFORMATION.** We will protect the privacy of the health information that we maintain that identifies you, whether it deals with the provision of health care to you or the payment for health care. We must provide you with this Notice about our privacy practices. It explains how, when and why we may use and disclose your health information. With some exceptions, we will avoid using or disclosing any more of your health information than is necessary to accomplish the purpose of the use or disclosure. We will not sell or profit from the use or disclosure of your protected health information. We are legally required to follow the privacy practices that are described in this Notice, which is currently in effect.

However, we reserve the right to change the terms of this Notice and our privacy practices at any time. Any changes will apply to any of your health information that we already have. Before we make an important change to our policies, we will promptly change this Notice and post a new Notice in our lobbies. You may also request, at any time, a copy of our Notice of Privacy Practices that is in effect at any given time, from the Medical Records Department.

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:** We use and disclose health information for many different reasons. 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:** 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 your general health information to other health care providers who are involved in your care. For example, we may disclose your medical history to a hospital if you need medical attention while at our facility, or to a residential care program we are referring you to. Reasons for such a disclosure may be to get them the medical history information they need to appropriately treat your condition, to coordinate your care or to schedule necessary testing.
- 2. To Obtain Payment for Treatment:** 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 use and disclose necessary health information in order to bill and collect payment for the treatment that we have provided to you. For example, we may provide certain portions of your health information to your health insurance company, Medicare or Medicaid, in order to get paid for taking care of you.
- 3. For Out-of-Pocket Payment in Full:**  
If you choose to pay for a particular service, out-of-pocket in full, and you request that we do not disclose PHI for these services to a health plan, we will accommodate your request to the extent we are required by law to make a disclosure. (45CFR 164.520(b)(1)(iv)(A)).
- 4. For Health Care Operations:** We may, at times, need to use and disclose your health information to run our organization. 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 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 that sort of 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, we need to report information about certain diseases, and about any deaths, 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.
3. **For Health Oversight Activities.** For example, 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 care. We will also need to provide information to government agencies that have the right to inspect our offices and/or investigate healthcare practices.
4. **For Research Purposes.** In certain limited circumstances (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.
5. **To Avoid Harm.** If one of our counselors, physicians or nurses 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.
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. **Correctional Institutions.** We may provide your health information to a correctional institution if you are an inmate or held in custody if your health information is necessary for providing health care to you or for the health and safety of you or other inmates, persons who are in charge of transporting you and/or other inmates from one place to another,
9. **Appointment Reminders.** 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.
10. **Fundraising/Marketing 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/marketing activities, please contact our Development Office at 459-9300.

**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 in the payment for your care, 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 treatment 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.** When you first started in our program, we 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 haven't 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 mail instead of telephone or through the use of our electronic portal of our EHR). We must agree to your request ~~so long as we can easily do so,~~ unless the agency unless we claim of the eight Safe Harbor exemptions specified by the 21<sup>st</sup> Century Cures Act (see below).
- 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 (paper or electronic format) that we have, but you must make the request ~~in writing,~~ by completing a Release of Information Request, either written or electronically. This form is available from the Medical Records Department or through or electronic portal. 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.

You have a right of access to inspect and obtain a copy of your PHI (including electronic PHI) contained in our “designated record set,” for as long as the PHI is maintained by the Sarah A. Reed Children’s Center in a designated record set. If you request a copy of the information, we may charge you a reasonable fee for the costs of copying, mailing or other supplies associated with your request.

“Designated Record Set” includes your medical and billing records maintained by Sarah A. Reed Children’s Center or a third-party vendor, with whom Business Agreements are maintained; enrollment, payment, billing, claims adjudication and case or medical management record systems maintained by or for a health plan; or other information used in whole or in part by or for the covered entity to make decisions about you. Information used for quality control or peer review analyses and not used to make decisions about you is not in the designated record set.

If you request a paper or electronic copy of any portion of your protected health information, we will charge you for the copy on a per page basis or the cost of the electronic media only as allowed under Pennsylvania state law. We need to require that payment be made in full before we will provide the copy to you. If you agree in advance, we may be able to provide you with a summary or an explanation of your records instead. There will be a charge for the preparation of the summary or explanation.

- 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 from the Medical Records Department. 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. We will provide such a list to you at no charge; but, if you make more than one request in the same calendar year, you will be charged \$10 for each additional request that year.

**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 from the Medical Records Department. 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 be Notified of a Breach of your Protected Health Information.** In the event of a breach of your protected health information, which meets the standards outlined in the 13402 of the HITACH Act, you will be notified.

**G. The Sarah A. Reed Children’s Center will share your information in the manner you request, with the following exceptions:**

The Office of the National Coordinator defines information blocking as: except as required by law or covered by an exception, is likely to interfere with access, exchange, or use of electronic health information; that such practice is unreasonable and is likely to interfere with the access, exchange, or use of EHI. The ONC Cures Act Final Rule provides examples of information blocking exceptions and their definitions, grouped in their two exceptions categories. Practices or activities that satisfy one or more of these eight exceptions, as applicable, will not be considered information blocking if all the criteria of the applicable exception(s) are strictly met. The requirements for each exception are detailed and comprehensive, and all requirements must be met for the applicable exception(s) to apply.

Five (5) exceptions allow not fulfilling requests to access, exchange, or use EHI: It is not considered information blocking if...

- **Preventing harm exception:** an actor engages in practices that are reasonable and necessary to prevent harm to a patient or another person, provided certain conditions are met.
- **Privacy exception:** an actor does not fulfill a request to access, exchange, or use EHI in order to protect an individuals’ privacy, provided certain conditions are met.
- **Security exception:** an actor interferes with the access, exchange, or use of EHI in order to protect the security of EHI, provided certain conditions are met.
- **Infeasibility exception:** an actor does not fulfill a request to access, exchange, or use EHI due to the infeasibility of the request, provided certain conditions are met.
- **Health IT performance exception:** an actor takes reasonable and necessary measure to make health IT temporarily unavailable or to degrade the health IT’s performance for the benefit of the overall performance of the health IT, provided certain conditions are met.

Three (3) exceptions involve procedures for fulfilling requests to access, exchange, or use EHI: It is not considered information blocking if...

- **Content and manner exception:** an actor limits the content of its response to a request to access, exchange, or use EHI or the manner in which it fulfills a request to access, exchange, or use EHI, provided certain conditions are met.  
Content condition: Establishes the content an actor must provide in response to a request to access, exchange, or use EHI in order to satisfy the exception.  
Manner condition: Establishes the manner in which an actor must fulfill a request to access, exchange, or use EHI in order to satisfy this exception.
- **Fees exception:** an actor charges fees, including fees that result in a reasonable profit margin, or accessing, exchanging, or using EHI, provided certain conditions are met.
- **Licensing exception:** an actor licenses interoperability elements for EHI to be access, exchanged

or used, provided certain conditions are met.

Eight types of clinical notes that must be shared:

- Consultation notes
- Discharge summary notes
- History & physical
- Imaging narratives
- Laboratory report narratives
- Pathology report narratives
- Procedure notes
- Progress notes

There are two types of clinical notes to which the Final Rule does **not** apply:

Please note that your right does not apply to psychotherapy notes or information compiled in reasonable anticipation of a legal proceeding. We may deny your request to inspect and copy your PHI in very limited circumstances. If access is denied, you or your personal representative will be provided with a written denial setting forth the basis for the denial, a description of how you may exercise those review rights and a description of how you may complain to the Secretary of the U.S. Department of Health and Human Services.

- Psychotherapy notes. These are notes that can be separated from the other notes that are required to be shared and are recorded (by any medium) by a healthcare provider who is a mental health professional documenting or analyzing the contents of conversation during private, group or family counseling sessions.
- Information compiled in reasonable anticipation of or use in a civil, criminal or administrative action or proceeding.

#### **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:

*Larry Shallenberger*  
*Associate Vice-President of Corporate Compliance*  
*2445 West 34<sup>th</sup> Street*  
*Erie, PA 16506*  
*814.835.7621*  
[\*lshallenberger@sarahreed.org\*](mailto:lshallenberger@sarahreed.org)

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 updated notice takes effect May 18, 2021.

#### **QUESTION: DO I HAVE OTHER RIGHTS?**

**Answer: In addition to the above rights about getting a copy of or looking at your protected health information, Sarah Reed Children's Center wants to assure that the care provided to you is of the highest quality and focused on your needs. The following bill of rights is available to support you.**

### **CLIENT BILL OF RIGHTS**

You have the right to:

1. Receive respectful treatment that will be helpful to you.
2. Participate in the development and review of your treatment plan.
3. Request and receive all information about the clinician's professional capabilities, including licensure, education, training and experience.
4. Have information about fees, methods of payment , insurance reimbursement, predicted length of treatment, no show and cancellation policy.
5. Refuse to answer any questions or disclose any information you choose not to reveal.
6. Know the limits of confidentiality and the circumstances in which a clinician is legally required to disclose information to others.
7. Request access to your file including diagnosis, your progress and type of treatment.
8. Receive a second opinion at any time about your treatment.
9. Request that clinicians inform you of your progress.
10. To make complaints and to have those complaints addressed.