



# The Emily Program

## NOTICE OF PRIVACY PRACTICES

***This notice describes how clinical information about you may be used and disclosed and how you can get access to this information. Please review it carefully.***

In accordance with applicable state\* and federal regulations including the Health Insurance Portability and Accountability Act (HIPAA), The Emily Program (referred to as "The Emily Program") is required to provide you with information regarding our responsibilities to you in how your mental health and medical information (protected health information, referred to as PHI) may be used and disclosed, and how you might access this information. This notice is intended to clarify these responsibilities and rights. Please ask us if you have further questions regarding the use or disclosure of your PHI. Your rights with respect to substance use disorder records, if applicable, are set forth in the section entitled, Notice Of Confidentiality Of Substance Use Disorder Information.

### **USES AND DISCLOSURES**

The following are ways in which The Emily Program may use or disclose your protected health information (PHI).

#### For Your Treatment

The Emily Program may use or disclose your protected health information in order to provide treatment to you. This includes, but is not limited to, situations when our providers share information about you internally for case coordination, consult with other TEP staff about your case, or when they work with external providers to write or order a prescription, perform lab testing or otherwise help carry out your treatment services.

#### For Payment

The Emily Program may use or disclose your PHI in order to bill you, your insurance company or a member of your family for charges related to treatment and services that we provide to you. For instance, when we submit a claim to your insurance company for reimbursement, we must provide some details regarding your treatment in order to verify eligibility and coverage.

#### For Our Health Care Operations

We may use or disclose your PHI as part of our other operational procedures such as quality improvement, performance evaluation and compliance reviews. An example of using your information for our operations purposes would be to review the care provided to you to evaluate its effectiveness, efficiency and quality. We may also use information on the care provided to you for business planning, workforce planning and budget management.

#### For Fundraising Purposes

We may share your basic demographic information, contact information, dates of services and overall health status and provider information with The Emily Program Foundation who may contact you for fundraising purposes. The Emily Program Foundation's fundraising activities support The Emily Program's charitable, scientific and educational efforts to provide a benefit to the public. You have the right to request not to receive these fundraising communications by submitting your request in writing to The Emily Program's Privacy Officer at 2265 Como Avenue, St. Paul, MN 55108

#### Other Unique Situations

- *In Cases of Child Abuse* - If we know or have reason to suspect that a child is being neglected or abused, or that a child has been neglected or abused within the preceding three years, we must immediately report this to the local welfare agency, police or sheriff's department. We may need to disclose PHI to adequately and accurately report the abuse.
- *Public Health Activities* – We may use or disclose PHI to the appropriate entities or authorities responsible for ensuring public health. Examples of this include reporting a negative reaction or problem resulting from a drug to the FDA or notification to the Centers for Disease Control and Prevention (CDC) of exposure to a communicable disease when notification is required.
- *In Cases of Adult and Domestic Abuse* - If we have reason to believe that a vulnerable adult is being or has been maltreated, or if we have knowledge that a vulnerable adult has sustained an injury which cannot be reasonably explained, we must immediately report that information to the appropriate county or law enforcement agency. A "vulnerable adult" is someone who possesses a physical, mental or emotional infirmity or dysfunction that impairs their ability to care for themselves without assistance or protect themselves from maltreatment. We may need to disclose PHI to adequately and accurately report the maltreatment.
- *Research* – The Emily Program may use or disclose PHI for research purposes under certain limited circumstances. We will obtain written authorization from you in these cases unless an Internal Review Board has determined that your authorization may be waived; this may only happen if the following conditions have been met:
  - The disclosure involves no more than a minimal risk to your privacy as demonstrated by a plan to protect and destroy identifying information at the earliest opportunity, and written assurances that PHI will not be re-used.
  - The research could not be conducted without the waiver.
  - The research could not be conducted without the use of PHI.

- Your participation in research is voluntary. Your treatment at TEP will not change in any way if you do not agree to allow use of your treatment record information or do not allow TEP to contact you regarding research study participation.
  - You may request at any time, in writing, to have your information not used in research studies or to not be contacted for future studies.
- *For Purposes of Health Oversight Activities* - State regulatory agencies may subpoena records from us that include PHI if they are relevant to an investigation being conducted as part of oversight activities of the health care system or government programs.
  - *Judicial and Administrative Proceedings* - If you are involved in a court proceeding and a request is made for information regarding the professional services that we have provided to you, such information is privileged under state law and we must not release this information without a court order or written authorization from you or your legally appointed representative. PHI may be disclosed for this purpose in response to a subpoena or other lawful process, in which case, we will inform you.
  - *Serious Threat to Health or Safety* - We may use and disclose your PHI when necessary to reduce or prevent a serious threat to your health and safety or the health and safety of another individual or to the public. We must also do so if a member of your family or someone who knows you well has reason to believe you present an imminent threat of harm to yourself or others. Under these circumstances, we will only make disclosures to a person or organization able to help prevent the threat.
  - *Business Associates* – We will share your PHI with business associates that assist The Emily Program in business and other administrative operations. Business associates include people or companies outside of The Emily Program who provide services to us. For example, health information may be disclosed by The Emily Program to a vendor to send statements and process payment for services rendered. The Emily Program's business associates must comply with HIPAA laws and we have agreements with them to protect the privacy and security of your PHI.

#### With Your Authorization

In order to use or disclose your health information for any reasons other than those stated in this notice, we will need a written authorization from you. Authorization can be provided using The Emily Program's *Authorization for Release of Protected Health Information* form and will specify the entity to which you are authorizing disclosure, which information you are authorizing us to disclose, and the purpose of the disclosure to that entity. Written authorization forms can be found at any Emily Program location front desk, our website: [www.emilyprogram.com](http://www.emilyprogram.com), or by asking a staff member. Upon your completion of an authorization form, please drop it off at an Emily Program front desk, fax or mail it to the following address:

The Emily Program  
 Attn: Medical Records Department  
 2265 Como Ave  
 St. Paul, MN 55108  
 Fax: 844-358-8782

If we receive information that you have been tested for HIV/AIDS, we will not disclose such PHI without your specific written authorization, except where required by state or federal law.

The Emily Program also keeps psychotherapy notes for most clients. These are given a higher degree of protection and cannot be disclosed without your express permission. You have the opportunity to specifically authorize disclosure of psychotherapy notes on the *Authorization for Release of Protected Health Information* form.

Any written authorizations that you provide expire after one year unless otherwise specified; however, you may revoke an authorization at any time by notifying us in writing.

If this should ever be the case, please be aware that revocation will not impact any uses or disclosures that occurred while the authorization was in effect.

#### **NOTICE OF CONFIDENTIALITY OF SUBSTANCE USE DISORDER INFORMATION**

The confidentiality of substance use disorder records and information maintained by this program is protected by Federal law and rules (42 C.F.R. Part 2) and in some cases, State law. These protections go above and beyond the protections described in The Emily Program's general Notice of Privacy Practices. Information about you may be used by personnel within the program in connection with their duties to provide you with diagnosis, treatment or referral for treatment for substance use disorder. Generally, this program may not reveal to a person outside of the program that you attend a substance use disorder treatment program or disclose any information that would identify you as having a substance use disorder, *unless*:

- The program obtains your written authorization;
- The disclosure is allowed by a court order and permitted under Federal and State confidentiality laws and regulations;
- The disclosure is made to medical personnel in a medical emergency;
- The disclosure is made to qualified researchers without your written authorization under certain limited circumstances set forth in 42 C.F.R. Part 2. When required by law, we will obtain an agreement from the researcher to protect the privacy and confidentiality of your information;
- The disclosure is made to a qualified service organization that performs certain treatment services (such as lab analyses) or business operations (such as bill collection) for the program. The program will obtain the qualified service organization's agreement in writing to protect the privacy and confidentiality of your information in accordance with Federal and State law;

- The disclosure is made to a government agency or other qualified non-government personnel to perform an audit or evaluation of the program. The program will obtain an agreement in writing from any non-government personnel to protect the privacy and confidentiality of your information in accordance with Federal and State law;
- The disclosure is made to report a crime committed by a patient either at the program or against any person who works for the program or about any threat to commit such a crime; or
- The disclosure is made to report child abuse or neglect to appropriate State or local authorities.

Violation of these privacy regulations is a crime. Suspected violations may be reported to appropriate authorities in accordance with Federal and State law. Violations of 42 C.F.R. Part 2 may be reported to the United States Attorney in your state (Minnesota: Minneapolis (612) 664-5600, St. Paul (651) 848-1950; Washington: Western district (206) 553-7970, Eastern district (509) 353-2767; Ohio Northern District (216) 622-3600; Pennsylvania Western district (412) 644-3500).

To comply with Federal Law, the Emily Program will seek from you an *Authorization to Release Information* to your insurance company so that we may coordinate reimbursement of services.

## **PATIENT RIGHTS**

You have the following rights related to your protected health information and privacy:

### Right to Request Restrictions

You have the right to request restrictions on certain uses and disclosures of protected health information. If you have paid your health care provider in full for a particular health care service or item and specifically request that we not disclose information about this health care item or service to your health plan for payment or healthcare operations purposes, we will agree to this request. Federal law states that we are not otherwise required to agree to your requested restriction. If we do agree, however, we are bound to and will comply with your request unless otherwise required by law or in order to treat you. To request a restriction, you must provide us, in writing 1) what information you want to limit; 2) whether you want to limit our use, disclosure or both; and 3) to whom you want the limits to apply.

### Right to Receive Confidential Communications

You have the right to request and receive confidential communications about your health, treatment or related issues in a particular manner or at a certain location. For instance, you may prefer us to contact you at your home phone number rather than your work phone number. The Emily Program will accommodate all reasonable requests.

### Right to Inspect and Copy

You have the right to inspect or obtain a copy (or both) of PHI – not including psychotherapy notes – that is used to make treatment decisions about you for as long as the PHI is maintained in our records. We may deny you access to PHI under certain circumstances, but in those cases, you may have this decision reviewed. On your request, we will discuss with you the details of this process.

### Right to Amend

If you feel the health information we have about you is incorrect or incomplete, you may ask us to amend the information as long as the information is kept on file. Your request must include a reason to support the amendment and you will be notified in writing if your request is denied. If it is denied, you have the right to submit a written statement of your disagreement with the denial which will be appended or linked to the PHI in question.

### Right to an Accounting of Disclosures

You have the right to receive a list of disclosures we have made of your PHI for purposes other than routine treatment, payment or operations activities. Your request must state a time period that is not longer than 6 years.

### Right to Receive Breach Notification

If The Emily Program or any of its business associates experience a breach of your health information (as defined by HIPAA laws) that compromises the security or privacy of your health information, you will be notified of the breach and about any steps you should take to protect yourself from potential harm resulting from the breach.

### Right to a Paper Copy

You have the right to obtain a paper copy of this notice from The Emily Program upon request at any time.

To submit authorizations, request records, request accounting disclosures, amend your medical record, revoke authorization, or, perhaps, you have another question about your confidential information, you may send your request or question to the following address:

The Emily Program  
 Attn: Medical Records Department  
 2265 Como Ave  
 St. Paul, MN 55108  
 Fax: 844-358-8782

## **THE EMILY PROGRAM'S DUTIES AND OTHER INFORMATION**

The Emily Program is required by law to maintain the privacy of protected health information and to provide you with this notice of our legal duties and privacy practices with respect to PHI.

We reserve the right to change our policies and practices regarding how we use or disclose PHI, or how we will implement patient rights concerning PHI. We reserve the right to change this notice and to make the provisions in our new notice effective for all information we maintain. If we change these practices, we will publish a revised Notice of Privacy Practices. The revised notice will be posted and available at our places of service and on our website at [www.emilyprogram.com](http://www.emilyprogram.com).

#### Complaints and Other Questions

If you are concerned that we have violated your privacy rights or you disagree with a decision that we made about access to your records, you may make a complaint to The Emily Program's Privacy Officer or make a written complaint to the Secretary of the Department of Health and Human Services. You will not be penalized for filing a formal complaint. You may also call The Emily Program's Privacy Officer at 651-645-5323 ext.1645 to discuss your complaint or any privacy-related questions you may have.

*\*In addition to complying with Federal privacy laws, The Emily Program maintains the privacy of protected health information in accordance with the following state laws: **Minnesota:** Statute 144.291-144.298, 144.30-144.34, **Washington:** RCW 70.02, RCW 18.83.110 **Ohio:** ORC 3798.01-3798.14, **Pennsylvania:** PA Code Chapter 146.b.*