

**ADAMH BOARD OF FRANKLIN COUNTY
HIPAA Privacy Policy H.01.080**

NOTICE OF PRIVACY PRACTICES FOR PROTECTED HEALTH INFORMATION

A. PURPOSE STATEMENT

The purpose of this policy is to issue instructions for the provision of a notice of privacy practices to all consumers within the ADAMH system of care.¹

B. SCOPE

This policy applies to all ADAMH workforce members, including Board of Trustees members, employees, volunteers, trainees, and other persons whose conduct, in the performance of work for ADAMH, is under the direct control of ADAMH, regardless of whether they are paid by ADAMH.

C. POLICY STATEMENT

1. Generally: An individual has a right to adequate notice of the uses and disclosures of his or her protected health information that may be made by or on behalf of ADAMH as a covered entity, and of the individual's rights and ADAMH's legal duties with respect protected health information. This right to a notice of privacy practices does not apply to inmates of correctional facilities.
2. Content of Notice
 - a. Required elements: The notice of privacy practices must be written in plain language and must contain these required elements:
 - i. The following statement in a header or otherwise prominently displayed: "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."
 - ii. A description, including at least one example, of the types of uses and disclosures that ADAMH is permitted to make for purposes of treatment, payment and health plan operations, with sufficient detail to place an individual on notice of the uses and disclosures permitted or required.
 - iii. A description of each of the other purposes for which ADAMH is permitted or required to use or disclose protected health information without an individual's consent or authorization, with sufficient detail to place an individual on notice of the uses and disclosures permitted or required.
 - iv. A statement that other uses or disclosures will be made only with the individual's written authorization, and that the authorization may be revoked in accordance with the policy on authorizations.
 - b. Individual rights: The notice must contain a statement of the individual's rights with respect to protected health information and a brief description of how the individual may exercise these rights, as follows:
 - i. The right to request restrictions on certain uses/disclosures of protected health information, and the fact that ADAMH does not have to agree to such restrictions;
 - ii. The right to receive confidential communications of protected health information;
 - iii. The right to inspect and copy protected health information;
 - iv. The right to amend protected health information;

¹ CFR Title 45, Section 164.520 – Notices of privacy practices for protected health information

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- v. The right to receive an accounting of disclosures of protected health information; and
 - vi. The right to receive a paper copy of the privacy notice.
 - c. Covered entity's duties: The notice must also describe ADAMH duties by containing:
 - i. A statement that ADAMH is required by law to maintain the privacy of protected health information and to provide individuals with notice of its legal duties and privacy policies and to notify affected individuals following a breach of unsecured protected health information;
 - ii. A statement that ADAMH is required to abide by the terms of the notice currently in effect; and
 - iii. A statement that ADAMH reserves the right to change the terms of the notice and make the new notice provisions effective for all protected health information maintained, along with a description of how ADAMH will provide individuals with the revised notice.
 - d. Complaints: A statement that individuals may complain to ADAMH and to the Secretary of the U.S. Department of Health and Human Services about privacy rights violations, including a brief statement about how a complaint may be filed and an assurance that the individual will not be retaliated against for filing a complaint.
 - e. Contact: The name, or title, and telephone number of the person or office to contact for further information.
 - f. Effective date: The effective date of the notice, which may not be earlier than the date printed or published.
 - g. The notice may also contain these elements:
 - i. A statement that ADAMH is prohibited from using or disclosing genetic information for underwriting purposes.
 - ii. A statement that the following uses and disclosures will be made only with authorization from the individual:
 - Uses and disclosures for marketing purposes;
 - Uses and disclosures that constitute the sale of protected health information;
 - Most uses and disclosures of psychotherapy notes – which ADAMH does not maintain nor have access to;
 - Other uses and disclosures not described in the notice;
 - iii. Any other provision required by HIPAA.
3. Revisions to the Notice
- a. ADAMH must promptly revise and distribute the privacy notice to all covered individuals whenever there is a material change to the uses or disclosures, the individual's rights, ADAMH's legal duties, or other privacy practices described in the notice. Except when required by law, a material change to any term may not be implemented prior to the effective date of the notice reflecting the change.
4. Provision of Notice
- a. As a health plan, ADAMH must do the following:
 - i. Make its notice available to any person who asks for it.

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- ii. Provide the notice to new enrollees at the time of enrollment.
 - iii. Send a privacy notice to individuals then covered by the plan at least once every three years.
 - b. If there is a material change to the notice:
 - i. ADAMH must provide a revised notice to individuals then covered by the plan within 60 days of a material revision.
- 5. Specific Requirements for Electronic Notice
 - a. ADAMH must prominently post and make available its notice on any web site it maintains that provides information about its customer services or benefits
- 6. Documentation
 - a. ADAMH must retain copies of notices issued for a period of at least six years from the later of the date of creation or the last effective date.