
OAK HILL

Effective Date: April 14, 2003
Revised September 30, 2010

SUBJECT: Rights of Program Participants - Notice of Uses and Disclosures of Protected Health Information.
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PURPOSE:

The purpose of this policy is to ensure that Oak Hill complies with applicable laws that grant individuals or an individual's legal representative (collectively referred to herein as the "individual") the right to adequate notice of the uses and disclosures of the individual's protected health information.

POLICY:

It is the policy of Oak Hill that individuals have the right to adequate notice of the uses and disclosures of their protected health information, for as long as the protected health information is maintained by Oak Hill.

PROCEDURES:

1. **Notice of Use and Disclosure.**
 - a) *Provision of Notice.* The Privacy Officer shall approve a Notice of Privacy Practices (the "Notice") acceptable under Connecticut and Federal law to be provided to each individual: (i) prior to the time of first service delivery when the individual executes the Consent and Acknowledgment Form; or (ii) upon request of an individual.
 - b) *Web Site Notice.* Oak Hill shall make the Notice available electronically through its web site.
 - c) *Email Notice.* The Notice may be sent to the individual via email if the individual has agreed to receive email notification. If Oak Hill has knowledge that the email transmission has failed, Oak Hill must ensure that a paper copy is provided to the individual.
 - d) *Posting of Notice.* Oak Hill should post the Notice in a clear and prominent location at its administrative facility in Hartford, have it available at each program location and have copies of the Notice available for individuals to take with them.
2. **Acknowledgment:** Except in an emergency, Oak Hill must make a good faith effort to obtain a written acknowledgement of receipt of the Notice. If no acknowledgement can be obtained, Oak Hill must document its efforts and the reasons why acknowledgement was not obtained. In emergency treatment situations, the acknowledgement should be obtained from the individual as soon as reasonably practical.

3. **Revisions to Notice:** The Privacy Officer must promptly revise the Notice whenever there is a material change to the uses and disclosures of protected health information, changes in individuals' rights or Oak Hill's duties or other privacy practices stated in the Notice. Thereafter, the revised Notice should be utilized when providing the Notice to an individual.

Effective Date: October 29, 2010

SUMMARY

NOTICE OF PRIVACY PRACTICES

To promote individuals' right to adequate notice of the uses and disclosures of protected health information, their individual rights, and Oak Hill's legal duties with respect to PHI.

- A. **Generally.** An individual has a right to adequate notice of the uses and disclosures of protected health information that may be made by Oak Hill, and the individual's rights and Oak Hill's legal duties with respect to PHI.

- B. **Notice Contents.**
 - 1. **Required Elements.** Oak Hill must provide a notice that is written in plain language and that contains following elements:
 - (a) **Header.** A prominently displayed header containing the following statement: "THIS NOTICE DESCRIBES HOW MEDICAL AND PROGRAMMATIC INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY."
 - (b) **Uses and Disclosures.** The notice must contain:
 - (i) A description, including at least one example, of the type of uses and disclosures that Oak Hill is permitted to make for each of treatment, payment, and health care operations. The description must include sufficient detail to place the individual on notice of permitted and required uses and disclosures.
 - (ii) A description of each of the other purposes for which Oak Hill is permitted or required to use or disclose PHI without the individual's authorization. The description must include sufficient detail to place the individual on notice of permitted or required uses and disclosures.
 - (iii) A statement reflecting any state law that governs the use or disclosure of PHI more stringent than the federal requirement.
 - (iv) A statement that other uses and disclosures will be made only with the individual's written authorization and that the individual may revoke such authorization at any time.
 - (c) **Separate Statements for Certain Uses or Disclosures.** If Oak Hill intends to engage in any of the following activities, the notice must include a separate statement that:
 - (i) Oak Hill may contact the individual to provide appointment reminders or information about treatment alternatives or other health-related

- (ii) benefits and services that may be of interest to the individual.
- (iii) Oak Hill may contact the individual to raise funds for Oak Hill.
- (d) **Individual Rights.** The notice must contain a statement of individual's rights with respect to PHI and a brief description of how the individual may exercise these rights as follows:
 - (i) The right to request restrictions on certain uses and disclosures of PHI including a statement that Oak Hill is not required to agree to a restriction.
 - (ii) The right to receive confidential communications of PHI.
 - (iii) The right to inspect and copy PHI.
 - (iv) The right to amend PHI.
 - (v) The right to receive an accounting of disclosures of PHI.
 - (vi) The right to obtain a paper copy of the notice from Oak Hill upon request.
- (e) **Oak Hill Duties.** The notice must contain each of the following:
 - (i) A statement that Oak Hill is required by law to maintain the privacy of PHI and to provide individuals with notice of Oak Hill's legal duties and privacy practices with respect to PHI.
 - (ii) A statement that Oak Hill is required to abide by the terms of the notice currently in effect.
 - (iii) A statement that Oak Hill reserves the right to change the terms of its notice and to make the new notice provisions effective for all PHI that it maintains. As Oak Hill's privacy practices change, the notice must be revised accordingly.
- (f) **Complaints.** The notice must contain a statement that individuals may complain to Oak Hill's Privacy Officer and to the Secretary if they believe their privacy rights have been violated. This must include a brief description of how the individual may file a complaint with Oak Hill, and a statement that Oak Hill will not retaliate against the individual for filing a complaint.
- (g) **Contact.** The notice must contain the name, or title, and telephone number of a person or office to contact for further information.
- (h) **Effective Date.** The notice must contain the date on which the notice is first in effect, which may not be earlier than the date on which the notice is printed or otherwise published.

2. **Optional Notice Elements.** If Oak Hill elects to limit the use or disclosure that it is permitted to make, Oak Hill may describe its more limited uses or disclosures in its notice. Oak Hill may not

3. include in its notice a limitation affecting its right to do the following:

- (a) To make a use or disclosure as required by law; or

- (b) To prevent or lessen a serious and imminent threat to the health or safety of a person or the public.
- 4. **Revisions to the Notice.** Oak Hill must promptly revise and distribute its notice whenever there is a material change to the uses or disclosures, the individual's rights, Oak Hill's duties, or other privacy practices stated in the notice. Except when required by law, a material change to any term of the notice may not be implemented before the revised notice becomes effective.
- C. **Providing Notice.** Oak Hill must provide the notice to any person upon request. Oak Hill personnel that have a direct treatment relationship with an individual must either:
 - 1. Provide notice before the date of the first service delivery after April 14, 2003, including service delivered electronically.
 - 2. Provide notice as soon as reasonably practicable after emergency treatment.
- D. **Notice Availability.** A copy of the notice must be
 - 1. available at Oak Hill's location where services are provided for individuals to take, and
 - 2. posted or available in a clear and prominent location for individuals to read.
- E. **Specific Requirements for Electronic Notice.** If Oak Hill maintains a web site that provides information about Oak Hill's customer services or benefits, it must post its notice on the web site and make the notice available electronically through the web site. Oak Hill may provide the notice required by this section to an individual by e-mail, if the individual agrees to electronic notice and such agreement has not been withdrawn. If Oak Hill knows that the e-mail transmission has failed, a paper copy of the notice must be provided to the individual.
- F. **Documentation.** Oak Hill must document compliance with the notice requirement by retaining copies of the notices issued by Oak Hill.