



## NOTICE OF PRIVACY PRACTICES

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

**If you have any questions about this Privacy Notice or want more information, please contact our Privacy Officer at Plains Area Mental Health Inc., 712-546-4624, or in writing at PO Box 70, Le Mars, IA 51031.**

**Protected Health Information:** While receiving care from Plains Area Mental Health Inc., information regarding your medical history, treatment, and payment for your health care may be originated and/or received by us. Information which can be used to identify you and which relates to your past, present, or future health condition, receipt of health care or payment for health care. This information is Protected Health Information or PHI.

Your PHI will not be sold, used, or disclosed for marketing or fundraising. Except in certain situations outlined below, we shall obtain your specific written authorization to release your PHI. Your authorization will be obtained to release psychotherapy notes for most uses and disclosures. You may revoke any authorization at any time but you must do this in writing.

**Our Responsibilities:** Federal and State laws impose certain obligations and duties upon us as a covered health care provider with respect to your Protected Information. Specifically, we are required to:

- Provide you with a notice of our legal duties and Plains Area’s policies regarding the use and disclosure of your Protected Information;
- Maintain the confidentiality of your Protected Information in accordance with state and federal law;
- Abide by the terms of this notice;
- Respect your rights regarding requests for restrictions of uses and disclosures, requests for access to your information, requests for amendment, requests for accountings of disclosures, requests for revoking authorizations, and requests for alternative communications.

**How your Protected Information may be used and disclosed:** Generally, your Protected Information will not be disclosed without prior written authorization. However, we may disclose your Protected Information without your consent in the following situations:

You waive your right to confidentiality of mental health records when you assert your mental or emotional condition as a claim or defense.

**Treatment Purposes:** Mental Health and/or Substance Use Disorder Information may be disclosed for the purpose of providing additional treatment if you have made a written request. Additionally, we may disclose mental health information to other providers of professional services who may be involved in your care. *Examples: We may provide your primary physician a list of medications that have been prescribed to you by Plains Area Mental Health Inc.’s psychiatrist so that your doctor can best treat your medical problems. We may also have contact with your pharmacist in order to get your prescriptions filled correctly. This may also include sharing information with other professionals that are on your treatment team such as a case manager.* We may also contact you to provide appointment reminders which may be by telephone including leaving a message on an answering machine or by mailing you a reminder. We may also contact you to provide information about treatment alternatives or related services that may be of benefit to you.

**Certified Community Behavioral Health Clinic:** The statute directs the care provided by CCBHCs be “patient-centered.” It is expected CCBHCs will offer care that is person-centered and family-centered in accordance with The term “State” is defined in the statute (PAMA § 233(e)(4)) as having “the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.). The requirements of section 2402(a) of the Affordable Care Act (ACA), trauma-informed, and recovery-oriented, and that the integration of physical and behavioral health care will serve the “whole person” rather than simply one disconnected aspect of the individual. The criteria are infused with these expectations and states are encouraged to certify clinics providing care consistent with these principles.

**Custody of Children:** Unless otherwise ordered by the court in the custody decree, or other court order, both parents shall have legal access to information concerning the child including but not limited to medical, educational, and law enforcement records.

**Emergencies:** Mental health and Substance Use Disorder information may be disclosed at any time to another facility, physician, or mental health professional in cases of a medical emergency.

**Payment and Operations:** Plains Area Mental Health contracts with a Clearinghouse for billing and payment operations. Pursuant to an authorization from you to provide a third party payer information for payment purposes we may

release the minimum necessary information that is required for billing through the Clearinghouse. The Clearinghouse must abide by confidentiality and use and disclosure laws as set out in this Notice and any other applicable law and as specified in the Business Associate Agreement. We may disclose information to other Business Associates for Healthcare Operation purposes including our Auditor, Legal Counsel, Medical Director, or any Business Associate that performs services on our behalf. Where possible the information will be de-identified or minimum necessary information will be disclosed. All Business Associates are bound to 42 CFR Part 2 for substance use protected information and must abide by confidentiality and use and disclosure laws as set out in this Notice and any other applicable law as specified by the Business Associate Agreement.

**Collections:** Information necessary to collect payment on an unsettled account. You will receive special notice prior to us disclosing information to collection agencies.

**Research and Health Oversight:** While Plains Area Mental Health, Inc. does not engage in research on a regular basis, research projects may be allowed. The policies and procedures concerning research must be adhered to. Mental health information may be disclosed for conducting scientific research and data research, management audits, or program evaluations of Plains Area Mental Health Center. In most cases we will remove any information that can identify you and, persons conducting audits and evaluations are also held to keeping your Protected Information confidential.

**Specific authorization by law:**

When otherwise specifically required by other states or the federal government by laws that specifically relate to the protection of human health and safety.

When specifically authorized by provisions relating to hospitalization of persons with mental illness.

When specifically authorized by provisions relating to government support of individuals with mental illness.

Child or Dependent Adult Abuse: Plains Area Mental Health employees are mandatory reporters of child abuse and must disclose information necessary to report any known incident of child or dependent adult abuse under requirements by law.

Court Order: Court orders may authorize disclosures.

Commitment: Disclosure may be made to initiate or complete civil commitment proceedings.

**Confidentiality of Alcohol and Drug Abuse Records:**

Confidentiality of Alcohol and Drug Abuse records maintained by Plains Area Mental Health is protected by Federal law and regulations 42 CFR Part 2. We may not identify that you are a patient or disclose any information identifying you as an alcohol or drug abuser to anyone outside of the agency unless:

- You consent in writing
- The disclosure is required by a court order
- The disclosure is made to medical personal in a medical emergency or to qualified personal for research, audit or program evaluation.

Federal law and regulation does not protect information about:

- A crime committed by you either at Plains Area Mental Health, against any employer of Plains Area Mental Health or about any threat to commit such a crime.
- Any information concerning suspected child abuse or neglect from being reported under state law.

**Family members:** We may disclose information to family members if you are diagnosed as having a chronic mental illness. The information is limited to a summary of your diagnosis and your prognosis, a list of your medications and your history of the last six months of compliance in taking these medications, and your treatment plan. The family member must be directly involved in your care or monitoring your treatment and this must be verified by the treating physician, mental health professional or someone other than the family member involved in your care. **However, if you are not incapacitated you have the right to agree or object to disclosures to family members.**

**Workers Compensation:** We may release PHI to comply with laws relating to workers compensation or other similar programs.

**Social Security Administration:** We may release PHI for eligibility and benefit determinations.

**Victims of abuse and neglect:** If we feel disclosure is necessary to prevent serious harm to you or others we may disclose information if you are incapacitated and unable to agree to the disclosure. Disclosure will be made only if failure to release the information would adversely affect a law enforcement activity and only if the information will not be used, in any way, against you.

**Law enforcement:** We may release your PHI to law enforcement, as required by State and Federal law, for the following purposes:

- Pursuant to a court order, subpoena, or warrant.
- Identifying or locating a suspect, fugitive, or material witness or missing person.
- If you are a crime victim, but only if you consent, or if you are unable to consent and the information is necessary to determine if a crime has occurred, non-disclosure would significantly hinder the investigation, and disclosure is in your best interest.
- To alert law enforcement if a person's death was caused by suspected criminal conduct.
- By emergency care personnel if the information is necessary to alert law enforcement of a crime, the location of a crime, or characteristics of the perpetrator.

**Coroner, Medical Examiners, Funeral Homes:** PHI may be released to a coroner or medical examiner in order to identify a deceased person, determine the cause of death, or other duties authorized by law. Protected Information may be released to funeral directors to carry out their duties.

**Specialized Government Functions:**

- Military and veteran's activities.
- National security and intelligence activities.
- Protective service of the President and others.
- Medical suitability determinations for the Department of State Officials.
- Correctional institutions and law enforcement custodial situations.
- Provisions of public benefits.

**Public Health Activities:**

- Preventing or controlling disease, injury, or disability.
- Reporting births or deaths.
- Reporting reactions to medications or problems with products.
- Notifying individuals exposed to disease who may be at risk for contracting or spreading the disease.

**Your Rights.** Federal and state laws grant you certain rights with respect to your Protected Health Information.

Specifically you have the right to:

- Receive notice of our policies and procedures used to protect your Protected Information.
- Request that certain uses and disclosures of your PHI be restricted. However, we have the right to refuse your request in certain instances. The request needs to be in writing using a form provided by Plains Area Mental Health, Inc.
- Have access to your PHI. However, we have the right to deny this request in certain instances. Requests for review or copies of your information need to be done in writing using a form provided by Plains Area Mental Health, Inc.
- Request that your information be amended. We can only amend the information that has been produced by an employee of Plains Area Mental Health, Inc. and may be denied in certain instances. A request for amendment can be done by requesting and completing a form provided by Plains Area Mental Health, Inc.
- Obtain an accounting of certain disclosures by us of your protected information since April 14, 2003. An accounting can be requested by completing a form provided by Plains Area Mental Health, Inc.
- Revoke any prior authorizations for use or disclosure except to the extent the action has already been taken. Revocations can be done by requesting and completing a form provided by Plains Area Mental Health, Inc.
- Request that any communications to you are done by an alternative means or at alternative locations such as a different mailing address or phone number.
- Request an Electronic Copy of Electronic Medical Records.
- Ask that certain uses and disclosures of your PHI be restricted including release to your health plan if the disclosure is for payment or health care operations and the cost of the health care item or service has been 100 % paid by you and not your health plan.
- Receive notice of any unauthorized release of your unsecured PHI.

**For More Information or to Contact Us:**

For more information, or to receive a copy of this notice please contact the Privacy Officer. Any complaints can be reported to the Privacy Officer at Plains Area Mental Health, Inc. You can also report any complaints to the U.S. Secretary of the Department of Health and Human Services. Plains Area Mental Health is obligated by law to refrain from any intimidating or retaliatory acts against any individual for filing a complaint or assisting in the investigation of a complaint.

**Contact:****Privacy Officer**

**PO Box 70 or 712-546-4624**

**Le Mars, IA 51031**

**Effective Date:**

This notice becomes effective on July 22, 2020. Please note we reserve the right to revise this notice at any time. A current notice of our privacy practices may be obtained