

NOTICE OF PRIVACY PRACTICES CHERRY HOSPITAL

Effective Date: September 16, 2016

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

Responsibilities of Cherry Hospital

Cherry Hospital is required to abide by the terms of the notice currently in effect and is required by law to maintain the privacy of protected health information and to provide individuals with notice of our legal duties and privacy practices with respect to protected health information. This health information includes mental health, developmental disability and/or substance abuse services that are provided to you, payment for those health care services, or other health care operations provided on your behalf.

Cherry Hospital is required by law to inform you of our legal duties and privacy practices with respect to your health information through this *Notice of Privacy Practices*. This *Notice* describes the ways we may share your past, present and future health information, ensuring that we use and/or disclose this information only as we have described in this *Notice*. We do, however, reserve the right to change the terms of our notice and to make a new notice provisions effective for all protected health information that we maintain. Any changes to this *Notice* will be posted in our facility and on our facility web site at <http://ncdhhs.gov/dsohf/cherry/>. Copies of any revised *Notices* will be available to you upon request.

If at any time, you have questions or concerns about the information in this *Notice* or about our facility's privacy policies, procedures and practices, you may contact our facility Privacy Official at 919-947-8070

Use and Disclosure of Health Information Without Your Authorization

Cherry Hospital performs some functions through contracts with other agencies and through private contractors and business associates. When services are contracted, Cherry Hospital must share enough information about you with its contractors and business associates so that the private contractors and business associates can perform the job that Cherry Hospital has asked them to do.

To protect your health information further, Cherry Hospital will only disclose your health information after making sure in writing that its contractors or business associates will safeguard your information the same way that Cherry Hospital does. They agree to use your information appropriately and are required by law to do so. Cherry Hospital may use or disclose your protected health information to provide services to you for treatment, payment and healthcare operations.

Treatment

Cherry Hospital may use your health information, as needed, in order to provide, coordinate or manage your health care and related services. This includes sharing your health information with other health care providers within this agency.

Example: Your treatment team composed of staff, such as doctors, nurses, and social workers, will need to review your treatment and discuss plans for your care.

We will disclose your health information outside of Cherry Hospital only with your consent or when otherwise allowed under state or federal law.

Payment for Services

The treatment provided to you will be shared with the Cherry Hospital billing department so a bill can be prepared for services rendered. We may also share your health information with facility staff who review services provided to you to make certain you have received appropriate care and treatment. We will disclose your health information for billing purposes only with your consent or when otherwise allowed under state or federal law

Example: The Reimbursement Officer may contact your local Department of Social Services to determine if you are currently eligible for Medicaid or if you would qualify for Medicaid.

Example: Our billing department will collect insurance and other financial information from you at the time of admission; however, if you refuse to sign for governmental benefits, the billing office may still release your information for collection of payment.

Health Care Operations

Cherry Hospital may use or disclose your health information in performing a variety of business activities that we call "health care operations". Some examples of how we may use or disclose your health information for health care operations are:

- Review the care you receive here and evaluating the performance of your treatment team to ensure you have received quality care.
- Review and evaluate the skills, qualifications and performance of health care providers who are taking care of you.
- Provide training programs for the Cherry Hospital staff, students and volunteers.
- Cooperate with outside organizations that review and determine the quality of care that you receive.
- Provide information to professional organizations that evaluate, certify or license health care providers, staff or facilities, such as The Joint Commission.
- Allow the Cherry Hospital attorney to use your health information when representing the Cherry Hospital in legal matters.
- Resolve grievances within Cherry Hospital.
- Provide information to your internal client advocate who is available to represent your interests upon your request.

More Stringent Laws

Cherry Hospital will evaluate whether your protected health information is governed by more stringent laws or regulations prior to our use or disclosure. There are other more stringent laws and rules, such as the NC mental health confidentiality statute(s), and the NC public health confidentiality provisions that may affect how we handle your information.

Other Circumstances

Cherry Hospital may disclose your health information for those circumstances that have been determined to be so important that your authorization may not be required. Prior to disclosing your health information, we will evaluate each request to ensure that only necessary information will be disclosed. Those circumstances include disclosures that are:

- Required by law;
- For public health activities. For example, we may disclose health information to public health authorities if you have a communicable disease and we have reason to believe, based upon information provided to us, that there is a public health risk such as evidence of your noncompliance with your treatment plan. If you suffer from a communicable disease such as tuberculosis or HIV/AIDS, information about your disease will be treated as confidential. Other than circumstances described to you in other sections of this Notice, we will not release any information about your communicable disease except as required to protect public health or the spread of a disease, or at the request of the State or Local Health Director;
- Regarding abuse, neglect or domestic violence to the extent provided by law to an authority, social service agency or protective service agency if we reasonably believe that you have been a victim of abuse, neglect or domestic violence;
- For health oversight activities such as audits, inspections, investigations and licensing of nursing homes;
- For law enforcement purposes, pursuant to legal process and as otherwise required by law, purposes of identification and location, in response to request for information about an individual suspected to be a victim of a crime; and about an individual who has died if there is suspicion that the death resulted from criminal conduct;
- For court proceedings such as court orders to appear in court;
- For descendants, when a coroner or medical examiner needs to identify a deceased person or determine the cause of death, or to a funeral director as is necessary to carry out his or her duties as authorized by law;
- For donation of tissue or organs to an organization that procures, banks, or transports organs for the purpose of an organ, eye or tissue donation and transplantation;
- To avert a serious threat to the health or safety of a person or the public;
- For specialized government functions such as national security (intelligence, counterintelligence and other national security activities authorized by law), protection to the President, or special investigations;
- To correctional institutions or other law enforcement officials when you are in their custody;
- For Workers' Compensation in cases pending before the Industrial Commission;
- To your next of kin or other person involved in your care upon their request; however, information to be disclosed will be limited to admission, transfer, discharge, referrals and appointments and you will be notified of this request;
- For contracts with our Business Associates, since they are performing services for us or on our behalf; and
- For medical research, when research has been approved by an institutional review board that has reviewed the research proposal and established protocols to ensure the privacy of your health information
- All disclosures will be in accordance with CFR42 Part 2 whereas diagnoses of drug and alcohol can only be disclosed with authorization or court order.

DISCLOSURE NOT ALLOWED BY CHERRY HOSPITAL

- Cherry Hospital will not disclose information that constitutes a sale of protected health information
- Cherry Hospital will not use protected health information for marketing or fundraising purposes
- Cherry Hospital will not use genetic information for underwriting purposes.

Contacting You

Cherry Hospital may contact you and/or legal responsible person for notification of medical concerns

Example: Inform you of a possible infection

- Make you and/or Personal Representative aware of alternative treatment, services, products or health care providers that may be of interest to you;

Example: If you are receiving treatment for a particular condition and your health care team learns of new or alternative treatments, we may contact you to inform you of such possibilities.

Disclosure of Your Health Information That Allows You An Opportunity To Object

There are certain circumstances where we may disclose your health information and you have an opportunity to object. Such circumstances include:

- The professional responsible for your care may disclose your admission to or discharge from Cherry Hospital to your next of kin unless you are being treated for substance abuse.
- Disclosure to public or private agencies providing disaster relief.

Example: We may share your health information with the American Red Cross following a major disaster such as a flood.

If you would like to object to our disclosure about your health information in either of the situations listed above, please contact our facility Privacy Official listed in this *Notice* for consideration of your objection.

Disclosure of Your Health Information That Requires Your Authorization

Other uses and disclosures will be made only with your written authorizations and you may revoke such authorization as provided by § 164.508(b)(5).

Cherry Hospital will not disclose your health information without your authorization except as allowed or required by state or federal law. For all other disclosures, we will ask you to sign a written authorization that allows us to share or request your health information. Before you sign an authorization, you will be fully informed of the exact information you are authorizing to be disclosed/requested and to/from whom the information will be disclosed/requested.

You may request that your authorization be cancelled by informing the Cherry Hospital Privacy Official that you do not want any additional health information about you exchanged with a particular person/agency. You will be asked to sign and date the Authorization Revocation section of your original authorization; however, verbal revocation is acceptable. Your authorization will then be considered invalid at that point in time; however, any actions that were taken on the authorization prior to the time you cancelled your authorization are legal and binding.

If you are a minor who has consented to treatment for services regarding the prevention, diagnosis and treatment of certain illnesses including: venereal disease and other diseases that must be reported to the State; pregnancy; abuse of controlled substances or alcohol; or emotional disturbance, you have the right to authorize disclosure of your health information. Disclosure of health information to external client advocates will require authorization by you and your personal representative if one has been designated. (If you are a minor whose parent or guardian has consented to your treatment for substance abuse, both you and your parent or guardian must authorize disclosure of your health information.)

Your Rights Regarding Your Health Information

You have the following rights regarding your health information as created and maintained by Cherry Hospital.

Right to receive a copy of this *Notice*

You have the right to receive a copy of Cherry Hospital's *Notice of Privacy Practices*. At your first treatment encounter with this facility, you will be given a copy of this *Notice* and asked to sign an acknowledgement that you have received it. In the event of emergency services, you will be provided the *Notice* as soon as possible after emergency services have been provided.

In addition, copies of this *Notice* have been posted in several public areas throughout Cherry Hospital, as well as on the Cherry Hospital's Internet web site at <http://ncdhhs.gov/dsohf/cherry/> You have the right to request a paper copy of this *Notice* at any time from the Cherry Hospital Social Work Department or the Cherry Hospital Privacy Official.

Right to receive notice of *Breach*

You have a right to be notified when a breach of your unsecured protected health information has occurred.

Right to request different ways to communicate with you or Personal Representative

You have the right to request to be contacted at a different location or by a different method. For example, if you are the Personal Representative you may request that all written information from Cherry Hospital be sent to your work address rather than your home address. We will agree with your request as long as it is reasonable to do so; however, your request must be made in writing and forwarded to our the Cherry Hospital Privacy Official.

Right to request to see and copy your health information

Whether you are a minor, incompetent adult or competent adult, you have the right to request to see and receive a copy of your health information in medical, billing and other records that are used to make decisions about you. Your request must be in writing and forwarded to the Cherry Hospital Privacy Official. You can expect a response to your request within 30 days. If your request is approved, you may be charged a fee to cover the cost of the copy.

Your physician may deny your request or a professional designated by our facility director under certain circumstances. If we do deny your request, we will explain our reason for doing so in writing and describe any rights you may have to request a review of our denial. In addition, you have the right to contact our facility Privacy Official to request that a copy of your health information be sent to a physician or psychologist of your choice.

Whenever you have a personal representative who consented to your treatment, the personal representative has the same rights to request to see and copy your health information.

Right to request amendment of your health information

You have the right to request changes in your health information in medical, billing and other records used to make decisions about you. If you believe that we have information that is either inaccurate or incomplete, you may submit a request in writing to our agency Privacy Official and explain your reasons for the amendment. We must respond to your request within 30 days of receiving your request. If we accept your request to change your health information, we will add your amendment but will not destroy the original record. In addition, we will make reasonable efforts to inform others of the changes, including persons you name who have received your health information and who need the changes.

We may deny your request if:

- The information was not created by Cherry Hospital (unless you prove the creator of the information is no longer available to change the information);
- The information is not part of the records used to make decisions about you;
- We believe the information is correct and complete; or
- Your request for access to the information is denied.

If we deny your request to change your health information, we will explain to you in writing the reasons for denial and describe your rights to give us a written statement disagreeing with the denial. If you provide a written statement, the statement will become a permanent part of your record. Whenever disclosures are made of the information in question, your written statement will be disclosed as well.

Right to request a listing of disclosures we have made

You have a right to a written list of disclosures of your health information. The list will be maintained for at least six years for any disclosures made after April 14, 2003. This listing will include the date of the disclosure, the name (and address, if available) of the person or organization receiving the information, a brief description of the information disclosed and the purpose of the disclosure.

Cherry Hospital is not required to include the following on the list of disclosures:

- Disclosure for your treatment;
- Disclosure for billing and collection of payment for your treatment;
- Disclosures related to our health care operations;
- Disclosures that you authorized;
- Disclosures to law enforcement when you are in their custody; or
- Disclosures made to individuals involved in your care.

Your first request for a listing of disclosures will be provided to you free of charge. However, if you request a listing of disclosures more than once in a 12 month period, you may be charged a reasonable fee. We will inform you of the cost involved and you may choose to withdraw or modify your request at that time, before any costs are incurred.

Right to request restrictions on uses and disclosures of your health information

You have the right to request that we limit our use and disclosure of your health information for treatment, payment and health care operations. You also have the right to request a limit on the health information we disclose about you to your next of kin or someone who is involved in your care. (Example: you could ask that we not disclose information about your family history of heart disease.) We will provide you with a form to document your request.

We will make every attempt to honor your request but are not **required** to agree to such request. However, if we do agree, we must follow the agreed upon restriction (unless the information is necessary for emergency treatment or unless it is a disclosure to the U.S. Secretary of the Department of Health and Human Services).

You may cancel the restrictions at any time and we will ask that your request be in writing. In addition, Cherry Hospital may cancel a restriction at any time, as long as we notify you of the cancellation.

Right to request restriction of protected health information to a Health Plan

You have the right to request a restriction of the disclosure of your health information to a health plan when you pay for service out of pocket, in full.

Violations/Complaints

If you believe we have violated your privacy rights, or if you want to file a complaint regarding our privacy practices, you may contact our facility Privacy Official. Contact information is as follows:

Terri Charles, RHIA
Cherry Hospital Privacy Official
1401 West Ash Street
Goldsboro, NC 27530
919-947-8070
919-705-5152 Fax
Terri.Charles@dhhs.nc.gov

(Applicable to those patients with a substance abuse diagnosis – “Violation of the Federal law and regulations relative to a substance abuse program is a crime. Suspected violations may be reported to our agency Privacy Official who will report the violation to appropriate authorities in accordance with Federal regulations”.)

You may also send a written complaint to the United States Secretary of the Department of Health and Human Services. Contact information is as follows:

Office for Civil Rights
U.S. Department of Health and Human Services
Sam Nunn Atlanta Federal Center, Suite 16T70
61 Forsyth Street, S. W.
Atlanta, GA 30303-8909

Voice Phone: (404) 562-7886

FAX: (404) 562-7881

TDD: (404) 562-7884

If you file a complaint, we will not take any action against you or change the quality of health care services we provide to you in any way.

Legal References

Primary Federal and State laws and regulations that protect the privacy of your health information are listed below.

Confidentiality of Alcohol and Drug Abuse Patient Records – 42 U.S.C. 290dd-3 and 42 U.S.C. 290ee-3 for Federal laws and 42 CFR Part 2 for Federal regulations.

Health Insurance Portability and Accountability Act (HIPAA), Administrative Simplification, Privacy of Individually Identifiable Health Information – 42 U.S.C. 1320d-1329d-8 and 42 U.S.C. 1320d-2(note) for Federal laws and 45 CFR Parts 160 and 164 for Federal regulations.

NC General Statutes – Chapter 122C, Article 3 (Client’s Rights and Advance Instruction), Part 1 (Client’s Rights). Chapter 90 (Medicine and Allied Occupations), Article 1 (Practice of Medicine).

NC General Statutes – 122C-55, Section 3 and Section 4, Session Law 2011 – 2012 Senate Bill 316

NC Administrative Code – 10 NCAC 18 D (Confidentiality Rules).