

# **USES AND DISCLOSURES OF PROTECTED HEALTH INFORMATION**

## ***PLEASE READ THE FOLLOWING INFORMATION CAREFULLY!***

The Health Insurance Portability and Accountability Act (HIPAA) and the Privacy Rule provide federal protections which safeguard the privacy and security of your Protected Health Information (PHI) and establishes certain rights with respect to your PHI. Because Haven Health Management treats individuals with substance use and/or mental health disorders, it is considered a “covered entity”, and is generally prohibited from using or disclosing PHI without expressed written consent from the client, however we are permitted to use and disclose certain PHI in accordance with federal and state regulations.

Haven Health Management may use and disclose your PHI without written consent for **treatment, payment, and health care operations activities (TPO)**. For each category, a description and example is provided for clarification.

**For Treatment:** Haven Health Management may use or disclose your PHI in an effort to provide comprehensive treatment and services and to better manage and coordinate your care. We may disclose PHI about you to physicians, nurses, clinicians, and other health care providers, staff, or workforce members involved in your care.

### **As part of your treatment Haven Health Management may take the following actions:**

- Share all necessary PHI between hospitals, facilities, clinics, physicians, employees, independent contractors, interns, students, and any other professional involved in your care.
- Share medical information regarding your health condition with another health care provider as part of a consultation or referral.
- Share medical information regarding your health condition with another health care provider who indirectly provides services to you such as a radiologist or pathologist.

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### **Examples of ways your PHI may be shared for treatment purposes:**

- Part of your medical record is disclosed to a specialist you were referred to who needs the information to treat you.
- Your PHI is shared between multiple providers to coordinate your care.
- We disclose a recent laboratory report to the local hospital so the ER physician can treat you.

**For Payment:** Haven Health Management may use or disclose your PHI so that we can bill for treatment and services that were provided to you and in order to collect payment from you, a health plan, or a third party. Your health insurance provider may take certain actions related to the use and disclosure of PHI prior to approving or paying for treatment services.

### **Your PHI may be used/disclosed for payment activities such as:**

- Determining your eligibility or coverage under your health plan for treatment services.
- Your health plans review of your medical records to ensure treatment services meet medical necessity criteria and to justify charges billed.
- Utilization review activities such as obtaining prior authorization for services, continued care, and discharge/transition.

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### **Examples of ways your PHI may be shared to carry out payment activities:**

- We provide your health plan coverage information to the laboratory who needs the information to bill for services they provided.
- We disclose your medical record to your insurance company in response to an audit request.

**For Health Care Operations:** We may use and disclose PHI for activities that Haven Health Management engages in to operate its business. These activities are used and performed by Haven Health Management and in some cases third-party contractors, to run our programs and ensure that clients are receiving quality care.

**For example, we may use your PHI to:**

- Conduct quality assessment and quality improvement activities
- Peer review, including evaluating practitioner performance
- Credentialing, licensing and training programs
- Legal and financial services, including engaging attorneys to defend Haven Health Management in a legal action
- Business planning and development
- Management activities related to Haven Health Management's privacy practices
- Customer services
- Internal grievances
- Creating de-identified information for data aggregation or other purposes
- Fundraising and/or marketing activities
- Education and learning purposes for physicians, nurses, technicians, medical students

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**Examples of use/disclosure of PHI to carry out health care operations activities:**

- The quality assurance department conducts internal reviews/audits of client records to ensure appropriate services are billed for and documentation is compliant with payer and regulatory standards.
- A client's medical record is reviewed in an attempt to resolve an internal grievance filed by the client.

**Additional Provisions Related to TPO Activities:** Because all Haven Health Management facilities participate in an Organized Health Care Arrangement (OHCA), information flows freely between each entity in order to carry out TPO activities, therefore information may be shared between facilities when needed through the use of a single EMR (electronic medical record) that safely stores all PHI for clients at each facility.

**Consent for Other Disclosures:** All other disclosures that are not categorized under TPO activities will require the client's written authorization in accordance with 42 CFR Part 2, except where otherwise permitted by law.

**Right to Request Privacy Protection:** You have the right to restrict how your protected health information is used and disclosed for treatment, payment or healthcare operations. We are not required to agree with this restriction, but if we do, we are bound to any restrictions to which we have agreed.

**Notice of Privacy Practices:** The *"Notice of Privacy Practices"* provides more complete information on how we may use and disclose your protected health information as well as additional rights not listed in this document. Any use or disclosure of PHI by Haven Health Management must be consistent with the Notice. You should read the Notice completely and carefully. For information on changes to the privacy practices, obtaining an updated version, and contact information, refer to the complete Notice of Privacy Practices.

**Acknowledgement**

***By signing this form, you agree to the following statements:***

- You have had the opportunity to review the Notice of Privacy Practices.
- Haven Health Management and its facilities may use or disclose your protected health information, without written authorization, for the purpose of carrying out treatment, payment, and healthcare

operations (TPO) activities in accordance with state and federal regulations.

- The purpose of this “consent” is to inform you of the provisions related to the use and disclosure of PHI which do not require written authorization. This form serves only as confirmation that you received and understand the information provided.
- All other disclosures will require specific written authorization by you, except where otherwise allowed by law. This “consent” is not valid to use or disclose PHI for any purpose that requires written authorization under the Privacy Rule.
- You have the right to request a restriction on how we use and disclose your protected health information in carrying out TPO, however we are not required to agree to your requested restrictions, however if we do agree, we are bound by any restrictions to which we have agreed.
- You cannot be denied treatment based on a failure to sign an authorization form, and a refusal to sign this form will not affect treatment, payment, enrollment, or eligibility for benefits.

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## **REFERENCES:**

### **45 CFR Part 160 Subpart A**

**Authority:** 42 U.S.C. 1302(a); 42 U.S.C. 1320d-1320d-9; sec. 264, Pub. L. 104-191, 110 Stat. 2033-2034 (42 U.S.C. 1320d-2 (note)); 5 U.S.C. 552; secs. 13400-13424, Pub. L. 111-5, 123 Stat. 258-279; and sec. 1104 of Pub. L. 111-148, 124 Stat. 146-154.

**Source:** 65 FR 82798, Dec. 28, 2000, unless otherwise noted.

### **45 CFR Part 164**

**Authority:** 42 U.S.C. 1302(a); 42 U.S.C. 1320d-1320d-9; sec. 264, Pub. L. 104-191, 110 Stat. 2033-2034 (42 U.S.C. 1320d-2(note)); and secs. 13400-13424, Pub. L. 111-5, 123 Stat. 258-279. **Source:** 65 FR 82802, Dec. 28, 2000, unless otherwise noted.

### **45 CFR Subpart E of Part 164**

**Authority:** 42 U.S.C. 1320d-2, 1320d-4, and 1320d-9; sec. 264 of Pub. L. 104-191, 110 Stat. 2033-2034 (42 U.S.C. 1320d-2 (note)); and secs. 13400-13424, Pub. L. 111-5, 123 Stat. 258-279.