

Notice of Privacy Practices

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.

I. Who We Are

This Notice describes the privacy practices of CHD, its physicians, social workers, mental health professionals, nurses, nurse practitioners and other workforce members. It applies to services furnished to you at the CHD office building, Enhanced Care Unit, in schools and any other locations.

II. Our Privacy Obligations

We are required by law to maintain the privacy of your health information (“Protected Health Information” or “PHI”) and to provide you with this Notice of our legal duties and privacy practices with respect to your Protected Health Information. When we use or disclose your Protected Health Information, we are required to abide by the terms of this Notice (or other notice in effect at the time of the use or disclosure).

III. Permissible Uses and Disclosures Without Your Written Authorization

In certain situations, which we will describe in Section IV below, we must obtain your written authorization (“Your Authorization”) in order to use and/or disclose your PHI. However, unless the PHI is Highly Confidential Information (as defined in Section IV.B below) and the applicable law regulating such information imposes special restrictions on us, we may use and disclose your PHI without Your Authorization for the following purposes:

- A. Treatment, Payment and Health Care Operations. We may use and disclose PHI, in order to treat you, obtain payment for services provided to you and conduct our health care operations as detailed below:

Treatment. We use and disclose your PHI to provide treatment and other services to you - for example, to diagnose and treat your injury or illness. In addition, we may contact you to provide appointment reminders or information about treatment alternatives or other health-related benefits and services that may be of interest to you. We may also disclose PHI to other providers involved in your treatment.

Payment. We may use and disclose your PHI to obtain payment for services that we provide to you from Medicare, the Oregon Medicaid program or another governmental program that arranges or pays the cost of some or all of your health

care. We will obtain Your Authorization to disclose PHI to your private health insurer, HMO or other private payor.

- B. Health Care Operations. We may use and disclose your PHI for our health care operations, which include internal administration and planning and various activities that improve the quality and cost effectiveness of the care that we deliver to you. For example, we may use PHI to evaluate the quality and competence of our social workers, nurses and other health care workers. We may disclose PHI to our Community Relations Coordinator in order to resolve any complaints you may have and ensure that you have a comfortable visit with us.
- C. Disclosure to Relatives, Close Friends and Other Caregivers. We may use or disclose your PHI to a family member, other relative, a close personal friend or any other person identified by you when you are present for, or otherwise available prior to, the disclosure, if we (1) obtain your agreement; (2) provide you with the opportunity to object to the disclosure and you do not object; or (3) reasonably infer that you do not object to the disclosure.

If you are not present, or the opportunity to agree or object to a use or disclosure cannot practicably be provided because of your incapacity or an emergency circumstance, we may exercise our professional judgment to determine whether a disclosure is in your best interests. If we disclose information to a family member, other relative or a close personal friend, we would disclose only information that we believe is directly relevant to the person's involvement with your health care or payment related to your health care. We may also disclose your PHI in order to notify (or assist in notifying) such persons of your location, general condition or death.

- D. Public Health Activities. We may disclose your PHI for the following public health activities:

(1) to report health information to public health authorities for the purpose of preventing or controlling disease, injury or disability;

(2) to report child abuse and neglect to the Oregon Department of Human Services or other government authorities authorized by law to receive such reports;

(3) to report information about products and services under the jurisdiction of the U.S. Food and Drug Administration;

(4) to alert a person who may have been exposed to a communicable disease or may otherwise be at risk of contracting or spreading a disease or condition; and

(5) to report information to your employer as required under laws addressing work-related illnesses and injuries or workplace medical surveillance.

- E. Victims of Abuse, Neglect or Domestic Violence. If we reasonably believe you are a victim of abuse or neglect, we may disclose your PHI to the Oregon Department of Human Services or other governmental authority, including a social service or protective services agency, authorized by law to receive reports of such abuse, domestic violence or neglect.
- F. Health Oversight Activities. We may disclose your PHI to a health oversight agency that oversees the health care system and is charged with responsibility for ensuring compliance with the rules of government health programs such as Medicare or Medicaid. For certain programs, data collection and reporting is necessary to comply with programmatic funding guidelines; for instance, submitting PHI for each individual receiving family planning services for statistical and quality performance purposes is a requirement of Federal Title X Guidelines.
- G. Judicial and Administrative Proceedings. We may disclose your PHI in the course of a judicial or administrative proceeding in response to a legal order or other lawful process. Further, unless specifically authorized by a court order, we may not use or disclose PHI identifying you as a recipient of substance abuse program services if the purpose is to initiate or substantiate any criminal charges against you or to conduct any investigation of you.
- H. Law Enforcement Officials. We may disclose your PHI to the police or other law enforcement officials as required or permitted by law or in compliance with a court order or a grand jury or administrative subpoena.
- I. Decedents. We may disclose your PHI to a coroner or medical examiner as authorized by law.
- J. Organ and Tissue Procurement. We may disclose your PHI to organizations that facilitate organ, eye or tissue procurement, banking or transplantation.
- K. Health or Safety. We may use or disclose your PHI to prevent or lessen a serious and imminent threat to a person's or the public's health or safety.
- L. Proof of Immunization. Upon your written or verbal agreement, we may disclose proof of immunization to a school if the law requires the school to have proof of immunization prior to admitting your child. The written agreement does not need to be a formal Authorization and may even be an email.
- M. Specialized Government Functions. We may use and disclose your PHI to units of the government with special functions, such as the U.S. military or the U.S. Department of State under certain circumstances.

- N. Workers' Compensation. We may disclose your PHI as authorized by and to the extent necessary to comply with state law relating to workers' compensation or other similar programs.
- O. Business Associates and Qualified Service Organizations. We may disclose your PHI to a Business Associate/Qualified Service Organization who has contracted with us and has agreed to abide by the federal and state confidentiality protections to safeguard the information. These disclosures will be limited and include only information relevant to the work being done by the Business Associate for CHD.
- P. As required by law. We may use and disclose your PHI when required to do so by any other law not already referred to in the preceding categories.

IV. Uses and Disclosures Requiring Your Written Authorization

For any purpose other than the ones described above in Section III, we may only use or disclose your PHI when you give us Your Authorization on a valid authorization form. [164.508(a)(1)]

- A. Private Payors. We must obtain Your Authorization to disclose PHI to your HMO, health insurer or other private payor.
- B. Uses and Disclosures of Your Highly Confidential Information. In addition, federal and Oregon law imposes special privacy protections for "Highly Confidential Information," which is Psychotherapy Notes and the subset of Protected Health Information that is related to: (1) treatment of a mental illness; (2) alcohol and drug abuse treatment program services; (3) HIV/AIDS testing; (4) child abuse and neglect; (5) sexual assault; and (6) genetic testing. In order for us to disclose your Highly Confidential Information for a purpose other than those permitted by laws regulating Highly Confidential Information, we must obtain Your Authorization.
- C. Marketing and Sale of PHI. Uses and disclosures of PHI for marketing purposes and disclosures that constitute a sale of PHI require Your Authorization. Two exceptions for marketing purposes are if the communication is in the form of a face-to-face communication made to you personally, or a promotional gift of nominal value provided to you.
- D. Research. We will not use or disclose your PHI for research without Your Authorization.
- E. Other Uses and Disclosures. All other uses and disclosures of PHI not otherwise described in these Privacy Notices will require Your Authorization.

V. Your Rights Regarding Your Protected Health Information

- A. For Further Information; Complaints. If you desire further information about your privacy rights, are concerned that we have violated your privacy rights or disagree with a decision that we made about access to your PHI, you may contact our Privacy Office. You may also file written complaints with the Secretary, Office for Civil Rights of the U.S. Department of Health and Human Services, 2201 Sixth Avenue – Mail Stop RX-11, Seattle, WA 98121. We will not retaliate against you if you file a complaint with us or the Secretary.
- B. Right to Request Additional Restrictions. You have the right to restrict certain disclosures of PHI to health plans/insurance companies if you pay out of pocket in full for the health care service.

You may request additional restrictions on our use and disclosure of your PHI (1) for treatment, payment and health care operations, (2) to individuals (such as a family member, other relative, close personal friend or any other person identified by you) involved with your care or with payment related to your care, or (3) to notify or assist in the notification of such individuals regarding your location and general condition. While we will consider all requests for additional restrictions carefully, we are not required to agree to a requested restriction. If you wish to request additional restrictions, please obtain a request form from our Privacy Office and submit the completed form to the Privacy Office. We will send you a written response.

- C. Right to Receive Confidential Communications. You may request, and we will accommodate, any reasonable written request for you to receive your PHI by alternative means of communication or at alternative locations.
- D. Right to Revoke Your Authorization. You may revoke Your Authorization, except to the extent that we have taken action in reliance upon it, by delivering a written revocation statement to the Privacy Office identified below. A form of Written Revocation is available upon request from the Privacy Office.
- E. Right to Inspect and Copy Your Health Information. You may request access to your medical record file and billing records maintained by us in order to inspect and request copies of the records. Under limited circumstances, we may deny you access to a portion of your records. If you desire access to your records, please obtain a record request form from the Privacy Office and submit the completed form to the Privacy Office. We will charge you a cost-based fee for copying and postage costs. If you request a summary of your PHI, we will charge you the current hourly rate of the staff member preparing the summary. You have the right to receive electronic copies of your health information that is currently stored in an electronic format.

- F. Right to Amend Your Records. You have the right to request that we amend Protected Health Information maintained in your medical record file or billing records. If you desire to amend your records, please obtain an amendment request form from the Privacy Office and submit the completed form to the Privacy Office. We will comply with your request unless we believe that the information that would be amended is accurate and complete or other special circumstances apply.
- G. Right to Receive an Accounting of Disclosures. Upon request, you may obtain an accounting of certain disclosures of your PHI made by us during any period of time prior to the date of your request provided such period does not exceed six years and does not apply to disclosures that occurred prior to April 14, 2003. [164.528; 164.520(b)(1)(iv)(E)] If you request an accounting more than once during a twelve (12) month period, we will charge you \$5.00 for each page of the accounting statement. This accounting will not include the times that information was disclosed for treatment, payment, or health care operations. In addition, the accounting may not include the instances listed in Section III above where we were required by law to disclose information about you.
- H. Right to Receive Breach Notifications. We will notify you of any breach of your unsecured PHI. This notice will be made without unreasonable delay, but not later than 60 days from when we discover the breach.
- I. Right to Receive Paper Copy of this Notice. Upon request, you may obtain a paper copy of this Notice, even if you have agreed to receive such notice electronically. [164.520(c)(3); 164.520(b)(1)(iv)(F)]
- J. Fundraising Communications. We will not contact you to request a contribution to support important activities of CHD and will not disclose to our fundraising staff any information about you. If you wish to make a tax-deductible contribution now or at any time in the future, you may contact our Privacy Specialist at (541)962-8809.

VI. **Effective Date and Duration of This Notice**

- A. Effective Date. This Notice is effective on April 14, 2003. Last updated September 23, 2013.
- B. Right to Change Terms of this Notice. We may change the terms of this Notice at any time. If we change this Notice, we may make the new notice terms effective for all Protected Health Information that we maintain, including any information created or received prior to issuing the new notice. If we change this Notice, we will post the new notice in waiting areas around CHD and on our Internet site at www.chdinc.org. You also may obtain any new notice by contacting the Privacy Office.

VII. Privacy Office

You may contact the Privacy Office at:

Privacy Office
CHD
2301 Cove Avenue
La Grande, OR 97850
Telephone Number: (541) 962-8800
E-mail: kmiddleton@chdinc.org