

Lochland

"Celebrating Ability"

1065 Lochland Road – Geneva, New York 14456
315-789-5208 --- Fax 315-789-4597

NOTICE OF PRIVACY PRACTICE

This notice describes how identifiable medical information about you may be used and disclosed and how you can get access to this information.

This notice is effective as of April 14, 2003. If you have any questions about this notice please contact Carrie Lambert at (315) 789-5208.

Our Privacy Commitment to You

At Lochland School, we understand that information about you and your family is personal. We are committed to protecting your privacy and sharing information about you only with those who need to know and are allowed to see the information to assure quality services for you. It describes your rights and what Lochland School's responsibilities are concerning information about you.

1. Who will follow this notice:

All people who work for Lochland School in our residences, in our day services program and in our Lochland School administrative offices will follow this notice. This includes employees, persons Lochland School contracts with (contractors) who are authorized to enter information in your clinical record or need to review your record to provide services to you, and volunteers that Lochland School allows to assist you.

2. What information is protected:

All information we create or keep that relates to your health or care and treatment, including your name, address, birth date, social security number, your medical information, your individualized service plan, and other information (including photographs and other images) about your care in our programs. In this Notice, we refer to protected information as "clinical information".

Your Clinical Information Rights

You have the following rights concerning your clinical information. When we use the word "you" in this notice we also mean your personal representative. Depending on your circumstances and in accordance with state law, this may be your guardian, your health care proxy, or your involved family member.

- You have the right to see or inspect your clinical information and obtain a copy. Some exceptions apply, such as records regarding incident reports and investigations, and information compiled for use in court or administrative proceedings.
- If we deny your request to see your clinical information, you have the right to request a review of that denial. Professionals chosen by Lochland School who were not involved in denying your request will review the record and decide if you may have access to the record.

- You have the right to ask Lochland School to change or amend clinical information that you believe is incorrect or incomplete. We may deny your request in some cases, for example, if the record was not created by Lochland School or if after reviewing your request, we believe the record is accurate and complete.
- You have the right to request a list of disclosures Lochland School has made of your clinical information. The list, however, does not include certain disclosures, such as those made for treatment, payment and health care operations, or disclosures made to you or made to others with your permission.
- You have the right to request that Lochland School communicates with you in a way that will help keep your information confidential.
- You have the right to request a restriction on uses or disclosures of your clinical information related to treatment, payment, health care operations and disclosures to involved family. Lochland School, however, is not required to agree to your request.
- You have the right to receive a paper copy of this notice. You may ask Lochland School staff to give you another copy or you may obtain one from our website at www.lochland.org.
- To request access to your clinical information or to request any of the rights listed here, you may contact Carrie Lambert at (315) 789-5208.

Note: Lochland School requires you to make your requests in writing.

Lochland School's Responsibilities For Your Clinical Information

Lochland School is required to:

- Maintain the privacy of your information in accordance with federal and state laws.
- Give you this notice of our legal duties and practices concerning the clinical information we have about you.
- Follow the rules in this notice. Lochland School will use or share information about you only with your permission except for the reasons explained in this notice.
- Tell you if we make changes to our privacy practices in the future. If significant changes are made, Lochland School will give you a new notice and post a new notice on our website at www.lochland.org.

How Lochland School Uses and Discloses Clinical Information

Lochland School may use and disclose clinical information without your permission for the purposes described below. For each of the categories of uses and disclosures, we explain what we mean and offer an example. Not every use or disclosure is described, but all of the ways we will use or disclose information will fall within these categories.

- **Treatment:** Lochland School will use your clinical information to provide you with treatment and services. We may disclose health/clinical information about you to: doctors, nurses, psychologists, social workers, residential support staff, your service coordinator, other Lochland School personnel, volunteers or interns who are involved in providing you care. For example, involved staff may discuss your clinical information to develop and carry out your Individualized Service Plan (ISP). Other Lochland School staff may share your clinical information to coordinate different services you need, such as medical tests, respite care, transportation, etc. We may also

need to disclose your clinical information to your service coordinator and other providers outside of Lochland School who are responsible for providing you with the services identified in your ISP or to obtain new services.

- **Payment:** Lochland School will use your clinical information so that we can bill and collect payment from you, a third party, an insurance company, Medicare or Medicaid or other government agencies. For example, we may need to provide the NYS Department of Health (Medicaid) with information about the services you received in one of our residences or through one of our HCBS waiver programs so they will pay us for the services. In addition, we may disclose your clinical information to receive prior approval for payment for services you may need. Also, we may disclose your clinical information to the US Social Security Administration, or the Department of Health to determine your eligibility for coverage or your ability to pay for services.
- **Health Care Operations:** Lochland School will use clinical information for administrative operations. These uses and disclosures are necessary to operate Lochland School programs and residences and to make sure all residents receive appropriate, quality care. For example, we may use clinical information for quality improvement to review our treatment and services and to evaluate the performance of our staff in caring for you. We may also disclose information to clinicians and other personnel for on-the-job training. We will share your clinical information with other Lochland School staff for the purposes of obtaining legal services, conducting fiscal audits, and for fraud and abuse detection and compliance. We will also share your clinical information with Lochland School staff to resolve complaints or objections to your services. We may also disclose clinical information to our business partners who need access to the information to perform administrative or professional services on our behalf.

Other Uses and Disclosures that Do Not Require Your Permission

In addition to treatment, payment and health care operations, Lochland School will use your clinical information without your permission for the following reasons:

- When we are required to do so by federal or state law;
- For public health reasons, including prevention and control of disease, injury or disability, reporting births and deaths, reporting child abuse or neglect, reporting reactions to medication or problems with products, and to notify people who may have been exposed to a disease or are at risk of spreading the disease;
- To report domestic violence and adult abuse or neglect to government authorities if you agree or if necessary to prevent serious harm;
- For health oversight activities, including audits, investigations, surveys and inspections, and licensure. These activities are necessary for government to monitor the health care system, government programs, and compliance with civil rights laws. Health oversight activities do not include investigations that are not related to the receipt of health care or receipt of government benefits in which you are the subject;
- For judicial and administrative proceedings, including hearings and disputes. If you are involved in a court or administrative proceeding we will disclose clinical information if the judge or presiding officer orders us to share the information;
- For law enforcement purposes, in response to a court order or subpoena, to report a possible crime, to identify a suspect or witness or missing person, to provide identifying data in connection with a criminal investigation, and to the district attorney in furtherance of a criminal investigation of client abuse;

- Upon your death, to coroners or medical examiner for identification purposes or to determine cause of death, and to funeral directors to allow them to carry out their duties;
- To organ procurement organizations to accomplish cadaver, eye, tissue, or organ donations in compliance with state law;
- To prevent or lessen a serious and imminent threat to your health and safety or someone else's;
- To authorized federal officials for intelligence and other national security activities authorized by law or to provide protective services to the President and other officials;
- To governmental agencies that administer public benefits if necessary to coordinate the covered functions of the program.

Uses and Disclosures that Require Your Agreement

Lochland School may disclose clinical information to the following persons if we tell you we are going to use or disclose it and you agree or do not object:

- To family members and personal representatives who are involved in your care if the information is relevant to their involvement and to notify them of your condition and location; or
- To disaster relief organizations that need to notify your family about your condition and location should a disaster occur.

Authorization Required For All Other Uses and Disclosures

- For all other types of uses and disclosures not described in this Notice, Lochland School will use or disclose clinical information only with a written authorization signed by you that states who may receive the information, what information is to be shared, the purpose of the use or disclosure and an expiration for the authorization. Written authorizations are always required for use and disclosure of psychotherapy notes and for marketing purposes.

Note: If you cannot give permission due to an emergency, Lochland School may release clinical information in your best interest. We must tell you as soon as possible after releasing the information.

You may revoke your authorization at any time. If you revoke your authorization in writing we will no longer use or disclose your clinical information for the reasons stated in your authorization. We cannot, however, take back disclosures we made before you revoked and we must retain clinical information that indicates the services we have provided to you.

Changes to this Notice

We reserve the right to change this notice. We reserve the right to make changes to terms described in this notice and to make the new notice terms effective to all clinical information that Lochland School maintains. We will post the new notice with the effective date on our website at www.lochland.org and in our facilities. In addition, we will offer you a copy of the revised notice at your next scheduled service planning meeting.

Complaints

If you believe your privacy rights have been violated:

- You may file a complaint with Lochland School by contacting

Carrie E. Fiorilla, Interim Chief Executive Officer
Lochland School, Inc.
1065 Lochland Road
Geneva, New York 14456
(315) 789-5208
- Or, you may contact the Regional OMRDD DDSO Director

Sylvester P. Zielinski, Director
Finger Lakes DDSO
620 Westfall Road
Rochester, New York 14620
(585) 461-8818
- Or you may contact the Secretary of the Federal Department of Health and Human Services
200 Independence Avenue S.W.
Washington, D.C. 20210
Phone (877) 696-6775
- You may file a grievance with The Office for Civil Rights
200 Independence Avenue S.W.
Room 509F, HHH Building
Washington, D.C. 20210
Phone (866) 627-7748
TTY (866) 788-4989
Email: ocrmail@hhs.gov

All complaints must be submitted in writing. You will not be penalized for filing a complaint.



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PRIVACY NOTICE – ACKNOWLEDGEMENT OF RECEIPT

New federal regulations require Lochland School to send a Privacy Notice to everyone who gets services from Lochland School. These regulations are known as the HIPAA Privacy Rule. HIPAA is short for the Health Insurance Portability and Accountability Act of 1996.

The HIPAA Privacy Rule does not change the way you get services from Lochland School. It does not change the privacy rights that you have always had under New York State Mental Hygiene Law. The HIPAA Privacy Rule requires Lochland School to take some additional steps to make sure you are aware of your privacy rights.

By signing this acknowledgement form I am confirming that:

- I have received a copy of Lochland School's Privacy Notice.
- I understand that I can contact the people listed in the Privacy Notice to get more information about my privacy rights at Lochland School.

Name of Resident (please print): _____

Signature of Resident: _____

Date: _____

If applicable (when resident is not able to understand the notice):

Name of Contact Person: _____

Address of Contact Person: _____

Signature of Contact Person: _____

Relationship to Resident: _____

Date: _____

Please return this form to: Carrie E. Fiorilla, Interim Chief Executive Officer
Lochland School, Inc.
1065 Lochland Road
Geneva, New York 14456