

**Notice Regarding the Use and Disclosure Of  
Protected Health Information  
Effective April 14, 2003  
Revised January 24, 2019**

**“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.**

This Notice has been prepared by Circle Health Services and The Centers for Families and Children. It tells you how Protected Health Information about you can be created, shared, protected and maintained.

***Introduction***

Federal law requires that we maintain the privacy of your Protected Health Information and provide to you this Notice of our legal duties and privacy practices. We are required to abide by the terms of this Notice, which may be amended from time to time. We reserve the right to change the terms of this Notice and to make the new Notice provisions effective for all Protected Health Information that we maintain. We will promptly revise and distribute this Notice whenever there is a material change to the uses or disclosures, your rights, our duties, or other practices stated in this Notice. Except when required by law, a material change to this notice will not be implemented before the effective date of the new notice in which the material change is reflected.

***Affiliated Covered Entity***

Circle Health Services and The Centers for Families and Children designate themselves as a single “Affiliated Covered Entity,” as that term is defined in the federal privacy regulations at 45 C.F.R. §164.105(b)(1). Unless otherwise specified below, this Notice applies to both Circle Health Services and The Centers for Families and Children (collectively referred to as “We” or “Us”).

***Organized Health Care Arrangement***

Circle Health Services is part of an organized health care arrangement including participants in OCHIN, a nonprofit health information network. A current list of OCHIN participants is available at <http://www.community-health.org/partners.html>. As a business associate of Circle Health Services, OCHIN supplies information technology and related services to Circle Health Services and other OCHIN participants. OCHIN also engages in quality assessment and improvement activities on behalf of its participants. For example, OCHIN coordinates clinical review activities on behalf of participating organizations to establish best practice standards and assess clinical benefits that may be derived from the use of electronic health record systems.

OCHIN also helps participants work collaboratively to improve treatment, management of internal and external patient referrals, and continuity of care. Certain health information (other than substance use disorder encounter information) is automatically disclosed without your written permission when other hospitals, physicians, and health care providers need to treat you. This information is shared electronically

through a method called *Care Everywhere*®, which is available to participating providers who use the same electronic medical record system.

### ***Health Information Exchange***

Circle Health Services and The Centers for Families and Children participate in a health information exchange (HIE), *CliniSync*®, to facilitate the secure exchange of your electronic health information between and among other health care providers, health plans, and health care clearinghouses that participate in the HIE. In order to provide better treatment and coordination of your health care, we may share and receive your health information for treatment, payment, or other health care operations. Your participation in the HIE is voluntary, and your ability to obtain treatment will not be affected if you choose not to participate. You may opt-out at any time by notifying the Privacy Officer. However, your choice to opt-out does not affect health information that was disclosed through an HIE prior to the time that you opted out.

### ***What is my Protected Health Information?***

- Anything that identifies you; and is
- About your past, present or future mental or physical health or condition, the provision of health care to you, or the past present or future payment for the provision of health care to you;
- That is spoken, written, or electronically recorded, and is;
- Created or maintained by us as your health care provider.

### ***What Rights Do I Have About My Protected Health Information?***

- You have the right to authorize (or refuse to authorize) the use or sharing of your Protected Health Information for purposes other than treatment, payment, health care operations and purposes permitted and/or required by law.
- If you pay for a service out-of-pocket in full, you have the right to ask us not to share that information for the purpose of payment or our operations with your health insurer or health plan. We will agree unless a law requires us to share that information.
- You may identify persons to us who may serve as your authorized personal representative, such as a court-appointed guardian, a properly executed and specific power-of-attorney granting such authority, a Durable Power of Attorney for Health Care if it allows such person to act when you are able to communicate on your own, or other method recognized by applicable law. We may, however, reject a representative if, in our professional judgment, we determine that it is not in your best interest.
- Unless your access to your records is restricted for clear and documented treatment reasons, you have the right to see and/or request a copy your Protected Health Information. Exceptions to this include psychotherapy notes and information prepared for certain legal proceedings. If you request a copy of the information, we may charge a reasonable fee for the costs of copying, mailing or other supplies associated with your request. If your Protected Health Information is in electronic form, you can request an electronic copy.
- You have the right to request that we amend your Protected Health Information. This request must be made in writing, but we can assist you with that.
- You have the right to request an accounting of disclosures of your Protected Health Information made by us for certain reasons, including reasons related to public purposes authorized by law, and certain research. The request for an accounting must be made in writing to the Privacy Officer. The request must specify the time period for the accounting which may not be made for periods of time in excess of six (6) years prior to the date on which the accounting is requested. We will provide the first accounting you request during any 12-month period without charge. Subsequent accounting requests may be subject to a reasonable, cost-based fee.
- You have the right to be informed about and to share your Protected Health Information in a confidential manner chosen by you. The manner you choose must be possible for us to do.
- You have the right to request that we restrict how we use and disclose your Protected Health Information. We do not have to agree to your restrictions. If we do agree, we must follow your restrictions.

- You have the right to obtain a copy of a record of certain disclosures of your Protected Health Information that we make. If you request a copy of the information, we may charge a reasonable fee for the costs of copying, mailing or other supplies associated with your request.
- You have the right to be notified if a breach occurs that may have compromised the privacy or security of your Protected Health Information.
- You have the right to have a copy of this Notice. We may change the terms of this Notice from time to time. You can always get a copy of the current Notice by requesting it from the clinical supervisor at the site where you receive service.

### ***Requests for Confidential Communication by Alternative Means***

You may request to receive communications regarding your protected health information by alternative means or at alternative locations. For example, you may ask to be called only at work rather than at home. We will accommodate any reasonable request for an alternative communication.

### ***Confidentiality of Substance Use Disorder Records***

The confidentiality of substance use disorder records maintained by Circle Health Services and The Centers for Families and Children is protected by federal law and regulations at 42 CFR Part 2. Generally, we may not say to a person outside the program that you attend a substance use disorder program or disclose any information identifying you as a person who has or has had a substance use disorder unless: (1) you consent in writing; (2) the disclosure is allowed by a court order; (3) the disclosure is made to medical personnel in a medical emergency; or (4) the disclosure is made to qualified personnel for research, audit, program evaluation or performance of services to our substance use disorder program. Violation of this federal law and regulations by us is a crime. You may report suspected violations to the U.S. Attorney's Office for the Northern District of Ohio, United States Court House, 801 West Superior Avenue, Suite 400, Cleveland, Ohio 44113-1852; (216) 622-3600.

Federal laws and regulations do not protect information about a crime committed by you either on our premises or against any person who works at our facility or about any threat to commit such a crime. Federal laws and regulations do not protect any information about suspected child abuse or neglect from being reported under state law to appropriate state or local authorities.

Staff members on your substance use disorder care team have access to your substance use disorder encounter records. We may share your substance use disorder encounter records with our other specialists or health care providers, including mental health and primary care providers, for the continuity of your care and treatment with your written consent. We will share information about your substance use disorder encounters with your written consent in order to receive payment for services.

### ***How will Circle Health Services and The Centers for Families and Children use and disclose my Protected Health Information?***

We will use and disclose your Protected Health Information for the purposes listed below. Each of these categories is described in general terms but this document does not describe all specific uses or disclosures of your health information. You do not need to sign an authorization form (a release) in order for us to use or disclose your health information for these purposes. We will make reasonable efforts not to use, disclose or request more than the minimum amount of Protected Health Information necessary to accomplish the intended purpose of the use, disclosure or request. This standard will not apply, however, to certain disclosures, such as disclosures of your Protected Health Information to you.

- **Treatment**: We can share information about your health with other specialists or health care providers, including primary care providers, so that you can receive the most appropriate treatment. For example, your counselor could share with your treating physician that you are depressed. The doctor could then prescribe medication to help you feel better.
- **Payment**: We can share information about when and for what purpose you were seen, so that we can be paid for treating you. For example, we could send information to funding agencies and payors stating when and for what condition you were at the office. They can then send us money to help cover your costs of being seen.
- **Health Care Operations**: We may use and disclose health information about you for purposes related to our agency operations. These uses and disclosures are necessary to run our organization

and to make sure that our consumers receive quality care. These activities include, by way of example, quality assessment and improvement, reviewing the performance of our clinicians, training students in clinical activities, licensing, accreditation, business planning and development, and general administrative activities. For example, a member of our staff may review your chart in order to ensure that you have been receiving high quality care.

- We may also share health information about you if it is needed in an emergency treatment situation. For example, we may provide your health information to a paramedic who is transporting you in an ambulance.
- We may share information about you to ensure continuity of care with hospitals and other institutions and facilities within or licensed by the Ohio Department of Mental Health & Addiction Services including psychiatric records. We may also share medication history, physical health status and history, financial status, summary of course of treatment, summary of treatment needs, and discharge summary with boards of alcohol, drug addiction and mental health services and other agencies to provide services to you if you are involuntarily committed to the board. We will attempt to obtain your consent prior to these disclosures, but we may make the disclosures if we are unable to obtain your consent.
- There are some circumstances in which we are permitted or required to share health information about you:
  - **When required by law.** We will disclose your Protected Health Information when required by any Federal, State or local law.
  - **For public health activities.** We may disclose your Protected Health Information for public activities and purposes allowed by law in order to prevent or control disease, injury or disability; report disease, injury, and vital events such as birth or death; conduct public health surveillance, investigations, and interventions; or notify a person who has been exposed to a communicable disease or who may be at risk of contracting or spreading a disease.
  - **To protect victims of abuse, neglect or domestic violence.** We may notify government authorities if we believe you are the victim of abuse, neglect or domestic violence. We will make this disclosure only when required or authorized by law, or when you agree to the disclosure.
  - **For health oversight activities.** We may disclose your Protected Health Information to a health oversight agency for activities including audits, civil administrative or criminal investigations, inspections, licensure or disciplinary action. However, we may not disclose your Protected Health Information if you are the subject of an investigation and your Protected Health Information is not directly related to your receipt of health care or public benefits.
  - **For judicial and administrative proceedings.** We may disclose your Protected Health Information in the course of any judicial or administrative proceeding in response to an order of a court or administrative tribunal as expressly authorized by such order, or, in response to a subpoena, discovery request or other lawful process, if we determine that reasonable efforts have been made by the party seeking the information to either notify you about the request or to secure a qualified protective order regarding your health information. Under Ohio law, some requests may require a court order for the release of any confidential medical information.
  - **For law enforcement purposes.** As permitted or required by law, we may disclose specific and limited Protected Health Information about you for certain law enforcement purposes.
  - **To a funeral director/coroner/medical examiner.** In certain circumstances, we may disclose your Protected Health Information to funeral directors, medical examiners, and coroners to carry out their duties consistent with applicable law.
  - **For organ/eye/tissue donation.** Consistent with applicable law, we may disclose your Protected Health Information to organ procurement organizations or other entities engaged in the procurement, banking, or transplantation of organs for the purposes of tissue donation and transplant.
  - **For research purposes.** We may, under very select circumstances, use your Protected Health Information for research. Before we disclose any of your Protected Health Information for such research purposes in a way that you could be identified, the project will be subject to an extensive review and approval process, unless otherwise prohibited.
  - **To avert serious threats to health or safety.** We may, consistent with applicable law and ethical standards of conduct, disclose your Protected Health Information if we, in good faith,

believe that such disclosure is necessary to prevent or lessen a serious and imminent threat to your life, health, or safety, or to the health and safety of the public.

- **To facilitate specialized government functions.** Federal regulations may require or authorize us to use or disclose your Protected Health Information to facilitate specified government functions relating to military and veterans; national security and intelligence activities; protective services for the President and others; medical suitability determinations; and inmates and law enforcement custody.
- **Public Benefits Programs.** To facilitate eligibility determinations or enrollment into public benefit programs
- **For Workers' Compensation.** We may use or disclose your PHI for workers' compensation or similar programs.

***What can be done with my information if I authorize its disclosure for other purposes?***

Other uses and disclosures of health information not covered by this notice or the laws that apply to us will be made only with your written permission. For example, you might agree to allow us to share your Protected Health Information with a housing program so that it can determine if you are eligible to be offered a placement in one of its apartments. You should know that we cannot use your Protected Health Information for marketing purposes or sell your Protected Health Information without your permission. In addition, in most cases, we cannot share your psychotherapy notes or information about your substance use disorder without your written permission. In order to demonstrate that you have given us permission you will sign an authorization form.

***Can I revoke my authorization?***

Yes. You can revoke your authorization. You must do this in writing and bring it to us so that we can stop sharing your Protected Health Information. We are permitted to share your Protected Health Information based on your authorization until we receive your revocation in writing. You should understand that we are unable to take back any disclosures we have already made with your permission and that we are required to retain our records of the care that we provided to you.

***What can I do if I have questions or want to complain about the use and disclosure of my Protected Health Information?***

All questions and complaints about the use and disclosure of your Protected Health Information or our privacy policies and procedures may be sent to:

Privacy Officer  
Circle Health Services and The Centers for Families and Children  
4500 Euclid Ave.  
Cleveland, Ohio 44103  
(216) 325-9281

If you have a complaint, please include a detailed written description of the problem.

You may also file a complaint with the U.S. Department of Health and Human Services. To file a complaint with the U.S. Department of Health and Human Services, submit a detailed written description of the problem to your regional Office for Civil Rights. Your description must name the covered entity (Circle Health Services or The Centers for Families and Children) and what action (or lack of action) you believe has violated HIPAA. Your complaint must be submitted within 180 days of when you knew or should have known of the problem, unless this deadline is waived by the Office for Civil Rights. You can find the address for your regional office at <http://www.hhs.gov/ocr/privacy/hipaa/complaints/index.html>.

No one may retaliate against you in any way because you have filed a complaint.

If you have questions regarding how to file a complaint, please contact the Privacy Officer.

***Contact Persons***

If you want to exercise any of your rights concerning your Protected Health Information, please contact the Privacy Officer.

***Effective Date***

This Notice is effective January 24, 2019.