

Family Life Center, Inc.

NOTICE OF INFORMATION PRACTICES FOR MENTAL HEALTH SERVICES PLEASE READ CAREFULLY

THIS NOTICE DESCRIBES HOW YOUR MEDICAL INFORMATION MAY BE USED AND DISCLOSED AND HOW YOU CAN ACCESS THIS INFORMATION

Understanding Your Mental Health Record Information

Each time you visit a hospital, physician, or other health care provider, a record of your visit is made. Typically, this record contains your health history, current symptoms, examination and test results, diagnosis, treatment, and the plan for future care and treatment. Your treatment record serves as a:

- Basis for planning your care and treatment.
- Means of communication among the many professionals who contribute to your care.
- Legal document describing the care and treatment you receive.
- Means by which you or a third-party payer can verify that you actually received the services billed.
- Source of information for public health officials who are charged with improving the health of individuals in the regions they serve.
- Tool to assess the appropriateness and quality of the care you receive.
- Tool to improve the quality of the services provided.
- Tool to measure outcomes and client satisfaction.
- Means for Family Life Center, Inc. to obtain payment for services provided.

As a client, or a family member/guardian of someone receiving mental health services, understanding what is contained in the treatment record will help you:

- Ensure the accuracy and completeness of the record.
- Understand who, what, where, why, and how others may access treatment information.
- Make informed decisions about authorizing disclosures.
- Better understand your rights as a client of the agency.

Your Rights Under the Federal Privacy Standard

Although your mental health records are the physical property of Family Life Center, Inc., you have certain rights in regards to the information they contain. You have the right:

1. To place restrictions on the information disclosed regarding your mental health treatment. **PLEASE NOTE:** The right to request restrictions does not extend to uses or disclosures permitted under § 164.502 (a) (2) (i) (disclosures to you), § 164.210(a) (for facility directories, but note, you have the right to object to such uses), or § 164.512 (uses and disclosures not requiring a consent or authorization). The latter uses and disclosures include those required by law, such as the mandatory reporting of communicable diseases, and child abuse and/or neglect. In those cases, you do not have the right to request a restriction. The consent, or release of information, provides you with the ability to request that restrictions be placed on the information disclosed, however, Family Life Center, Inc., does not have to agree to the restrictions. If the agency does agree, we will adhere to your request until you revoke your permission in writing.
2. To obtain a copy of the **Notice of Information Practices**. We have posted copies in prominent locations at all Family Life Center, Inc. locations, but if you want a written copy you have the right to receive one.
3. To ask Family Life Center, Inc. to communicate with you by alternate means and, if the method is reasonable, grant your request.
4. To inspect and copy your mental health information upon request. **PLEASE NOTE**, this right is not absolute.

UNDER THE FEDERAL PRIVACY STANDARDS, YOUR RIGHTS DO NOT INCLUDE ACCESS TO THE FOLLOWING:

- Psychotherapy Notes. Such notes are comprised of those recorded in any medium by a healthcare provider who is a mental health professional documenting or analyzing a conversation during a private, group, joint or family counseling session and that are separated from the rest of your medical record.

- Information compiled in reasonable anticipation of, or for use in, civil, criminal, or administrative actions or proceedings.
- Protected health information that is subject to the Clinical Laboratory Improvement Amendments of 1988 (“CLIA”), 42 U.S.C. § 263a. to the extent that the provision of access to the individual would be prohibited by law.
- Information obtained, under a promise of confidentiality, from someone other than a healthcare provider and if the access requested would reasonably likely reveal the source of the information.

In other situations, Family Life Center, Inc. may deny you access but, if this occurs, we must provide you with a review of why the decision denying access was made. The following are examples of “reviewable” grounds of denial:

- A licensed mental health professional determines, in the exercise of professional judgment, that access is reasonably likely to endanger the life or physical safety of the individual or another person.
- The information requested refers to another person (other than the healthcare provider) and a licensed mental health provider determines, in the exercise of professional judgment, that access is reasonably likely to cause substantial harm to the other person.
- The request is made by the individual’s personal representative and a licensed mental health professional determines, in the exercise of professional judgment, that the provision of access to the personal representative is reasonably likely to cause substantial harm to the individual or another person.

If, under these reviewable grounds, your request is denied, another licensed mental health professional must review the decision of the provider that initially denied access. This review will occur within 60 days of the initial denial. If you are again denied access, Family Life Center, Inc. will explain, in writing, what your rights are, including how to seek review of the decision. If access is granted, Family Life Center, Inc. will tell you what, if anything, you must do to obtain access.

5. Request amendments/corrections to your mental health information. Family Life Center, Inc. does not have to grant the request if:
 - We did not create the record, as in the case of a consultation report from another provider, because we do not know if the information is accurate or not. In such cases, you must seek amendments/corrections from the party creating the document. If they amend or correct the record, we will put the corrected record in our files.
 - The records are not available to you as discussed in the section outlined above concerning records you do not have access too.
 - The records are accurate and complete.

If Family Life Center, Inc. denies your request for amendment/correction of your records, we will give you information telling you how you can attach a statement of disagreement to your records (which Family Life Center, Inc. may rebut), and how you can make your complaint known. If we grant the request, we will distribute the revision to agencies or individuals requiring the amended/corrected information as well as those you identify.

6. Obtain an accounting of “non-routine” uses and disclosures of your mental health information, (routine disclosures are those that are used for the purposes of payment, treatment, and health care operations), by Family Life Center, Inc. to individuals or agencies.

Family Life Center, Inc. must provide the accounting within 60 days. The accounting must include:

- The date of each disclosure.
- The name and address of the organization(s) or person(s) who received the information.
- A brief statement of the purpose of the disclosure that reasonably informs you of the basis for the disclosure, or in lieu of such a statement, a copy of your written authorization, or a copy of the written request for disclosure.

Family Life Center, Inc. does not have to provide an accounting:

- For the facility directory or to persons involved in your care or for other notification purposes as provided in § 164.510 (uses and disclosures requiring an opportunity for the individual to agree or to object, including notification to family members, personal representatives, or other persons responsible for the care of the individual, of the individual’s location, general condition, or death).
- For national security or intelligence purposes under § 164.512(k) (2) (disclosures not requiring consent, authorization, or opportunity to object).
- To correctional institutions or law enforcement officials under § 164.512(k) (5) (disclosures not requiring consent, authorization, or opportunity to object).
- Disclosures that occurred before April 14, 2003.
- Disclosures made to you.

- Disclosures authorized by you.
- Disclosures of limited data sets (partially de-identified data used for research, public health, or health care operations).

The first accounting in any 12 month period is free. Thereafter, Family Life Center Inc. reserves the right to charge a reasonable, cost-based fee for copying any records.

7. Revoke your consent or authorization to use or disclose your mental health information except to the extent that we have already taken action in reliance upon the consent or authorization.

Family Life Center, Inc.'s Responsibilities Under the Federal Privacy Standards

In addition to informing you about your rights, the federal privacy standards require us to:

1. Maintain the privacy of your mental health information, including implementing reasonable and appropriate physical, administrative, and technical safeguards to protect the information.
2. Provide you with this notice concerning to our legal responsibilities and privacy practices with respect to individually identifiable mental health information we collect and maintain.
3. Abide by the terms of this notice.
4. Train our personnel concerning privacy and confidentiality.
5. Implement a sanction policy to discipline those who breach privacy/confidentiality.
6. Mitigate (lessen the harm of) any breach of privacy/confidentiality.

FAMILY LIFE CENTER, INC. RESERVES THE RIGHT TO CHANGE OUR PRACTICES AND MAKE NEW PROVISIONS EFFECTIVE FOR ALL INDIVIDUALLY IDENTIFIABLE HEALTH INFORMATION WE MAINTAIN. SHOULD WE CHANGE OUR INFORMATION PRACTICES, WE WILL ADVISE YOU BY POSTING THE CHANGES IN ALL LOCATIONS.

We will not use or disclose your health information without your consent or authorization, except as described in this notice or as otherwise required by law.

How to Get More Information or to Report a Problem: If you have questions and/or would like additional information, you may contact Kathi Gale, Privacy Officer at 620-848-2300 or by mail at P.O. Box 550, Riverton, Kansas 66770.

Examples of Disclosures for Treatment, Payment, and Health Operations:

Under the regulatory authority of the Department of Health and Human Services, we will use your mental health information for treatment.

Example:

A licensed mental health professional or physician will record information in your record in order to diagnosis your condition and determine the best course(s) of treatment for you. The licensed professional will, along with you, and your family/guardian if appropriate, access what your treatment goals will be and if any other providers will be necessary in the provision of your care. You and the licensed professional will also determine what, if any, roles the other service providers will play. All parties, if appropriate, will provide written documentation and verbal communication with the licensed professional in order to evaluate your response to the treatment you are provided.

Under the regulatory authority of the Department of Health and Human Services, we will use your mental health information to receive payment for our services.

Example:

Family Life Center, Inc. may need to provide information concerning you to a 3rd party payer such as an insurance company or other reimbursement source. The information needed for the financial reimbursement process may include information that identifies you, your diagnosis, type of treatment provided, and any other information necessary for the completion of the financial/reimbursement process.

Under the regulatory authority of the Department of Health and Human Services, we will use your mental health information for administrative operations.

Examples:

- Quality Assurance: Family Life Center, Inc. staff, quality assurance coordinator/team, or members of the utilization review team may use information in your mental health record to assess the care you are being provided along with the quality of that care. Your information will also be used to judge the quality and competence of the persons assisting you in your treatment. Family Life Center, Inc. will use this information in our continuing efforts to improve the quality and effectiveness of the mental health services provided by the agency.

- **Business Associates:** Family Life Center, Inc. provides and receives services through contracts with business associates. Examples include administrative audits, case consultation, and diagnostic testing. When these services are used, we may disclose your mental health information to the business associate so they can perform the function(s) we have contracted with them to do and so that they may bill a 3rd party for their services. To protect your mental health information, we require the business associate to provide the appropriate safeguards for your confidentiality.
- **Notification:** Family Life Center, Inc. may, in the event of a mental health or health related emergency, notify the person(s) you have listed on the Client Information Form and make them aware of your condition and location.
- **Marketing/Continuity of Care:** We may use or disclose information to remind or notify you, or your personal representative of appointments, cancellations, and rescheduling.
- **Food and Drug Administration (FDA):** Family Life Center, Inc. may disclose to the FDA health information relative to adverse effects/events with respect to food, drugs, supplements, product or product defects, or post marketing surveillance information to enable product recalls, repairs, or replacement.
- **Workers Compensation:** Family Life Center, Inc. may disclose your mental health information to the extent authorized by and to the extent necessary to comply with laws relating to workers compensation or other similar programs established by law.
- **Public Health:** As required by law, Family Life Center, Inc. may disclose your mental health information to public health or legal authorities charged with preventing or controlling disease, injury, or disability.
- **Correctional Institution:** Should you be an inmate of a correctional institution, Family Life Center, Inc. may disclose to the institution or its agents the mental health information necessary for your health and the health and safety of other individuals.
- **Law Enforcement:** Family Life Center, Inc. may disclose mental health information as required by law or in response to a valid subpoena.
- **Health Oversight Agencies and Public Health Authorities:** If a member of Family Life Center, Inc.'s staff or a business associate believes in good faith that we have engaged in unlawful conduct or otherwise violated professional or clinical standards and are potentially endangering one or more clients, workers, or the public, we may disclose your mental health information to a health oversight agency and/or public health authority, such as the Department of Health.
- **The Federal Department of Health and Human Services (DHHS):** Under the privacy standards, Family Life Center, Inc. must disclose your mental health information to DHHS as necessary to allow for the determination of compliance with the privacy standards.

Effective Date: April 14, 2003

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