



Notice of Privacy Practices

This Notice describes how medical information about you may be used and disclosed and how you can obtain access to this information. Please review it carefully. This Notice is effective April 14, 2003, last revised March 1, 2018.

Our Duty to Safeguard Your Protected Health Information

Individually identifiable information about your past, present, or future health or condition, the provision of health care to you, or payment for health care is considered, "Protected Health Information" (PHI). We are required to extend certain protections to your PHI, and to give you this Notice about our privacy practices that explains how, when and why we may use or disclose your PHI. Except in specified circumstances, we must use or disclose only the minimum necessary PHI to accomplish the intended purpose of its use or disclosure.

We are required to follow the privacy practices described in this Notice though **we reserve the right to change our privacy practices and the terms of this Notice at any time** and make the changes effective for all PHI maintained.

How We May Use and Disclose Your Protected Health Information

We use and disclose Protected Health Information for a variety of reasons. We have a limited right to use and/or disclose your PHI for purposes of treatment, payment, and for our health care operations. For uses beyond that, we must have your written authorization unless the law permits or requires us to make the use or disclosure without your authorization. If we disclose your PHI to an outside entity in order for that entity to perform a function on our behalf, we must have in place an agreement with the outside entity that it will extend the same degree of privacy protection to your information that we must apply to your PHI. However, the law provides that we are permitted to make some uses/disclosures without your consent or authorization. The following describes and offers examples of our potential uses/disclosures of your PHI.

Confidentiality of Substance Use Disorder Records

The confidentiality of substance use disorder records is protected by Federal law and regulations. Generally, we may not acknowledge to a person outside our facility that you are a client of a Part 2 program or disclose any information identifying you as an alcohol or drug abuser, unless:

- (1) You consent in writing;
- (2) The disclosure is allowed by a court order; or
- (3) The disclosure is made to medical personnel in a medical emergency or to qualified personnel for research, audit, or program evaluation.

Violation of the Federal law and regulations is a crime. Suspected violations may be reported to appropriate authorities in accordance with Federal regulations.

Federal law and regulations do not protect any information about:

- (1) a crime committed by you either at Seneca or against any person who works for Seneca or about any threat to commit such a crime (as discussed below).
- (2) suspected child abuse or neglect from being reported to appropriate State or local authorities (as discussed below).

See 42 CFR Part 2 for Federal regulations.

Uses and Disclosures Relating to Treatment, Payment, or Health Care Operations. We may use or disclose your PHI as follows:

For treatment: We may disclose your PHI to doctors, nurses, and other health care personnel who are involved in providing your health care. For example, your PHI will be shared among members of your treatment team, or with the pharmacy. We also may disclose medical information about you to people outside the facility who may be involved in your medical care, such as a designated family member in case of an emergency or others we use to provide services that are part of your care, such as your insurance company. Your PHI may also be shared with outside entities performing ancillary services relating to your treatment, such as lab work or x-rays, or for consultation purposes, and/or community mental health agencies involved in provision or coordination of your care. When required, we will obtain your authorization before disclosing any of your information. Only the minimally necessary information will be revealed during disclosures.

To obtain payment: We may use/disclose your PHI in order to bill and collect payment for your health care services. For example, we may contact your employer to verify employment status, and/or release portions of your PHI to the Medicaid program, the Department of Health and Human Resources (DHHR) central office, the Bureau for Behavioral Health and Health Facilities (BBHFF), and/or a private insurer to get paid for services that we delivered to you. We may release information to the Office of the Attorney General for collection purposes. We may also share information with your health insurer about treatment you are going to receive to obtain prior approval or to determine whether your plan will cover the treatment.

For health care operations: We may use/disclose your PHI in the course of operating our mental health programs. For example, we may use your PHI to review our treatment and services and to evaluate the performance of our staff. We may disclose your PHI to designated staff in our other facilities, programs, or our business office or to our accountant or attorney for audit purposes. Release of your PHI to DHHR and BBHFF and/or state agencies might also be necessary to determine your eligibility for publicly funded services.

Appointment reminders: We may use and disclose minimally necessary PHI to contact you as a reminder that you have an appointment or missed an appointment for treatment in order to reschedule the appointment.

Uses and Disclosures of PHI Requiring Authorization. For uses and disclosures beyond treatment, payment and operations purposes we are required to have your written authorization, unless the use or disclosure falls within one of the exceptions described below. Authorizations can be revoked at any time to stop future uses/disclosures except to the extent that we have already undertaken an action in reliance upon your authorization.

Uses and Disclosures of PHI from Mental Health Records Not Requiring Consent or Authorization. The law provides that we may use/disclose your PHI from mental health records without consent or authorization in the following circumstances:

When required by law: We may disclose minimally necessary PHI when a law requires that we report information about suspected abuse, neglect or domestic violence, or relating to suspected criminal activity, or in proceedings for the involuntary commitment of an individual to a mental health facility for treatment. We may disclose minimally necessary PHI to determine the competency of a criminal defendant to stand trial or to determine whether the criminal defendant is legally responsible. We may disclose minimally necessary PHI pursuant to a court order determining that the need for the requested information outweighs the need to maintain the confidentiality of the information. We must also disclose PHI to authorities that monitor compliance with these privacy requirements.

For public health activities: We may disclose minimally necessary PHI when we are required to collect information about disease or injury, or to report vital statistics to the public health authority.

For health oversight activities: We may disclose minimally necessary PHI to a health oversight agency for activities authorized by law. These oversight activities include, for example, audits, investigations, inspections and licensure. These activities are necessary for the government to monitor the health care system, government programs, and compliance with civil rights laws.

Medical Examiners: We may release minimally necessary PHI about you to a medical examiner. This may be necessary, for example, to identify a deceased person or determine the cause of death.

Inmates: If you are an inmate of a correctional institution or under the custody of a law enforcement official, we may disclose PHI to the correctional institution or law enforcement official if the disclosure is necessary (1) for the institution to provide you with health care; (2) to protect your health and safety or the health and safety of others; or (3) the safety and security of the correctional institution.

To avert threat to health or safety: In or to avoid a serious threat to health or safety, we may disclose minimally necessary PHI as necessary to law enforcement or other persons who can reasonably prevent or lessen the threat of harm.

Law Enforcement: We may release minimally necessary PHI about you if asked to do so by a law enforcement official in response to a proper court order or similar process; in response to an arrest warrant; about criminal conduct involving our facility; and in emergency circumstances to report a crime, the location of the crime or victims, or the identity, description or location of the person who committed the crime if the crime is on Seneca premises or against Seneca personnel.

Lawsuits and Disputes: If you are involved in a lawsuit or a dispute, we may disclose minimally necessary PHI about you in response to a proper court order.

National Security and Intelligence Activities: We may release minimally necessary PHI about you to authorized federal officials for intelligence, counterintelligence, and other security activities authorized by law.

Uses and Disclosures Requiring You to Have an Opportunity to Object. In the following situations, we may disclose a limited amount of your PHI if we inform you about the disclosure in advance and you do not object, as long as the disclosure is not otherwise prohibited by law.

To families, friends or others involved in your care: We may share with these people information directly related to their involvement in your care, or payment of your care. We may also share PHI with these people to notify them about your location, general condition, or death.

Your Rights Regarding Your Protected Health Information. You have the following rights relating to your PHI:

To request restrictions on uses/disclosures: Although most disclosures we make are minimally necessary, you have the right to request a restriction or limitation on the PHI we use or disclose about you for treatment, payment or health care operations. You also have the right to request a limit on the PHI we disclose about you to someone who is involved in your care or the payment for your care. Finally, you have the right to request a restriction on the people who are able to obtain the information we disclose. However, we are not required to agree to your request. If we do agree, we will comply with your request unless the information is needed to provide you emergency treatment. We cannot agree to limit uses/disclosures that are required by law.

To choose how we contact you: You have the right to request that we communicate with you about medical matters in a certain way or at a certain location. For example, you can ask that we only contact you at work or at home. To request confidential communications, you must make your request in writing. We will not ask you the reason for your request and we will accommodate all reasonable requests. Your request must specify how or where you wish to be contacted.

To inspect and request a copy of your PHI: Unless your access to your records is restricted for clear and documented treatment reasons or WV state law, you have a right to access your protected health information upon your written request. If we deny your access, we will give you written reasons for the denial and explain any right to have the denial reviewed. If you want copies of your PHI, a charge for copying may be imposed. You have a right to choose what portions of your information you want copied and to have prior information on the cost of copying.

To request amendment of your PHI: If you feel that any of the medical information we have about you is incorrect or incomplete, you may ask us to amend the information. You have the right to request an amendment for as long as the information is kept by our facility. To request an amendment, your request must be in writing. In addition, you must provide a reason that supports your request. We may deny your request for an amendment if it is not in writing or does not include a reason to support the request. In addition, we may deny your request if you ask us to amend information that was not created by us, if the person or entity that created the information is no longer available to make the

amendment; is not part of the medical information kept by Seneca; is not part of the information which you would be permitted to inspect and copy; or is accurate and complete.

To find out what disclosures have been made: You have a right to get a list of when, to whom, for what purpose, and what content of your PHI has been released other than instances of disclosure for treatment, payment, and operations: to you, your family; or pursuant to your written authorization. The list also will not include any disclosures made incident to a use and disclosure that is otherwise permitted by Seneca, for national security purposes, to law enforcement officials or correctional facilities, or disclosures made before April 2003. We will respond to your written request for such a list within 60 days of receiving it. Your request can relate to disclosures going as far back as six years. There will be no charge for up to one such list each year. There may be a charge for more frequent requests.

Breach of Protected Health Information

In the event your protected health information is unsecured and disclosed without Seneca or your authorization, you will be notified of a data breach. Seneca is required to notify you even if there is no reason to suspect any misuse of the PHI. You will be notified by mail or by phone as soon as reasonably possible. It is your duty, or the duty of your legally authorized individual, to promptly notify us if you had a change of address.

You Have the Right to Receive This Notice: You have a right to receive a paper copy of this notice and/or an electronic copy by email upon request.

How to Complain About Our Privacy Practices

If you think we may have violated your privacy rights, or you disagree with a decision we made about access to your PHI, you may file a complaint with Seneca's Privacy Officer (contact information listed below).

You also may file a written complaint with the Secretary of the U.S. Department of Health and Human Services at 200 Independence Avenue SW, Washington D.C., 20201, or call 1-800-368-1019. Your complaint must be filed with the Secretary of the US DHHS within 180 days of knowing that an act or omission occurred.

We will not engage in intimidating or retaliatory action against you if you make a complaint. You will not be asked to waive your rights to file a complaint as a condition of treatment.

Contact Person for Information or to Submit a Complaint

If you have questions about this Notice or any complaints about our privacy practices, contact our **Privacy Officer**:

Seneca Health Services, Inc.
1305 Webster Road
Summersville, WV 26651
Telephone: 304.872.6503
privacyofficer@shsinc.org

Effective Date:

This notice is effective on April 14, 2003, last revised March 1, 2018.