TITLE: NOTICE OF PRIVACY PRACTICES

POLICY: A client of Child Saving Institute (CSI) mental health services (falling under the guidelines of HIPAA) has a right to adequate notice of the uses and disclosures of protected health information (PHI) that may be made by CSI, as well as the client's rights and CSI's legal duties with respect to PHI. There are two exceptions to this right:

1. Exception for group health plans that provide health benefits solely through an insurance contract with a health insurance issuer or HMO; and

2. Exception for inmates -- an inmate does not have a right to notice under this section, and the requirements of this section do not apply to a correctional institution that is a covered entity.

DEFINITIONS:

Protected Health Information (PHI): Individually identifiable health information (IIHI) that is (i) transmitted by electronic media; (ii) maintained in any medium described in the definition of electronic media at section 162.103 of the Privacy Rule; or (iii) transmitted or maintained in any other form or medium. PHI excludes IIHI in (i) education records covered by the Family Educational Right and Privacy Act, as amended, 20 U.S.C. 1232g and (ii) records described at 20 U.S.C. 1232g(a)(4)(B)(iv).

See 164.520(a)(2) and (3) of the HIPAA Privacy Rule.

These policies and/or procedures shall supersede any and all prior policies and/or procedures, handbooks, or statements, oral or written, issued by CSI in regards to individually identifiable health information (i.e., protected health information) as defined under HIPAA and its associated Privacy Rule.

ORIGINAL EFFECTIVE DATE: 04/14/03

LEGAL REVIEW: 04/07/03

REVIEWS/REVISION HISTORY:

Chair, Board of Directors 8/26/09

DATE
CHILD SAVING INSTITUTE
PROCEDURE

TITLE: NOTICE OF PRIVACY PRACTICES

PROCEDURE NUMBER: 12001A

PROCEDURE: To file a grievance against Child Saving Institute personnel or practices, the following procedures are employed:

1. Provide the Notice to the individual no later than the date of the first service delivery, including if the first service is delivered electronically.

2. Provide the Notice in an emergency situation as soon as reasonably practicable.

3. Make a good faith effort to obtain a written acknowledgment of receipt of the Notice, and if not obtained, document efforts to obtain the acknowledgment and the reason why the acknowledgment was not obtained.

4. Have the Notice available at the service delivery site for individuals to request and take with them.

5. Post the Notice in a clear and prominent location.

6. Make the Notice available on the web site, if there is a web site.

7. Revise and distribute the Notice whenever there is a material change.

8. Not combine the Notice with any other document.

Required Elements of Notice of Privacy Practices (45 C.F.R. 164.520):

Child Saving Institute must provide a notice that is written in plain language and that contains the elements required by this paragraph.

1. The notice must contain the following statement as a header or otherwise be prominently displayed: "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."

2. Uses and disclosures. The notice must contain:

   a. A description, including at least one example, of the types of uses and disclosures that Child Saving Institute is permitted by this subpart to make for each of the following purposes: treatment, payment, and health care operations.

   b. A description of each of the other purposes for which Child Saving Institute is permitted or required by this subpart to use or disclose protected health information without the individual's written authorization.
c. If a use or disclosure for any purpose described in this section is prohibited or materially limited by other applicable law, the description of such use or disclosure must reflect the more stringent law as defined in § 160.202 of this subchapter.

d. For each purpose described in this section, the description must include sufficient detail to place the individual on notice of the uses and disclosures that are permitted or required by this subpart and other applicable law.

e. A statement that other uses and disclosures will be made only with the individual's written authorization and that the individual may revoke such authorization as provided by § 164.508(b)(5).

3. Separate statements for certain uses or disclosures. If Child Saving Institute intends to engage in any of the following activities, the description required by this section must include a separate statement, as applicable, that:

   a. Child Saving Institute may contact the individual to provide appointment reminders or information about treatment alternatives or other health-related benefits and services that may be of interest to the individual;

   b. Child Saving Institute may contact the individual to raise funds for the covered entity; or

   c. A group health plan, or a health insurance issuer or HMO with respect to a group health plan, may disclose protected health information to the sponsor of the plan.

4. Individual rights. The notice must contain a statement of the individual's rights with respect to protected health information and a brief description of how the individual may exercise these rights, as follows:

   a. The right to request restrictions on certain uses and disclosures of protected health information as provided by § 164.522(a), including a statement that the covered entity is not required to agree to a requested restriction;

   b. The right to receive confidential communications of protected health information as provided by § 164.522(b), as applicable;

   c. The right to inspect and copy protected health information as provided by § 164.524;

   d. The right to amend protected health information as provided by § 164.526;

   e. The right to receive an accounting of disclosures of protected health information as provided by § 164.528; and

   f. The right of an individual, including an individual who has agreed to receive the notice electronically in accordance with paragraph (c)(3) of this section, to obtain a paper copy of the notice from the covered entity upon request.
5. Child Saving Institute’s duties. The notice must contain:

a. A statement that Child Saving Institute is required by law to maintain the privacy of protected health information and to provide individuals with notice of its legal duties and privacy practices with respect to protected health information;

b. A statement that Child Saving Institute is required to abide by the terms of the notice currently in effect; and

c. For the covered entity to apply a change in a privacy practice that is described in the notice to protected health information that the covered entity created or received prior to issuing a revised notice, in accordance with § 164.530(i)(2)(ii), a statement that it reserves the right to change the terms of its notice and to make the new notice provisions effective for all protected health information that it maintains. The statement must also describe how it will provide individuals with a revised notice.

6. Complaints. The notice must contain a statement that individuals may complain to Child Saving Institute and to the Secretary if they believe their privacy rights have been violated, a brief description of how the individual may file a complaint with the agency, and a statement that the individual will not be retaliated against for filing a complaint.

7. Contact. The notice must contain the name, or title, and telephone number of a person or office to contact for further information as required by § 164.530(a)(1)(ii).

8. Effective date. The notice must contain the date on which the notice is first in effect, which may not be earlier than the date on which the notice is printed or otherwise published.

ORIGINAL EFFECTIVE DATE: 04/14/03

[Signature]
TODD A. LANDRY
PRESIDENT & CHIEF EXECUTIVE OFFICER

DATE: 6/23/04