

Exceptional Family Resources
NOTICE OF PRIVACY PRACTICES FOR PROTECTED HEALTH INFORMATION
Effective April 14, 2003; Revised 12/15/08; Updated 9/9/11; Updated 11/30/17; Updated 02/22/21

THIS NOTICE DESCRIBES HOW PROTECTED HEALTH INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE READ IT CAREFULLY. If you have any questions about this notice, please contact the Exceptional Family Resources' Privacy Officer at (315) 478-1462.

At Exceptional Family Resources (EFR) we highly value our relationships with the people who use our services and place their trust in us to maintain the highest ethical standards with regard to all aspects of service delivery. This includes our commitment to the protection of individual privacy rights. We are obligated to maintain your privacy and are very careful in all of our actions on your behalf to protect the private nature of our relationship with you. In order to provide you with the services you want and need we will be required to collect or share information about you with other organizations or individuals. This Notice of Privacy Practices serves to provide you with information regarding the privacy practices of EFR, as they pertain to the Health Insurance Portability and Accountability Act of 1996, commonly known as HIPAA, and all associated privacy regulations. This notice describes the legal duties and privacy policies of EFR with respect to your personal health information, how we may use and disclose your protected health information, and your rights to access and control your protected health information. EFR will restrict access to your personal health information to include only those who must access your information in order to provide supports and services to you. EFR maintains physical, electronic, and procedural safeguards that comply with state and federal regulations to protect your personal information. EFR is required to abide by the terms of this Notice of Privacy Practices.

What is Protected Health Information?

Protected Health Information (PHI) is information about a person receiving our services that:

- Relates to a past, present or future physical or mental health condition. It includes information about the provision of services and payment regarding this health care;
- Identifies the participant or provides a reasonable basis to be used to identify the participant, and;
- Is created or received by our agency.

Your Personal Health Information

At times, we collect personal health information from or about you through the provision of our services, payment and related healthcare operations, the application and enrollment process, and/or healthcare providers or health plans, or through other means, as applicable. Your personal health information is protected by law and broadly includes any information, oral, written or recorded, that is created or received by agencies like us, as well as health insurance companies or plans. The law specifically protects health information that contains data, such as your name, address, social security number, and others, that could be used to identify you as the participant who is associated with that health information. Examples of Health Information created by EFR is your written plan for service and assessments for those services.

How We May Use and Disclose Medical Health Information about You

Without your consent, we may use or disclose your personal health information in order to provide you with services and the treatment you require or request, or to collect payment for those services, and to conduct other related health care operations otherwise permitted or required by law. Also, we are permitted to disclose your personal health information within and among our workforce in order to accomplish these same purposes. The following categories describe different ways that we use and disclose protected health information without your consent. **Not every use or disclosure in a category will be listed but all of the ways we are permitted to use and disclose information will fall within one of these categories.**

- **Treatment.** We may use protected health information about you to provide you with treatment or services. We may disclose medical information about you to all EFR personnel who are involved in delivering services to you. We are still required to limit such uses or disclosures to the minimal amount of personal health information that is reasonably required to provide those services or complete those activities. For

example, a supervisor may need to review your documentation in order to approve a plan that describes your services. In addition, the supervisor may need to consult with the Quality Improvement department regarding your services to make sure they are adequately meeting your needs. Different departments of the agency also may share medical information about you in order to coordinate the different things you need. We also may disclose protected health information about you to people outside the agency who may be involved in your care and services, such as family members, advocates, care managers, CCO's, employers or others who provide services that are part of your plans of service. We may use and disclose protected health information to tell you about or recommend possible treatment options, alternatives, or other services that may be of interest to you. We may use and disclose medical information to tell you about health-related benefits or services that may be of interest to you. In the event of an emergency EFR may disclose what ever information is needed in order to obtain necessary care for you. In addition, we may disclose protected health information about you to an entity assisting in a disaster relief effort so that your family can be notified about your condition, status and location.

- **Payment.** We may use and disclose protected health information about you so that the treatment and services you receive from the agency may be billed to and payment may be collected from you, Medicaid, an insurance company, or a third party. For example, we may need to give your health plan information about services you received at the agency so your health plan will pay us. We may be asked to provide your health plan with supporting documentation to prove medical necessity or to be used in care reviews or utilization review activities.
- **Health Care Operations.** We may use and disclose protected health information about you for agency operations. These uses and disclosures are necessary to ensure that all of the individuals receiving services at EFR receive quality care. For example, we may use medical information to review our treatment and services and to evaluate the performance of our staff in caring for you. We may also combine medical information about many individuals to decide what additional services the agency should offer, what services are not needed, and whether certain new programs are effective. We may also disclose information to other agency personnel for review and learning purposes. We may also combine the protected health information we have with protected health information from other agencies to compare how we are doing and see where we can make improvements in the care and services we offer. We may remove information that identifies you from this set of medical information so others may use it to study health care and health care delivery without learning who the specific individuals are.
- **Marketing Activities.** EFR must obtain your prior written authorization to use your protected health information, except for a face-to-face encounter or a communication involving a promotional gift of nominal value.
- **Fundraising.** We may use protected health information to send fundraising communications to you. We must offer you the opportunity to opt out of future fundraising communications.
- **Research.** Under certain circumstances, we may use and disclose protected health information about you for research purposes.
- **As Required By Law.** We will disclose protected health information about you when required to do so by federal, state or local law. In response to a court order, subpoena, warrant, summons or similar process; To identify or locate a suspect, fugitive, material witness, or missing person; About the victim of a crime if, under certain limited circumstances, we are unable to obtain the person's agreement; About a death we believe may be the result of criminal conduct; • About criminal conduct at the agency; 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.
- **To Avert a Serious Threat to Health or Safety.** We may use and disclose protected health information about you when necessary to prevent a serious threat to your health and safety or the health and safety of the public or another person. Any disclosure, however, would only be to someone able to help prevent the threat.

- **Health Oversight Activities.** We may disclose protected health information to an oversight agency for activities authorized by law. OPWDD and the NYS OMIG are examples of oversight agencies for EFR. 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.
- **Lawsuits and Disputes.** We may disclose protected health information about you in the course of any administrative or judicial proceeding. If you are involved in such a proceeding, we will disclose health information if the judge or presiding officer orders us to do so.
- **Law Enforcement.** We may release protected health information if asked to do so by a law enforcement official:

Situations which May Require Your Authorization Prior to Disclosure:

The law requires your prior written authorization in the following cases. **Not every use or disclosure in a category will be listed.**

- **Psychotherapy Notes** (Option – Not Necessary if Agency does not Maintain Psychotherapy Notes). We may use and disclose most psychotherapy notes, where appropriate, only with your prior authorization.
- **Marketing Purposes/Sale of PHI.** We may use and disclose protected health information for marketing purposes or for disclosures constituting a sale of protected health information only with your prior authorization.
- **Other Uses.** Other uses and disclosures of protected health information not covered by this notice or the laws that apply to us will be made only with your written authorization. If you provide us authorization to use or disclose protected health information about you, you may revoke that authorization, in writing, at any time. If you revoke your authorization, we will no longer use or disclose protected health information about you for the reasons covered by your written authorization.

All Other Situations, With Your Specific Authorization: Except as otherwise permitted or required, as described above, we may not use or disclose your personal health information without your written authorization. Further, we are required to use or disclose your personal health information consistent with the terms of your authorization. You may revoke your authorization to use or disclose any personal health information at any time, except to the extent that we have taken action in reliance on such authorization, or, if you provided the authorization as a condition of obtaining insurance coverage, other law provides the insurer with the right to contest to a claim under the policy.

Your Rights With Respect to Your Personal Health Information

Under HIPAA, you have certain rights with respect to your personal health information. The following is a brief overview of your rights and our duties with respect to enforcing those rights.

Right to Request Restrictions on Use or Disclosure: You have the right to request restrictions on certain uses and disclosures of your personal health information about yourself. *You may request restrictions on the following uses or disclosures:* (a) to carry out treatment, payment, or healthcare operations; (b) disclosures to family members, relatives, or close personal friends, of personal health information directly relevant to your care or payment related to your health care, or your location, general condition, or death; (c) instances in which you are not present or your permission cannot practicably be obtained due to your incapacity or an emergency circumstance; (d) permitting other persons to act on your behalf to pick up filled prescriptions, medical supplies, X-rays, or other similar forms of personal health information; or (e) disclosure to a public or private entity authorized by law or by its charter to assist in disaster relief efforts.

While we are not required to agree to any requested restriction, if we agree to a restriction, we are bound not to use or disclose your personal healthcare information in violation of such restriction, except in certain emergency situations. We will not accept a request to restrict uses or disclosures that are otherwise required by law.

Right to Receive Confidential Communications: You have the right to receive confidential communications of your personal health information. We may require written requests. We may condition the provision of confidential communications on you providing us with information as to how payment will be handled and specification of an alternative address or other method of contact. We may require that a request contain a statement that disclosure of all or a part of the information to which the request pertains could endanger you. We may not require you to provide an explanation of the basis for your request as a condition of providing communications to you on a confidential basis. We must permit you to request and must accommodate reasonable requests by you to receive communications of personal health information from us by alternative means or at alternative locations.

Right to Inspect and Copy Your Personal Health Information: Your designated record set is a group of records we maintain that includes medical records and billing records about you, or enrollment, payment, claims adjudication, and case or medical management records systems, as applicable. You have the right of access in order to inspect and obtain a copy of your personal health information contained in your designated record set, *except for* (a) psychotherapy notes, (b) information compiled in reasonable anticipation of, or for use in, a civil, criminal, or administrative action or proceeding, and (c) health information maintained by us to the extent to which the provision of access to you would be prohibited by law. We may require written requests. We must provide you with access to your personal health information in the form or format requested by you, if it is readily producible in such form or format, or, if not, in a readable hard copy form or such other form or format. We may provide you with a summary of the personal health information requested, in lieu of providing access to the personal health information or may provide an explanation of the personal health information to which access has been provided, if you agree in advance to such a summary or explanation and agree to the fees imposed for such summary or explanation. We will provide you with access as requested in a timely manner, including arranging with you a convenient time and place to inspect or obtain copies of your personal health information or mailing a copy to you at your request. We will discuss the scope, format, and other aspects of your request for access as necessary to facilitate timely access. If you request a copy of your personal health information or agree to a summary or explanation of such information, we may charge a reasonable cost-based fee for copying, postage, if you request a mailing, and the costs of preparing an explanation or summary as agreed upon in advance. We reserve the right to deny you access to and copies of certain personal health information as permitted or required by law. We will reasonably attempt to accommodate any request for personal health information by, to the extent possible, giving you access to other personal health information after excluding the information as to which we have a ground to deny access. Upon denial of a request for access or request for information, we will provide you with a written denial specifying the legal basis for denial, a statement of your rights, and a description of how you may file a complaint with us. If we do not maintain the information that is the subject of your request for access but we know where the requested information is maintained, we will inform you of where to direct your request for access.

Right to Amend Your Personal Health Information: You have the right to request that we amend your personal health information or a record about you contained in your designated record set, for as long as the designated record set is maintained by us. We have the right to deny your request for amendment, if: (a) we determine that the information or record that is the subject of the request was not created by us, unless you provide a reasonable basis to believe that the originator of the information is no longer available to act on the requested amendment, (b) the information is not part of your designated record set maintained by us, (c) the information is prohibited from inspection by law, or (d) the information is accurate and complete. We may require that you submit written requests and provide a reason to support the requested amendment. If we deny your request, we will provide you with a written denial stating the basis of the denial, your right to submit a written statement disagreeing with the denial, and a description of how you may file a complaint with us or the Secretary of the U.S. Department of Health and Human Services ("DHHS"). This denial will also include a notice that if you do not submit a statement of disagreement, you may request that we include your request for amendment and the denial with any future disclosures of your personal health information that is the subject of the requested amendment. Copies of all requests, denials, and statements of disagreement will be included in your designated record set. If we accept your request for amendment, we will make all efforts to provide the amendment to you within a reasonable period of time. We will also provide a copy of the amendment to all identified entities who had previously

been sent the personal health information that is the subject of the amendment in order to ensure you continue to receive appropriate care.

Right to Receive an Accounting of Disclosures of Your Personal Health Information: Beginning April 14, 2003, you have the right to receive a written accounting of all disclosures of your personal health information that we have made within the six (6) year period immediately preceding the date on which the accounting is requested. You may request an accounting of disclosures for a period of time less than six (6) years from the date of the request. Such disclosures will include the date of each disclosure, the name and, if known, the address of the entity or person who received the information, a brief description of the information disclosed, and a brief statement of the purpose and basis of the disclosure or, in lieu of such statement, a copy of your written authorization or written request for disclosure pertaining to such information. *We are not required to provide accountings of disclosures for the following purposes:* (a) treatment, payment, and healthcare operations, (b) disclosures pursuant to your authorization, (c) disclosures to you, (d) for a facility directory or to persons involved in your care, (e) for national security or intelligence purposes, (f) to correctional institutions, and (g) with respect to disclosures occurring prior to 4/14/03. We reserve our right to temporarily suspend your right to receive an accounting of disclosures to health oversight agencies or law enforcement officials, as required by law. We will provide the first accounting to you in any twelve (12) month period without charge, but will impose a reasonable cost-based fee for responding to each subsequent request for accounting within that same twelve (12) month period.

Requests of any of the above should be sent to: Privacy Officer, Exceptional Family Resources, 1820 Lemoyne Avenue, Syracuse, NY 13208 (315) 478-1462.

Complaints

Exceptional Family Resources is committed to ensuring your privacy as required by law and will respond to any concern brought to our attention. If you have a complaint, you may contact a department manager or our Privacy Officer who will work to remedy the situation. Here is the contact information: Privacy Officer, Exceptional Family Resources, 1820 Lemoyne Avenue, Syracuse, NY 13208 (315) 478-1462. You will not be retaliated against for filing any complaint.

You may also file a complaint with the Secretary of the Department of Health and Human Services. You may call them at (877) 696-6775 or write to them at 200 Independence Ave. S.W., HHH Building Room 509H Washington, DC 20201. A complaint must name the entity that is the subject of the complaint and describe the acts or omissions believed to be in violation of the applicable requirements of HIPAA or this Privacy Policy. A complaint must be received by us or filed with the Secretary of DHHS within 180 days of when you knew or should have known that the act or omission occurred. You will not be retaliated against for filing any complaint.

Amendments to this Privacy Policy

We reserve the right to revise or amend this Privacy Policy at any time. These revisions or amendments may be made effective for all personal health information we maintain even if created or received prior to the effective date of the revision or amendment. We will provide you with notice of any revisions or amendments to this Privacy Policy, or changes in the law affecting this Privacy Notice, by mail or electronically within 60 days of the effective date of such revision, amendment, or change.

On-going Access to Privacy Practices

We will provide you with a copy of the most recent version of this Notice at any time upon your written request. Send requests to: Privacy Officer, Exceptional Family Resources, 1820 Lemoyne Avenue, Syracuse, NY 13208 (315) 478-1462. A copy of this notice is posted on our website at: <https://www.contactefr.org/> for any other requests or for further information regarding the privacy of your personal health information, and for information regarding the filing of a complaint with us, please contact our privacy officer at the address and telephone number listed above.

Exceptional Family Resources

ACKNOWLEDGEMENT OF RECEIPT OF NOTICE OF PRIVACY PRACTICES

I, _____, hereby acknowledge that I received a copy of the Exceptional Family Resources' Notice of Privacy Practices.

Date

Signature of Participant (and/or)

Printed Name of Participant

Date

Signature of Participant's Representative

Printed Name of Participant's Representative

Description of Representative's Authority

Please return to: Privacy Officer
Exceptional Family Resources
1820 Lemoyne Avenue
Syracuse, NY 13208

Exceptional Family Resources

DOCUMENTATION OF ATTEMPT TO OBTAIN WRITTEN ACKNOWLEDGEMENT OF THE
DELIVERY OF THE NOTICE OF PRIVACY PRACTICES

I, _____, delivered the Exceptional Family Resources' Notice of Privacy Practices to _____ on _____. I attempted to obtain an acknowledgement of the receipt of the Exceptional Family Resources' Notice of Privacy Practices but was unable to do so because:

- The Acknowledgement was mailed with the Notice of Privacy Practices and has not been returned
- The participant or their personal representative refused to sign
- Other: _____

Date

Signature of Employee