

Notice of Privacy Practices

for

J. Iverson Riddle Developmental Center

J. Iverson Riddle Developmental Center (JIRDC) must collect timely and accurate health information about people we serve, and make that information available to members of their health care team so that they can provide appropriate care and treatment. There may also be times when a resident's health information will be sent to service providers outside J. Iverson Riddle Developmental Center for services that JIRDC does not provide. It is the legal duty of J. Iverson Riddle Developmental Center to protect this health information from unauthorized use or disclosure while providing health care, obtaining payment for that health care and for other services relating to the health care of the people who live here.

The purpose of this *Notice of Privacy Practices* is to inform you about how the health information of a person living at JIRDC may be used within JIRDC, as well as reasons why this health information could be sent to other service providers outside of J. Iverson Riddle Developmental Center.

This *Notice* describes your rights in regards to the protection of the health information we maintain, and how you may exercise those rights. This *Notice* also gives you the names of contacts should you have questions or comments about the policies and procedures J. Iverson Riddle Developmental Center uses to protect the privacy of health information.

Please review this document carefully and ask for clarification if you do not understand any portion of it. **Please sign this first page and return it to us using the envelope provided.** Do not be confused by the first sentence and the use of the word "you". It is not the guardian's health information we are talking about, it is the health information of people who live at JIRDC.

Acknowledgement of Receipt of JIRDC Notice of Privacy Practices

I have received J. Iverson Riddle Developmental Center's *Notice of Privacy Practices*, which describes JIRDC's methods for protecting the privacy of health information that is used in providing health care services.

_____/_____
Client (or Personal Representative) Date

Please return this signed page to JIRDC. Please keep the rest of JIRDC's Notice of Privacy Practices document as a reference.

NOTICE OF PRIVACY PRACTICES

for

J. Iverson Riddle Developmental Center

Effective Date: April 14, 2003

Revised January 2012; Revised September 2013; Reviewed September 2016

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.

Responsibilities of J. Iverson Riddle Developmental Center

We are required by law to protect the privacy of health information about people who live at J. Iverson Riddle Developmental Center (JIRDC) which may identify them. This health information may be information about health care we provide, payment for health care provided, or other health care operations.

J. Iverson Riddle Developmental Center is required by law to inform you of our legal duties and privacy practices with respect to health information through this *Notice of Privacy Practices*. This *Notice* describes the ways we may share past, present and future health information, ensuring that we use and/or disclose this information only as we have described in this *Notice*. We do, however, reserve the right to change our privacy practices and the terms of this *Notice*, and to make the new *Notice* provisions effective for all health information we maintain. Any changes to this *Notice* will be posted in our Admissions Office, and on our agency web site at www.JIRDC.org. Copies of any revised *Notices* will be available to you upon request.

If you have questions or concerns about the information in this *Notice*, or about J. Iverson Riddle Developmental Center's privacy policies, procedures and practices, you may contact the J. Iverson Riddle Developmental Center Privacy Official at (828) 433-2702.

Use and Disclosure of Health Information Without Your Authorization

J. Iverson Riddle Developmental Center performs some functions through contracts with other agencies and through private contractors and business associates. When services are contracted, JIRDC must share enough information about you with its contractors and business associates so that the private contractors and business associates can perform the job that JIRDC has asked them to do.

To protect your health information further, JIRDC will only disclose your health information after making sure in writing that its contractors or business associates will safeguard your information the same way that JIRDC does. They agree to use your information appropriately

and are required by law to do so. JIRDC may use or disclose your protected health information to provide services to you for treatment, payment and healthcare operations.

Treatment

J. Iverson Riddle Developmental Center may use health information, as needed, in order to provide, coordinate or manage health care and related services. This includes sharing health information with other health care providers.

Example: A resident’s treatment team, composed of staff such as teachers, doctors, nurses, and social workers, meet at least annually to review a resident’s treatment and discuss goals and objectives for the resident’s future.

We will disclose health information outside of J. Iverson Riddle Developmental Center for treatment purposes only with your consent, or when otherwise allowed under state or federal law.

Example: We may disclose a resident’s health information to other developmental disabilities service programs in order to coordinate best possible care (community based area MHDDSAS programs).

Example: We may share a resident’s health information with a health care provider for emergency services.

Payment for Services

We may use and disclose medical information about a consumer in order to obtain payment for health care services that are received by that consumer. This means that, within the North Carolina Department of Health and Human Services, we may use medical information about a resident to arrange for payment (such as preparing bills and managing accounts). We may also share health information with agency staff who review the services we provide to make certain that our consumers have received appropriate care and treatment. We will not disclose your health information outside of this agency for billing purposes (i.e., bill your insurance company) without your consent except in certain situations when we need to determine if you are eligible for benefits such as Medicaid, Medicare or Social Security.

Example: Information necessary for centralized billing for the Division of State Operated Healthcare Facilities (DSOHF) is kept in a state database.

Example: Jane is a resident of one of JIRDC’s homes, and has private insurance. Jane’s physician recommends that she see a Cardiologist, and she does so. J. Iverson Riddle Developmental Center will share Jane’s Protected Health Information with the Cardiologist’s billing clerk so that services provided to Jane can be billed correctly.

Health Care Operations

J. Iverson Riddle Developmental Center may use or disclose health information in performing a variety of business activities that we call “health care operations”. As a DSOHF facility under NCDHHS, certain JIRDC protected health information is entered into a state database. Some examples of how we may use or disclose health information for health care operations are:

- Review the care you receive here and evaluate the performance of your treatment team to ensure you receive quality care.
- Reviewing and evaluating the skills, qualifications, and performance of the people providing services to JIRDC residents.
- Developing the annual individualized Plan for Services.

- Providing training programs for students, trainees, health care providers or non-health care professionals to help them practice or improve their skills.
- Provide training programs for agency staff, students and volunteers.
- Cooperate with outside organizations that review and determine the quality of care that JIRDC provides.
- Provide information to professional organizations that evaluate, certify or license health care providers, staff or facilities.
- Allow our agency attorney to use a consumer's health information when representing JIRDC or the NC Department of Health and Human Services in legal matters.
- Resolve grievances within J. Iverson Riddle Developmental Center.
- Provide information to an internal client advocate who is available to represent a consumer's interests upon request.

More Stringent Laws

J. Iverson Riddle Developmental Center will evaluate whether your protected health information is governed by more stringent laws or regulations prior to our use or disclosure. There are other more stringent laws and rules, such as the NC mental health confidentiality statute(s), and the NC public health confidentiality provisions that may affect how we handle your information.

Other Circumstances

J. Iverson Riddle Developmental Center may disclose a resident's health information when circumstances have been determined to be so important that your authorization may not be required. Prior to disclosing any health information, we will evaluate each request to ensure that only necessary information will be disclosed. These circumstances include disclosures that are:

- Required by law;
- For public health activities. For example, we may disclose health information to public health authorities if a consumer has a communicable disease and we have reason to believe, based upon information provided to us, that there is a public health risk. If a resident of JIRDC has a communicable disease such as tuberculosis or HIV/AIDS, information about that disease will be treated as confidential. Other than circumstances described to you in other sections of this Notice, we will not release any information about communicable diseases except as required to protect public health or the spread of a disease, or at the request of the State or Local Health Director;
- Regarding abuse, neglect or domestic violence to the extent provided by law to an authority, social service agency or protective service agency if we reasonable believe that you have been a victim of abuse, neglect or domestic violence.
- For health oversight activities such as licensing, audits, inspections, and investigations;
- For law enforcement purposes unless otherwise prohibited by state or federal law;
- For court proceedings such as court orders to appear in court;
- For decedents, when a coroner or medical examiner needs to identify a deceased person or determine cause of death or to a funeral director as is necessary to carry out his or her duties as authorized by law;
- Related to donation of organs or tissue;
- To avert a serious threat to the health or safety of a person or the public;
- Related to specialized government activities such as national security;
- To correctional institutions or other law enforcement officials if a resident is in their custody;
- For Worker's Compensation in cases pending before the Industrial Commission

- To a resident’s next of kin or other person involved in their care upon their request; however, information to be disclosed will be limited to admission, transfer, discharge, referrals and appointments
- For contracts with our Business Associates, since they are performing services for us or on our behalf; and
- Related to medical research.

Contacting You

J. Iverson Riddle Developmental Center may contact you to:

- Remind you of upcoming appointments;
Example: J. Iverson Riddle Developmental Center may send a letter to your home to inform you of an upcoming Treatment Planning meeting.
- Make you aware of alternative treatment, services, products or health care providers that may be of interest to you;
Example: If you are the guardian of a JIRDC resident receiving treatment for a particular condition and our health care team learns of new or alternative treatments, we may contact you to inform you of such possibilities.
- Contact you to request your participation in raising funds for this agency. If you object to being contacted in this way for fund-raising efforts, you must notify our Privacy Official who is listed in this *Notice*.
Example: If our agency Foundation requested information be sent to you about an upcoming fund raising event, we may send the information to your home.

Disclosure of Health Information That Allows You An Opportunity To Object

There are certain circumstances where we may disclose health information and you have an opportunity to object. Such circumstances include:

- The professional responsible for a resident’s care may disclose the resident’s admission to or discharge from JIRDC to the resident’s next of kin.
 - Disclosure to public or private agencies providing disaster relief.
Example: We may share health information with the American Red Cross following a major disaster such as a flood.

If you would like to object to our disclosure of health information in either of the situations listed above, please contact our agency Privacy Official listed in this *Notice* for consideration of your objection.

Disclosure of Health Information That Requires Your Authorization

J. Iverson Riddle Developmental Center will not disclose health information about a resident without authorization, except as allowed or required by state or federal law. For all other disclosures, we will ask you to sign a written authorization that allows us to share or request your health information. Before you sign an authorization, you will be fully informed of the exact

information you are authorizing to be disclosed/requested and to/from whom the information will be disclosed/requested.

You may request that your authorization be cancelled by informing our agency Privacy Official that you do not want any additional health information exchanged with a particular person or agency. You will be asked to sign and date the Authorization Revocation section of your original authorization; however, verbal authorization is acceptable. Your authorization will then be considered invalid at that point in time; however, any actions that were taken on the authorization prior to the time you cancelled your authorization are legal and binding.

J. Iverson Riddle Developmental Center does NOT participate in the following at this time. If, at any time, we begin any of these activities we will not disclose client specific protected health information without your authorization.

- Sale of client specific information,
- Use of client specific information for marketing purposes,
- Use of client specific information for fundraising purposes, NOTE: If JIRDC or the JIRDC Foundation decides to use client specific information for fundraising purposes, you will be given the opportunity to opt out of receiving such communications.
- Use of genetic information for underwriting purposes,
- Maintenance of psychotherapy notes.

Your Rights Regarding Health Information

You have the following rights regarding the health information created and maintained by J. Iverson Riddle Developmental Center.

Right to receive a copy of this *Notice*

All JIRDC residents and their personal representatives have a right to have a paper copy of our Notice of Privacy Practices at any time. Upon admission to JIRDC, you will be given a copy of this Notice and asked to sign an acknowledgement that you have received it. In addition, a copy of this Notice is posted on our internet web site (www.JIRDC.org), and in the office of our Admissions Officer. If you would like to have a copy of our Notice, this can be requested at our main information desk, from our Admissions Officer, from our Resident Records Department, or from our Privacy Official.

Right to request different ways to communicate with you

You have the right to request to be contacted at a different location or by a different method. For example, you may request all written information from J. Iverson Riddle Developmental Center be sent to your work address rather than your home address. We will agree with your request as long as it is reasonable to do so; however, your request must be made in writing and forwarded to our Privacy Official.

Right to request to see and copy health information

If you are a JIRDC resident or the guardian of a JIRDC resident, you have the right to request to see and receive a copy of health information in medical, billing and other records that are used to make decisions. Your request must be in writing on our

Request for Consumer Access to Protected Health Information form. You can expect a response to your request within 30 days. If your request is approved, and if you wish copies, you will be charged a fee to cover the cost of making the copies.

Instead of providing you with a full copy of a person's health information record, we may give you a summary or explanation of the health information, if you agree in advance to that format and to the cost of preparing such information.

Your request may be denied by a physician or a professional designated by our agency director under certain circumstances. If we do deny your request, we will explain our reason for doing so in writing and describe any rights you may have to request a review of our denial. In addition, you have the right to contact our agency Privacy Official to request that a copy of a resident's health information be sent to a physician or psychologist of your choice.

Right to request amendment of health information

You have the right to request changes in the health information in medical, billing and other records used to make decisions about a JIRDC resident. If you believe that we have information that is either inaccurate or incomplete, you may submit a request in writing to our agency Privacy Official and explain your reasons for the amendment. We must respond to your request within 30 days of receiving your request. If we accept your request to change the resident's health information, we will add the amendment but will not destroy the original record. In addition, we will make reasonable efforts to inform others of the changes, including persons you name who have received the health information and who need the changes.

We may deny your request if:

- The information was not created by J. Iverson Riddle Developmental Center (unless you prove the creator of the information is no longer available to change the information);
- The information is not part of the records used to make decisions;
- We believe the information is correct and complete; or
- Your request for access to the information is denied.

If we deny your request to change the health information, we will explain to you in writing the reasons for denial and describe your rights to give us a written statement disagreeing with the denial. If you provide a written statement, the statement will become a permanent part of the client's record. Whenever disclosures are made of the information in question, your written statement will be disclosed as well.

Right to request a listing of disclosures we have made

You have a right to a written list of disclosures of health information. The list will be maintained for at least six years for any disclosures made after April 14, 2003. This listing will include the date of the disclosure, the name (and address, if available) of the person or organization receiving the information, a brief description of the information disclosed and the purpose of the disclosure.

J. Iverson Riddle Developmental Center is not required to include the following on the list of disclosures:

- Disclosure for treatment;
- Disclosure for billing and collection of payment for treatment;
- Disclosures related to our health care operations;
- Disclosures that you authorized;
- Disclosures to law enforcement when a resident is in their custody; or
- Disclosures made to individuals involved in a resident's care.

Your first request for a listing of disclosures will be provided to you free of charge. If you request a listing of disclosures more than once in a 12 month period, you may be charged a reasonable fee. We will inform you of the cost involved and you may choose to withdraw or modify your request at that time, before any costs are incurred.

Right to request restrictions on uses and disclosures of your health information

You have the right to request that we limit our use and disclosure of a resident's health information for treatment, payment and health care operations. You also have the right to request a limit on the health information we disclose to a person's next of kin or someone who is involved in their care. (Example: you could ask that we not disclose information about a resident's family history of heart disease.) We will provide you with a form to document your request.

We will make every attempt to honor your request but are not **required** to agree to such request. However, if we do agree, we must follow the agreed upon restriction (unless the information is necessary for emergency treatment or unless it is a disclosure to the U.S. Secretary of the Department of Health and Human Services).

You may cancel the restrictions at any time, and we will ask that your request be in writing. In addition, J. Iverson Riddle Developmental Center may cancel a restriction at any time, as long as we notify you of the cancellation.

Right to receive notice of a Breach

You have a right to be notified when a breach of your unsecured protected health information has occurred.

Right to request restriction of protected health information to a Health Plan

You have the right to request a restriction of the disclosure of your health information to a health plan when you pay for service out of pocket, in full.

Violations/Complaints

If anybody believes that privacy rights have been violated at JIRDC, or if anybody is dissatisfied with our privacy policies or procedures, they may file a complaint with us or with the federal government. We will not take any action against any person or change our treatment of any person based on the filing of a complaint.

To file a written complaint with J. Iverson Riddle Developmental Center, you may bring your complaint to the JIRDC main Information Desk, email a complaint to JIRDC.Privacy@JIRDC.org, or you may mail it to the following address:

**Director of Quality Improvement
J. Iverson Riddle Developmental Center
300 Enola Road
Morganton, NC 28655**

You may also send a written complaint to the United States Secretary of the Department of Health and Human Services. Contact information is as follows:

Office for Civil Rights
U.S. Department of Health and Human Services
Sam Nunn Atlanta Federal Center, Suite 16T70
61 Forsyth Street, S.W.
Atlanta, GA 30303-8909

Voice Phone: (404) 562-7886
FAX: (404) 562-7881
TDD: (404) 562-7884

Legal References

Primary Federal and State laws and regulations that protect the privacy of health information we maintain are listed below.

Confidentiality of Alcohol and Drug Abuse Patient Records – 42 U.S.C. 290dd-3 and 42 U.S.C. 290ee-3 for Federal laws and 42 CFR Part 2 for Federal regulations.

Health Insurance Portability and Accountability Act (HIPAA), Administrative Simplification, Privacy of Individually Identifiable Health Information – 42 U.S.C. 1320d-1329d-8 and 42 U.S.C. 1320d-2(note) for Federal laws and 45 CFR Parts 160 and 164 for Federal regulations.

NC General Statutes – Chapter 122C, Article 3 (Client’s Rights and Advance Instruction), Part 1 (Client’s Rights). Chapter 90 (Medicine and Allied Occupations), Article 1 (Practice of Medicine).

NC Administrative Code – 10 NCAC 18 D (Confidentiality Rules).