



NOTICE OF PRIVACY PRACTICES

Notice of Information Practices

THIS NOTICE DESCRIBES HOW PERSONAL HEALTH INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY.

Understanding Your Health Record/Information

Each time you visit a provider, a record of your visit is made. Typically, this record contains your diagnoses, treatment, and a plan for future care or treatment. This information, often referred to as your health or medical record, serves as a:

- basis for planning your care and treatment
- means of communication among the many health professionals who contribute to your care
- legal document describing the care you received
- means by which you or a third-party payer can verify that services billed were actually provided
- a tool in educating health professionals
- a source of data for medical research
- a source of information for public health officials who oversee the delivery of health care in the United States
- a tool with which we can assess and continually work to improve the care we render and the outcomes we achieve

Understanding what is in your record and how your health information is used helps you to: ensure its accuracy, better understand who, what, when, where, and why others may access your health information, and make more informed decisions when authorizing disclosure to others.

Our Responsibilities

The Carbon-Monroe-Pike Mental Health and Developmental Services is required to:

- maintain the privacy of your health information
- provide you with a Notice as to our legal duties and privacy practices with respect to information we collect and maintain about you
- abide by the terms of this Notice
- notify you if we are unable to agree to a requested restriction
- accommodate reasonable requests you may have to communicate health information by alternative means or at alternative locations.

We reserve the right to change our practices and to make the new provisions effective for all protected health information we maintain. Should our information practices change, we will mail you a revised notice.

We will not use or disclose your health information without your authorization, except as described in this notice.

How We Will Use or Disclose Your Health Information

- 1) **Treatment.** We will use your health information for treatment without your consent. For example, information obtained by a psychologist, therapist, or other member of your healthcare team will be recorded in your record and used to determine the course of treatment that should work best for you. Your case manager will document in your record his or her expectations of the members of your healthcare team. Members of your healthcare team will then record the actions they took and their observations. In that way, the case manager will know how you are responding to treatment. We will also provide your case manager or a subsequent healthcare provider with copies of various reports that should assist him or her in treating you once you are discharged from our agency.
- 2) **Payment.** We will use your health information for payment without your consent from the third party payor you designate, including Medicare and Medicaid. The information on or accompanying the bill will be limited to that information necessary to establish the claims for which reimbursement is sought. For example, the bill may include information of the dates, types and costs of therapies and services, and a general description of the general purpose of each treatment session or service.
- 3) **Health care operations.** We will use your health information for regular health operations without your consent. For example, members of the staff, the risk or quality improvement manager, or members of the quality improvement team may use information in your health record to assess the care and outcomes in your case and others like it. This information will then be used in an effort to continually improve the quality and effectiveness of the health care and service we provide.
- 4) **Notification.** Using our professional judgment, we may use or disclose information to notify or assist in notifying a family member, personal representative, or another person responsible for your care, of your location, and general condition.
- 5) **Communication with family.** With your written permission, we may disclose to a family member, other relative, close personal friend or any other person you identify, health information relevant to that person's involvement in your care or payment related to your care.
- 6) **Research.** We may disclose information to researchers when an institutional review board that has reviewed the research proposal and established protocols to ensure the privacy of your health information has approved their research.
- 7) **The County Administrator.** Without your consent we are permitted to share certain of your PHI with the County Administrator who is responsible for

overseeing this Program and must receive information regarding the operation of this Program as required in certain circumstances as permitted by law.

- 8) **Commitment Proceedings**. During the course of an involuntary commitment proceeding, the court may direct that it or a mental health review officer, allowed under the Mental Health Procedures Act have access to your PHI for purposes of conducting the hearing without your consent. Also, the information will be disclosed to attorneys assigned to represent you if you are the subject of an involuntary commitment proceeding without your consent.
- 9) **Food and Drug Administration (FDA)**. We may disclose to the FDA health information to adverse events with respect to food, supplements, product and product defects, or post marketing surveillance information to enable product recalls, repairs, or replacement.
- 10) **Public health**. As required by law, we may disclose your health information without your consent to public health or legal authorities charged with preventing or controlling disease, injury, or disability.
- 11) **Correctional institution**. Should you be an inmate of a correctional institution, we may disclose to the health care professionals at the institution, without your consent, health information necessary for your health treatment.

Your Health Information Rights

Although your health record is the physical property of the provider, the information in your health record belongs to you. You have the following rights:

- You may request that we not use or disclose your health information for a particular reason related to treatment, payment, or general health care operations, and/or to a personal representative or guardian. We ask that such requests be made in writing on a form provided by our agency. Although we will consider your request, please be aware that we are under no obligation to accept it or to abide by it.
- If you are dissatisfied with the manner in which or the location where you are receiving communications from us that are related to your health information, you may request that we provide you with such information by alternative means or at alternative locations. Such a request must be made in writing, and submitted to the Carbon-Monroe-Pike Mental Health and Developmental Services Privacy Officer, 724 Phillips Street, Suite 202 Stroudsburg, PA 18360.
- We will attempt to accommodate all reasonable requests.
- You may request to inspect and/or obtain copies of health information about you, which will be provided to you in the time frames established by law. If you request copies, we will charge you a reasonable fee.
- If you believe that any health information in your record is incorrect or if you believe that important information is missing, you may request that we correct the existing information or add the missing information. Such requests must be made in writing, and must provide a reason to support the amendment. We ask that you use the form provided by our agency to make such requests. For a request form, please contact the Privacy Officer.
- You may request that we provide you with a written accounting of all disclosures made by us during the time period for which you request (not to exceed 6 years).

We ask that such requests be made in writing on a form provided by our agency. Please note that an accounting will not apply to any of the following types of disclosures: disclosures made for reasons of treatment, payment or health care operations; disclosures made to you or your legal representative, or any other individual involved with your care; disclosures to correctional institutions or law enforcement officials; and disclosures for national security purposes. You will not be charged for your first accounting request in any 12-month period. However, for any requests that you make thereafter, you will be charged a reasonable, cost-based fee.

- You have the right to obtain a paper copy of our Notice of Information Practices upon request.
- You may revoke an authorization to use or disclose health information, except to the extent that action has already been taken. Such a request must be made in writing.

HIPAA Violations and Enforcement

Failure to comply with HIPAA can result in civil and criminal penalties (42 USC § 1320d-5).

Civil Penalties

The “American Recovery and Reinvestment Act of 2009”(ARRA) that was signed into law on February 17, 2009, established a tiered civil penalty structure for HIPAA violations (see below). The Secretary of the Department of Health and Human Services (HHS) still has discretion in determining the amount of the penalty based on the nature and extent of the violation and the nature and extent of the harm resulting from the violation. The Secretary is still prohibited from imposing civil penalties (except in cases of willful neglect) if the violation is corrected within 30 days (this time period may be extended).

HIPAA Violation	Minimum Penalty	Maximum Penalty
Individual did not know (and by exercising reasonable diligence would not have known) that he/she violated HIPAA	\$100 per violation, with an annual maximum of \$25,000 for repeat violations (Note: maximum that can be imposed by State Attorneys General regardless of the type of violation)	\$50,000 per violation, with an annual maximum of \$1.5 million
HIPAA violation due to reasonable cause and not due to willful neglect	\$1,000 per violation, with an annual maximum of \$100,000 for repeat violations	\$50,000 per violation, with an annual maximum of \$1.5 million
HIPAA violation due to willful neglect but violation is corrected within the	\$10,000 per violation, with an annual maximum of \$250,000 for repeat violations	\$50,000 per violation, with an annual maximum

required time period		of \$1.5 million
HIPAA violation is due to willful neglect and is not corrected	\$50,000 per violation, with an annual maximum of \$1.5 million	\$50,000 per violation, with an annual maximum of \$1.5 million

Criminal Penalties

In June 2005, the U.S. Department of Justice (DOJ) clarified who can be held criminally liable under HIPAA. Covered entities and specified individuals, as explained below, whom "knowingly" obtain or disclose individually identifiable health information in violation of the Administrative Simplification Regulations face a fine of up to \$50,000, as well as imprisonment up to one year. Offenses committed under false pretenses allow penalties to be increased to a \$100,000 fine, with up to five years in prison. Finally, offenses committed with the intent to sell, transfer, or use individually identifiable health information for commercial advantage, personal gain or malicious harm permit fines of \$250,000, and imprisonment for up to ten years.

Covered Entity and Specified Individuals

The DOJ concluded that the criminal penalties for a violation of HIPAA are directly applicable to covered entities—including health plans, health care clearinghouses, health care providers who transmit claims in electronic form, and Medicare prescription drug card sponsors. Individuals such as directors, employees, or officers of the covered entity, where the covered entity is not an individual, may also be directly criminally liable under HIPAA in accordance with principles of "corporate criminal liability." Where an individual of a covered entity is not directly liable under HIPAA, they can still be charged with conspiracy or aiding and abetting.

Knowingly

The DOJ interpreted the "knowingly" element of the HIPAA statute for criminal liability as requiring only knowledge of the actions that constitute an offense. Specific knowledge of an action being in violation of the HIPAA statute is not required.

Exclusion

The Department of Health and Human Services (DHHS) has the authority to exclude from participation in Medicare any covered entity that was not compliant with the transaction and code set standards by October 16, 2003 (where an extension was obtained and the covered entity is not small) (68 FR 48805).

Enforcing Agencies

The DHHS Office of Civil Rights (OCR) enforces the privacy standards, while the Centers for Medicare & Medicaid (CMS) enforces both the transaction and code set standards and the security standards (65 FR 18895). Enforcement of the civil monetary provisions has not yet been tasked to an agency.

Please refer to the AMA's [FAQs](#) on the privacy regulations for additional information on enforcement of the privacy standards.

No Private Cause of Action

While HIPAA protects the health information of individuals, it does not create a private cause of action for those aggrieved (65 FR 82566). State law, however, may provide other theories of liability.

For More Information or to Report a Problem

If you have questions and would like additional information, you may contact our agency's Privacy Officer at (570) 420-1900, 724 Phillips Street Suite 202, Stroudsburg, PA 18360.

If you believe that your privacy rights have been violated, you may file a complaint with us. These complaints must be filed in writing on a form provided by our agency. The complaint form may be obtained from the Privacy Officer, and when completed should be returned to the Privacy Officer. You may also file a complaint with the Secretary of the Federal Department of Health and Human Services. There will be no retaliation for filing a complaint.



Carbon-Monroe-Pike Mental Health and Developmental Services

Tina L. Clymer, MS, LPC, Administrator

NOTICE OF PRIVACY PRACTICES ACKNOWLEDGEMENT

ACKNOWLEDGEMENT OF THE RECEIPT OF CARBON-MONROE-PIKE MENTAL HEALTH AND DEVELOPMENTAL SERVICES' PRIVACY PRACTICE NOTICE

Consumer / Date

(or parent or guardian for consumer under 14yrs of age)

Relationship to resident/client/consumer

☐
Carbon County
428 South 7th Street
Suite 2
Lehighton, PA 18235-1824
610-377-0773
Fax 610-377-5003

☐
Monroe County
732 Phillips Street
Stroudsburg, PA 18360-1799
570-421-2901
Fax 570-424-7753 (MH)
Fax 570-421-6849 (DS)

☐
Pike County
10 Buist Road
Suite 404
Milford, PA 18337-9311
570-296-6484
Fax 570-296-6344