

Catholic Charities of the Archdiocese of Dubuque Notice of Privacy Practices

This notice describes how medical information about you may be used and disclosed and how you can gain access to this information. Please review it carefully.

The Health Insurance Portability and Accountability (HIPAA) Act, signed into federal law in 1996, sets national standards requiring security and privacy of a person's health information and defines provisions for electronic data interchange.

As defined by 45 C. F. R., Part 164 of the HIPAA rules, Catholic Charities is committed to protecting your mental health information. We maintain a record of your counseling and services that you received at Catholic Charities for use in your ongoing care and for billing purposes.

We are required by law to:

1. Document your treatment services to:
 - a. Assure appropriate treatment and treatment planning
 - b. Meet state licensure and accreditation standards and
 - c. Meet documentation requirements of third party payers such as insurance, managed care, or government payment plans in order for us to be reimbursed for services provided to you.
2. Protect your counseling information.
3. Give you this notice describing our legal duties and privacy practices with respect to counseling information about you.

Use and disclosure for Treatment, Payment, and Healthcare Operations

We may use or disclose your protected health information for treatment, payment and healthcare operations purposes. To help clarify these terms, here are some definitions:

- Use applies to activities within Catholic Charities' offices such as sharing, employing, applying, utilizing, examining and analyzing information that identifies you.
- Disclosure applies to activities outside of Catholic Charities' offices such as releasing, transferring or providing access to information about you to other parties.
- Protected health information refers to information in your counseling record that could identify you.
- Payment is when Catholic Charities obtains reimbursement for your counseling. An example would be when Catholic Charities discloses personal health information to your health insurer to obtain reimbursement, determine eligibility and/or coverage.
- Healthcare operations are activities that relate to the performance and operation of Catholic Charities counseling services. Examples include quality assessment and improvement activities, business related matters such as audits and administrative services, and case management and care coordination.

Uses and Disclosures Requiring Authorization

Catholic Charities may use or disclose your personal health information for purposes outside of counseling treatment, payment or healthcare operations when your appropriate authorization is obtained. An authorization is written permission above and beyond the general consent that permits only specific disclosures. In those instances when Catholic Charities is asked for such information we will obtain a written authorization from you before releasing this information. You may revoke authorization (in writing) at any time. You may not revoke an authorization to the extent that Catholic Charities has relied on that authorization, or if the authorization was obtained as a condition of obtaining insurance coverage. Law provides the insurer the right to contest the claim under the policy.

Uses and Disclosures with Neither Consent nor Authorization

- Child or dependent abuse - If Catholic Charities has reason to believe that a person under the age of 18 or a dependent adult has been abused, abandoned and/or neglected (or a person has observed a child subjected to these conditions or circumstances) we must report this observation or belief to the appropriate authorities. If you disclose any information during a counseling session that indicates either you or someone else has physically or sexually abused a minor or dependent adult, the counselor is required by law to report this information to the appropriate state agency. Catholic Charities' counselors are required by law to report reasonable suspicion of abuse, or if the child or dependent adult is at imminent risk.
- Serious threat to health or safety - If you communicate to your counselor or Catholic Charities' support staff an explicit threat of imminent serious physical harm or death to yourself and/or to an identifiable victim(s) and we believe you may act on that threat, we have a duty to take appropriate measures to prevent harm to yourself or others. This may include disclosing information to the police and warning the potential victim. Your counselor or Catholic Charities' support staff will disclose the minimum amount of information necessary.
- Health oversight activities - If an Iowa state board of licensure examiners is investigating counseling practice at Catholic Charities we may be required to disclose protected health information regarding you.
- Judicial and administrative proceedings - If you are involved in court proceedings, your personal health information records are privileged unless ordered by a judge. This may include legal situations such as divorce, child custody and law enforcement requirements. Catholic Charities will make every effort to inform you in advance if this situation develops.
- Workers' Compensation - Catholic Charities may disclose personal health information as authorized by and to the extent necessary to comply with laws relating to Worker's Compensation that provide benefits for work related injuries or illnesses without regard to fault.
- Business associate - Catholic Charities will need to disclose your personal health information to an outside billing agency that is HIPAA compliant. This agency will perform activities involving personal health information, including billing, telephone contacts with insurance providers and transmitting electronically personal health information to insurance providers. This billing agency is legally required to protect your health information.

- As of April of 2005, if you were to reveal that you were a victim of sexual abuse as a minor by any personnel of the Archdiocese of Dubuque, you understand that a report would have to be made to the Dubuque Archdiocesan officials and to the civil authorities unless the statute of limitations has expired and you are no longer a minor.

If information is disclosed in these circumstances, it is limited only to that information which is relevant to that purpose. You will be informed of the disclosure if possible and if this will not risk serious harm to you or others.

If an emergency situation exists and obtaining your consent is not possible or practical, Catholic Charities may use or disclose protected information to the extent necessary during the emergency.

Although you have the right to refuse to consent to the use or disclosure of protected information for treatment, reimbursement or health care operations and you have the right to revoke such a consent at any time, our facility may not be able to render you the highest quality of care without the right to use or disclose your protected information in this manner. Therefore, we reserve the right to condition your care on your consent to the use or disclose protected information for treatment or reimbursement purposes.

Client's Rights and Catholic Charities' Duties

Client's Rights:

You have several rights as the individual who has information gathered, stored, and used at Catholic Charities. These include the following:

- You have the right to request restrictions on certain uses and disclosures of protected health information, although we are not obligated to agree to the restriction if there is a valid reason.
- You have the right to receive protected health information in a confidential manner of communication.
- You have the right to inspect and receive a copy of your protected health information unless this is judged to be of potential serious harm according to Catholic Charities policy. (There may be a charge for copying your protected health information.)
- You have the right to request amendment of protected health information according to the Catholic Charities policy, although we are not obligated to amend the information if there is a valid reason.
- You have the right to receive an accounting of disclosures of protected health information.
- You have a right to have a copy of our Privacy Statement and our privacy practices.
- You have the right to restrict disclosures of protected health information to a health plan with respect to health care for which you have paid out of pocket in full and in accordance with your fee agreement.

Children's Medical/ Therapy Records

In most circumstances the parents of a minor child have a legal right to treatment information concerning their child. However, the best interest of the child can be an overriding issue under certain circumstances.

Please be aware that the Iowa Supreme Court ruled in 2009 that the joint legal custodial rights granted by Iowa Code Chapter 598 do not mandate or require disclosure of information to parents. The best interest of the child always takes precedence over the parent's legal rights in the event of a conflict between the two.

Catholic Charities' Duties:

- Catholic Charities is required by law to maintain the privacy of your health information and to provide you with this notice of legal duties and privacy practices with respect to private health information.
- Catholic Charities reserves the right to change the privacy policies and practices described in this notice and to make the new Notice effective for all protected health information that it maintains.

Catholic Charities is bound to abide by the terms of its Notice of Privacy Practices.

Catholic Charities has described the process to file a complaint in the Client Handbook.

If you have any questions about our Notice of Privacy, please contact the Clinical Director or Executive Director at 800-772-2758.