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## **NOTICE OF PRIVACY PRACTICES**

**EFFECTIVE DATE:** The Notice of Privacy Practices became effective on April 14, 2003 and was amended on August 30, 2013.

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

***If you have any questions about this notice,*** please contact MCHC's Privacy Officer at 333 Laws Avenue, Ukiah, CA 95482. Phone: (707) 472-0218.

### **WHO WILL FOLLOW THIS NOTICE**

This notice describes Mendocino Community Health Clinic's (MCHC) practices and that of:

- Any health care professional authorized to enter information into your chart.
- All departments and units of the organization.
- All employees, staff and other organization personnel including contractors, students and volunteers we allow to help you while at MCHC.
- All MCHC entities, sites and locations follow the terms of this notice. In addition, these entities, sites and locations may share medical information with each other for treatment, payment or health care operations purposes described in this notice.

### **OUR PLEDGE REGARDING HEALTH INFORMATION**

We understand that information about you and your health is personal. We are committed to protecting health information (including mental health information subject to the Lanterman -Petris-Short Act). We create a record of the care and services you receive at MCHC. We need this record to provide you with quality care and to comply with certain legal requirements. This notice applies to all of the records of your care generated by MCHC, whether made by organization personnel or your personal provider. This notice will tell you about the ways in which we may use and disclose health information about you. We also describe your rights and certain obligations we have regarding the use and disclosure of health information. We are required by law to:

- Make sure that health information (including mental health information) that identifies you is kept private (with certain exceptions);
- Give you this notice of our legal duties and privacy practices with respect to health information (including mental health information); and
- Follow the terms of the notice that is currently in effect.

**MCHC HEALTH CENTERS****HOW WE MAY USE AND DISCLOSE HEALTH INFORMATION ABOUT YOU**

The following categories describe different ways that we use and disclose health and mental health information. For each category of uses or disclosures we will explain what we mean and try to give some examples (please note that most uses and disclosures of psychotherapy notes will require a written authorization). Not every use or disclosure in a category will be listed. However, all of the ways we are permitted to use and disclose information will fall within one of the categories.

**Disclosure at Your Request:** We may disclose information when requested by you. This disclosure at your request may require a written authorization by you.

**For Treatment:** We may use health information (including mental health information) to provide you with medical treatment or services. We may disclose health information about you to medical providers, nurses, technicians, health care students, or other organization personnel who are involved in taking care of you. For example, a doctor treating you for a mental health condition may need to know what medications you are currently taking because the medications may affect additional medications that may be prescribed for you. In addition, the doctor may need to send health information to a specialist as part of a referral. Different departments of MCHC also may share medical information (including mental health information) about you in order to coordinate the different things you need, such as prescriptions, lab work and X-rays. We also may disclose health information (including mental health information) to people outside of the organization who may be involved in your care when you are not at MCHC, such as skilled nursing facilities, home health agencies, and physicians or other practitioners. For example, we may give a skilled nursing facility access to your health information to assist in treating you.

**For Payment:** We may use and disclose health information (including mental health information) so that the treatment and services you receive at MCHC may be billed to and payment may be collected from you, an insurance company or a third party. For example, we may need to give information about services you received at MCHC to your health plan so it will pay us or reimburse you for those services. We may also tell your health plan about a treatment you are going to receive to obtain prior approval or to determine whether your plan will cover the treatment. We may also provide basic information about you and your health plan, insurance company or other source of payment to practitioners outside of MCHC who are involved in your care, to assist them in obtaining payment for services they provide to you.

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707.468.1010

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**MCHC HEALTH CENTERS**

**For Health Care Operations:** We may use and disclose health information about you (including mental health information) for health care operations. These uses and disclosures are necessary to run the organization and make sure that all of our patients receive quality care. For example, we may use health information to review our treatment and services and to evaluate the performance of our staff in caring for you. We may also combine health information about many MCHC patients to decide what additional services our organization should offer, what services are not needed, and whether certain new treatments are effective. We may also disclose information to medical providers, nurses, technicians, medical students, and other MCHC personnel for review and learning purposes. We may also combine the health information we have with health information from other health care providers 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 health information so others may use it to study health care and health care delivery without learning who the specific patients are.

**Fundraising Activities:** We may use information about you, or disclose such information to a foundation related to the organization, to contact you in an effort to raise money for the organization and its operations. You have the right to opt out of receiving fundraising communications. If you receive a fundraising communication, it will tell you how to opt out.

**Marketing, Advertising and Sales:** Most uses and disclosures of health information for marketing or advertising purposes, and disclosures that constitute a sale of medical information, require your authorization. While MCHC doesn't normally disclose any patient information under circumstances that would constitute a sale of medical information, we do occasionally ask patients if they would like to participate in MCHC's marketing or advertising activities. For instance, we might use a quote from you in a marketing brochure or a picture of you in an advertisement, both of which identify you as a patient of MCHC, and we will always ask for your permission and signed authorization first.

**To Individuals Involved In Your Care or Payment For Your Care:** Under certain circumstances, we may release health information about you to a friend or family member who is involved in your medical care. We may also give information to someone who helps pay for your care unless there is a specific written request from you to the contrary. In addition, we may disclose medical information about you to an organization assisting in a disaster relief effort so that your family can be notified about your condition, status and location. If you arrive at MCHC either unconscious or otherwise unable to communicate, we are required to attempt to contact someone we believe can make health care decisions for you (e.g., a family member or agent under a health care power of attorney).

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**For Research:** Under certain circumstances, we may use and disclose health information (including mental health information) for research purposes. For example, a research project may involve comparing the health and recovery of all patients who received one medication to those who received another, for the same condition. All research projects, however, are subject to a special approval process. This process evaluates a proposed research project and its use of health information, trying to balance the research needs with patients' need for privacy of their health information. Before we use or disclose health information for research, the project will have been approved through this research approval process. We may also disclose health information about you to people preparing to conduct a research project: for example, to help them look for patients with specific medical and/or mental health needs, as long as the information they review does not leave MCHC.

**As Required by Law:** We will disclose health information (including mental health information) when required to do so by federal, state or local law.

**To Avert a Serious Threat to Health or Safety:** We may use and disclose health information (including mental health information) 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.

**SPECIAL SITUATIONS**

**Organ and Tissue Donation:** We may release health information (including mental health information) to organizations that handle organ procurement or organ, eye or tissue transplantation or to an organ donation bank, as necessary to facilitate organ or tissue donation and transplantation.

**Military and Veterans:** If you are a member of the armed forces, we may release health information about you as required by military command authorities. We may also release health information about foreign military personnel to the appropriate foreign military authority.

**Workers' Compensation:** We may release health information about you for workers' compensation or similar programs. These programs provide benefits for work-related injuries or illness.

**MCHC HEALTH CENTERS**

**Public Health Activities:** We may disclose health information (including mental health information) for public health activities. These activities generally include the following:

- To prevent or control disease, injury or disability;
- To report births and deaths;
- To report regarding the abuse or neglect of children, elders and dependent adults;
- To report reactions to medications or problems with products;
- To notify people of recalls of products they may be using;
- To notify a person who may have been exposed to a disease or may be at risk for contracting or spreading a disease or condition;
- To notify the appropriate government authority if we believe a patient has been the victim of abuse, neglect or domestic violence. We will only make this disclosure if you agree or when required or authorized by law;
- To notify emergency response employees regarding possible exposure to HIV/AIDS, to the extent necessary to comply with state and federal laws.

**Health Oversight Activities:** We may disclose health information (including mental health information) to a health oversight agency for activities authorized by law. 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:** If you are involved in a lawsuit or a dispute, we may disclose health information (including mental health information) in response to a court or administrative order. We may also disclose health information (including mental health information) in response to a subpoena, discovery request, or other lawful process by someone else involved in the dispute, but only if efforts have been made to tell you about the request (which may include written notice to you) or to obtain an order protecting the information requested. We may disclose mental health information to courts, attorneys and court employees in the course of conservatorship, and certain other juridical or administrative proceedings.

**Law Enforcement:** We may release health information (including mental health information) if asked to do so by a law enforcement official:

- 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;
- When requested at the time of a patient's involuntary hospitalization;

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- About criminal conduct at the organization; 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.

**Coroners, Medical Examiners and Funeral Directors:** We may release health information to a coroner or medical examiner. This may be necessary, for example, to identify a deceased person or determine the cause of death. We may also release health information about patients of MCHC to funeral directors as necessary to carry out their duties. We may be required by law to report the death of a mental health patient to a coroner or medical examiner.

**National Security and Intelligence Activities:** We may release health information about you to authorized federal officials for intelligence, counterintelligence, and other national security activities authorized by law.

**Protective Services for the President and Others:** We may disclose health information about you to authorized federal officials so they may provide protection to the President, other authorized persons or foreign heads of state or conduct special investigations.

**Inmates:** If you are an inmate of a correctional institution or under the custody of a law enforcement official, we may disclose health information about you to the correctional institution or law enforcement official. This disclosure would be necessary 1) for the institution to provide you with health care; 2) to protect your health and safety or the health and safety of others; or 3) for the safety and security of the correctional institution. We may release mental health information about you to a correctional institution or law enforcement official. Disclosure may be made when required, as necessary to the administration of justice.

**Multidisciplinary Personnel Teams:** We may disclose health information (including mental health information) to a multidisciplinary personnel team relevant to the prevention, identification, management or treatment of an abused child and the child's parents, abused dependent adult or elder abuse and neglect.

**Special Categories of Information:** In some circumstances, your health information may be subject to restrictions that may limit or preclude some uses or disclosures described in this notice. For example, there are special restrictions on the use or disclosure of certain categories of information — e.g., tests for HIV or treatment for mental health conditions or alcohol and drug abuse. Government health benefit programs, such as Medi-Cal, may also limit the disclosure of beneficiary information for purposes unrelated to the program. Special legal requirements may apply to the use or disclosure of certain categories of information.



**Protection of Elective Constitutional Officers:** We may disclose mental health information about you to government law enforcement agencies as needed for the protection of federal and state elective constitutional officers and their families.

**Advocacy Groups:** We may release mental health information to the statewide protection and advocacy organization if it has a patient or patient representative's authorization, or for the purposes of certain investigations. We may release mental health information to the County Patients' Rights Office if it has a patient or patient representative's authorization, or for investigations resulting from reports required by law to be submitted to the Director of Mental Health.

**Department of Justice:** We may disclose limited information to the California Department of Justice for movement and identification purposes about certain criminal patients, or regarding persons who may not purchase, possess or control a firearm or deadly weapon.

**Senate and Assembly Rules Committees:** We may disclose your mental health information to the Senate or Assembly Rules Committee for purpose of legislative investigation.

**Psychotherapy Notes:** Psychotherapy notes means notes recorded (in any medium) by a health care provider who is a mental health professional documenting or analyzing the contents of conversation during a private counseling session or a group, joint, or family counseling session and that are separated from the rest of the individual's medical record. Psychotherapy notes excludes medication prescription and monitoring, counseling session start and stop times, the modalities and frequencies of treatment furnished, results of clinical tests, and any summary of the following items: diagnosis, functional status, the treatment plan, symptoms, prognosis, and progress to date. We may use or disclose your psychotherapy notes, as required by law, or:

- For use by the originator of the notes
- In supervised mental health training programs for students, trainees, or practitioners
- By the covered entity to defend a legal action or other proceeding brought by the individual
- For the health oversight of the originator of the psychotherapy notes
- For use or disclosure to coroner or medical examiner to report a patient's death,
- For use or disclosure necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the public
- For use or disclosure to the Secretary of DHHS in the course of an investigation

**MCHC HEALTH CENTERS****YOUR RIGHTS REGARDING HEALTH INFORMATION ABOUT YOU**

You have the following rights regarding health information (including mental health information) we maintain about you.

**Right to Inspect and Copy:** You have the right to inspect and obtain a copy of health information (including mental health information) that may be used to make decisions about your care. Usually, this includes medical, dental and billing records, but may not include some mental health information. To inspect and obtain a copy of health information (including mental health information) that may be used to make decisions about you, you must submit your request in writing using a valid authorization to request health information to Mendocino Community Health Clinic, Health Information Department, 333 Laws Avenue, Ukiah, CA 95482. If you request a copy of the information, we may charge a fee for the costs of copying, mailing or other supplies associated with your request. We may deny your request to inspect and obtain a copy in certain very limited circumstances. If you are denied access to health information, you may request that the denial be reviewed. Another licensed health care professional chosen by MCHC will review your request and the denial. The person conducting the review will not be the person who denied your request. We will comply with the outcome of the review.

**Right to Amend:** If you feel that health information (including mental health information) we have about you is incorrect or incomplete, you may ask us to amend the information. You have the right to request an amendment for as long as the information is kept by or for MCHC. To request an amendment, your request must be made in writing using MCHC's "Request for Amendment of Health Information" form, # 45032 and submitted to Mendocino Community Health Clinic, Health Information Department, 333 Laws Avenue, Ukiah, CA 95482. In addition, you must provide a reason that supports your request. We may deny your request for an amendment if it is not in writing or does not include a reason to support the request. In addition, we may deny your request if you ask us to amend information that:

- Was not created by us, unless the person or entity that created the information is no longer available to make the amendment;
- Is not part of the health information kept by or for MCHC;
- Is not part of the information which you would be permitted to inspect and copy; or
- Is accurate and complete.

Even if we deny your request for amendment, you have the right to submit a written addendum, not to exceed 250 words, with respect to any item or statement in your record you believe is incomplete or incorrect. If you clearly indicate in writing that you want the addendum to be made part of your medical record we will attach it to your records and include it whenever we make a disclosure of the item or statement you believe to be incomplete or incorrect.

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**Right to an Accounting of Disclosures:** You have the right to request an “accounting of disclosures.” This is a list of the disclosures we made of health information about you other than our own uses for treatment, payment and health care operations (as those functions are described above), and with other exceptions pursuant to the law. To request this list or accounting of disclosures, you must submit your request in writing using MCHC’s “Request for an Accounting of Disclosures of Your Health Information” form, # 45031 to Mendocino Community Health Clinic, Health Information Department, 333 Laws Avenue, Ukiah, CA 95482. Your request must state a time period which may not be longer than six years and may not include dates before April 14, 2003. Your request should indicate in what form you want the list (for example, on paper or electronically). The first list you request within a 12-month period will be free. For additional lists, we may charge you for the costs of providing the list. We will notify you of the cost involved and you may choose to withdraw or modify your request at that time before any costs are incurred. In addition, we will notify you as required by law following a breach of your unsecured protected health information

**Right to Request Restrictions:** You have the right to request a restriction or limitation on the health information (including mental health information) we use or disclose about you for treatment, payment or health care operations. You also have the right to request a limit on the medical information we disclose about you to someone who is involved in your care or the payment for your care, like a family member or friend. For example, you could ask that we not use or disclose information about a surgery you had. We are not required to agree to your request, except to the extent that you request us to restrict disclosure to a health plan or insurer for payment or health care operations purposes if you, or someone else on your behalf (other than the health plan or insurer), has paid for the item or service out of pocket in full. Even if you request this special restriction, we can disclose the information to a health plan or insurer for purposes of treating you. If we agree to another special restriction, we will comply with your request unless the information is needed to provide you emergency treatment. To request restrictions, you must make your request in writing using MCHC’s “Request for Special Restriction on Use or Disclosure of Protected Health Information” form, # 45034 to Mendocino Community Health Clinic, Health Information Department, 333 Laws Avenue, Ukiah, CA 95482. In your request, you must tell us 1) what information you want to limit; 2) whether you want to limit our use, disclosure or both; and 3) to whom you want the limits to apply, for example, disclosures to your spouse.

**Right to Request Confidential Communications:** You have the right to request that we communicate with you about health matters (including mental health matters) in a certain way or at a certain location. For example, you can ask that we only contact you at work or by mail. To request confidential communications, you must make your request in writing using MCHC’s “Request for Special Restriction on the Manner/Method of Protected Health Information” form, # 45036 to Mendocino Community Health Clinic, Health Information Department, 333 Laws Avenue, Ukiah, CA 95482. We will not ask you the reason for your request. We will accommodate all reasonable requests. Your request must specify how or where you wish to be contacted.

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**MCHC HEALTH CENTERS**

**Right to a Paper Copy of This Notice:** You have the right to a paper copy of this notice. You may ask us to give you a copy of this notice at any time. Even if you have agreed to receive this notice electronically, you are still entitled to a paper copy of this notice. You may obtain a copy of this notice at our website: <http://www.mchcinc.org/> by going to the Patient Privacy link at the bottom of the page, or pick up a paper copy at any MCHC lobby.

**CHANGES TO THIS NOTICE**

We reserve the right to change this notice. We reserve the right to make the revised or changed notice effective for health information (including mental health information) we already have about you as well as any information we receive in the future. We will post a copy of the current notice in all MCHC sites, and make it available on MCHC's website. The notice will contain the effective date on the first page. In addition, each time you register at or come to MCHC for treatment or health care services, a copy of the current notice in effect will be available to you.

**COMPLAINTS**

If you believe your privacy rights have been violated, you may file a complaint with MCHC or with the Secretary of the U.S. Department of Health and Human Services. To file a complaint with MCHC, contact the MCHC Privacy Officer at 333 Laws Avenue, Ukiah CA 95482. Phone (707) 472-0218. All complaints must be submitted in writing. *You will not be penalized for filing a complaint.*

**OTHER USES OF HEALTH INFORMATION**

Other uses and disclosures of health information (including mental health information) not covered by this notice or the laws that apply to us will be made only with your written permission. If you provide us permission to use or disclose health information about you, you may revoke that permission, in writing, at any time. If you revoke your permission, this will stop any further use or disclosure of your health information for the purposes covered by your written authorization, except if we have already acted in reliance on your permission. You understand that we are unable to take back any disclosures we have already made with your permission, and that we are required to retain our records of the care that we provided to you.

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