

# HIPAA Privacy Policy

## Definitions:

### Protected Health Information (PHI):

Includes any identifiable information that Turning Point Healing Centers obtains from a resident, legal guardian, or others that relates to the physical or mental health of a resident. This includes health care provided to a resident or payment for services a resident received at Turning Point Healing Centers.

### Treatment:

Means the provisions, coordination, or management of health care, including consultations between health care providers regarding resident care and referrals for health care from one health care provider to another. For example, a psychiatrist conducting a psychiatric evaluation may need to know if an individual is currently taking medications that could affect the outcome of the evaluation or the decision-making process regarding prescribing medications for an identified psychiatric condition. The psychiatrist may review medical records to assess whether medications may be affecting a resident's current condition or could have negative interactions with other medications the psychiatrist might prescribe.

### Payment:

Means activities that the agency may undertake to obtain reimbursement for health care provided to a resident, including determinations of eligibility and coverage and other utilization review activities. For example, prior to providing health care services, the agency may need to provide an HMO information about a resident's medical condition to determine whether the proposed course of treatment will be covered. When the agency subsequently bills the HMO for the services rendered to a resident Turning Point Healing Centers can provide the HMO with information regarding resident care if necessary to obtain payment.

### Health care operations:

Means the support functions of our facility related to treatment and payment, such as performance improvement activities, case management, receiving and responding to resident or legal guardian complaints, physician reviews, compliance programs, audits, business planning, development, management, and administrative activities. For example, we may use health care information to evaluate the performance of our staff in caring for residents. We may also combine health care information about many residents to decide what additional services we should offer, what services are not needed, and whether certain new treatment methods are effective.

## POLICY

In accordance with the Health Insurance Portability and Accountability Act, Turning Point Healing Centers will ensure that all health information is protected.

- I. Turning Point Healing Centers will provide residents and their legal guardians with information about their rights and the agency's legal duties and privacy practices with respect to the privacy practices with respect to the privacy of protected health information. This notice also discusses the disclosures Turning Point Healing Centers will make of a resident's protected health information. Turning Point Healing Centers will comply with the provisions of this notice, although we reserve the right to change the terms of this notice from time to time and to make the revised notice effective for all protected health information we maintain. Residents and their legal guardians are given the opportunity to request a copy of our most current privacy notice at any time from Turning Point Healing Centers office.
- II. Permitted Use and Disclosures
  - A. Once a resident and their legal guardian has given their written consent, Turning Point Healing Centers can use or disclose protected health information for purposes of treatment, payment, and health care operations.
- III. Exceptions
  - A. Even without the legal guardian of a resident's written consent or authorization, we can use or disclose protected health information for purposes of treatment, payment, and health care operations if:
    1. Turning Point Healing Centers has an indirect treatment relationship with a resident, that is, we provide health care to an individual based on the orders of another health care provider, we may disclose the results of that testing to the physician who ordered the procedure.
    2. A resident needs emergency care and the legal guardian is unable to be contacted without delaying the emergency care. In this case, we shall attempt consent as soon as reasonably possible after the delivery of emergency treatment.
    3. If Turning Point Healing Centers is required by law to treat a resident, and our attempts to obtain consent by the legal guardian are unsuccessful.
    4. We attempt to obtain the consent of the legal guardian but cannot do so due to substantial barriers to communicating with a resident and legal guardian, but we determine that a resident's consent to receive treatment is clearly inferred from the circumstances.
- IV. Other Uses and Disclosures of Protected Health Information
  - A. Turning Point Healing Centers may contact a resident and their legal guardian to provide appointment reminders or information about treatment alternatives or other

health related benefits and services that may be of interest to a resident or the legal guardian.

- B. We may disclose protected health information to a resident's family or friends, or any other individual identified by the resident when they are involved in the care of or the payment of a resident's care, provided the legal guardian has authorized a release of information (ROI). We will only disclose the protected health information directly relevant to their involvement in the resident's care, as allowed by the ROI.
- C. We may also use or disclose protected health information to notify or assist in the notification of a family member a personal representative, or another person responsible for a resident's care, of resident location, general condition, or death. If the resident's legal guardian is available, they will be given an opportunity to object to these disclosures, and we will not make these disclosures if a legal guardian objects. If a legal guardian is not available, we will determine whether disclosure to family or friends is in the resident's best interest, and we will disclose only the protected health information that is directly relevant to their involvement in the case. When permitted by law, we may coordinate our uses and disclosures of protected health information with public or private entities authorized by law or by charter to assist in disaster relief efforts.
- D. We may contact a resident's legal guardian as part of our marketing efforts as permitted by applicable law.
- E. Except for the situations set forth below, we will not use or disclose your protected health information for any other purpose unless the resident's legal guardian has provided written authorization. Residents and their legal guardians have the right to revoke that authorization at any time, provided that the revocation is in writing, except to the extent that we already have acted in reliance on a legal guardian's prior authorization.

## V. Special Situations

### A. Organ and Tissue Donation

- 1. If a resident is an organ donor, we may release medical 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.

### B. Military and Veterans

- 1. If a resident is a member of the armed forces, we may release health care information about that resident as required by military command authorities. We may also release health care information about foreign military personnel to the appropriate foreign military authority.

### C. Worker's Compensation

1. We may release health care information about a resident for programs that provide benefits for work-related injuries or illness.

### D. Public Health Risks

1. We may disclose health care information about a resident for public activities. These activities generally include the following:
  - a) To prevent or control disease, injury, or disability.
  - b) To report child/elder abuse and neglect.
  - c) To report births and deaths.
  - d) To report reactions to medications or problems with products.
  - e) To notify people of product recalls, repairs, or replacements.
  - f) To notify a person who may have been exposed to a disease or may be at risk of contracting or spreading a disease or condition.
  - g) To notify the appropriate government authority if we believe a resident has been the victim of abuse, neglect, or domestic violence. We will only make this disclosure if the resident's legal guardian agrees or when required or authorized by law.

### E. Health Oversight Activities

1. We may disclose health care information to federal or state agencies that oversee our activities. These activities are necessary for the government to monitor the health care system, government programs, and compliance with civil rights laws. We may disclose protected health information to persons under the Food and Drug Administration's jurisdiction to track products or to conduct post marketing surveillance.

### F. Lawsuits and Disputes

1. If a resident or their legal guardian is involved in a lawsuit or a dispute, we may disclose health care information in response to a court or administrative order. We may also disclose medical information about a resident 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 inform the resident and their legal guardian about the request or to obtain an order protecting the information requested.

### G. Law Enforcement

1. We may release health care information if asked to do so by a law enforcement official:

- a) In response to a court order, subpoena, warrant, summons, or similar process.
- b) To identify or locate a suspect, fugitive, material witness, or missing person.
- c) About the victim of a crime if, under certain limited circumstances, we are unable to obtain the person's agreement.
- d) About a death we believe may be the result of criminal conduct.
- e) About criminal conduct on our premises.
- f) 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.

#### H. Coroners, Medical Examiners and Funeral Directors

- 1. We may release medical 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 medical information about residents to funeral directors as necessary to carry out their duties.

#### I. National Security and Intelligence Activities

- 1. We may release health care information about a resident to authorized federal officials for intelligence, counterintelligence, or other national security activities authorized by law.

#### J. Protective Services for the President and Others

- 1. We may disclose health care information to authorized federal officials so they may provide protection to the President, other authorized persons or foreign heads of state or conduct special investigations.

#### L. Serious Threats

- 1. As permitted by applicable law and standards of ethical conduct, we may use and disclose protected health information if we, in good faith, believe that the use or disclosure is necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the public.

## VI. HIPAA Resident Rights

- A. Residents and their legal guardians have the right to request restrictions on our use and disclosures of protected health information for treatment, payment, and health care operations. However, we are not required to agree to a legal guardian's request.
- B. The right to reasonably request to receive communications of protected health information by alternative means or at alternative locations.
- C. Subject to payment of a reasonable copying charge, residents and their legal guardians have the right to inspect and copy the protected health information contained in their medical and billing records and in any other Turning Point Residential records used to make decisions about a resident's care, except for:
  1. Psychotherapy notes, which are notes recorded by 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 have been separated from the rest of a resident's medical record.
  2. Information compiled in reasonable anticipation of, or for use in, a civil, criminal, or administrative proceeding.
  3. Protected health information involving laboratory tests when your access is prohibited by law.
  4. If we obtained or created protected health information as part of a research study for as long as the research is in progress, provided that the resident's legal guardian agreed to the temporary denial of access when consenting to participate in the research.
  5. A resident's protected health information is contained in records kept by a federal agency or contractor when a resident's access is denied by law.
  6. If the protected health information were obtained from someone other than Turning Point Residential under a promise of confidentiality and the access requested would be reasonably likely to reveal the source of the information.
- D. We may also deny a request for access to protected health information if:
  1. A licensed health care professional has determined, in the exercise of professional judgment, that the access requested is reasonably likely to endanger a resident's life or physical safety or that of another person.
  2. The protected health information refers to another person (unless such other person is a health care provider) and a licensed health care professional has determined, in the exercise of professional judgment, that the access requested is reasonably likely to cause substantial harm to such other person.

3. The request for access is made by a resident's personal representative and a licensed health care professional has determined, in the exercise of professional judgment, that the provision of access to such personal representative is reasonably likely to cause substantial harm to the resident or another person.
  4. If we deny a request for access for any of the three reasons described above, then a resident and their legal guardian will have the right to have our denial reviewed in accordance with the requirements of applicable law.
- VII. Residents and their legal guardians have the right to request a correction to their protected health information, but we may deny that request for correction, if we determine that the protected health information or record that is the subject of the request:
- A. Is not part of the resident's medical or billing records.
  - B. Is not available for inspection as set forth above; or
  - C. Is accurate and complete.
  - D. In any event, any agreed upon correction will be included as an addition to, and not a replacement of, already existing records.
- VIII. Residents and their legal guardians have the right to receive an accounting of disclosures of protected health information made by us to individuals or entities other than to the resident, except for disclosures:
- A. to carry out treatment, payment, and health care operations as provided above.
    1. To persons involved in the resident's care or for other notification purposes provided by law.
    2. For national security or intelligence purposes as provided by law.
    3. To correctional institutions or law enforcement officials as provided by law; or that occurred prior to April 14, 2003.
- IX. Residents and their legal guardians have the right to request and receive a copy of this notice from us.