



**Compliance Policy & Procedure
Notice of Privacy Practices**

Effective Date: 12/31/2011

Review Date: 11/2017, 5/2018, 8/2019, 4/2021

Policy #: CO-01a

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The Notice of Privacy Practices describes how Northeast Arc may use and disclose your protected health information to carry out treatment, payment, or agency operations and for other purposes that are permitted or required by law. It also describes an individual's rights to access and control your protected health information. "Protected health information" (PHI) is information about an individual, including demographic information, that may identify that person and that could relate to their past, present or future physical or mental health or condition and related health care services.

Northeast Arc is required to abide by the terms of this Notice of Privacy Practices. The agency may change the terms of this notice at any time and the new notice will be effective for all PHI that Northeast Arc maintains at that time. You may obtain further detail regarding this notice by calling the Northeast Arc HIPAA privacy officer and request that a more detailed version be sent to you by mail or email.

Northeast Arc's use and disclosure of PHI must be based upon your written authorization.

Uses and disclosures of your PHI for purposes other than treatment, payment, or agency operations will be made only with your written authorization, unless otherwise permitted or required by law as described below. You may revoke the authorization at any time, in writing, except to the extent that Northeast Arc or your service provider has taken an action in reliance on the use or disclosure indicated in the authorization.

USES AND DISCLOSURES OF PHI:

Uses and Disclosures for Northeast Arc's Own Treatment, Payment or Health Care and Agency Operations

The transaction is for treatment, payment or health care operations purposes and involves no more than the minimum necessary amount of PHI to accomplish the particular purpose for which the transaction is made.

Agency Operations

Northeast Arc may use or disclose, as-needed, PHI to support the business activities of the agency. These activities include, but are not limited to, quality assessment activities, employee review activities, training of staff, licensing and certification, marketing, and fundraising activities, and conducting or arranging for other business activities. Your name and address may be used to send you a newsletter about the agency and the services we offer. Northeast Arc may also send you information about seminars or services that Northeast Arc believes may be beneficial to you, satisfaction surveys, or materials asking for your support of our fundraising activities. You may decline receiving of the materials by checking the box on the Notice of

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Privacy Practices signature page, or by notifying Northeast Arc's HIPAA privacy officer and request that these materials not be sent to you.

Disclosures to a Health Care Provider for Treatment

Northeast Arc may disclose your PHI to a health care provider for your treatment.

Disclosures to Individuals

When requested by you or your personal representative, Northeast Arc must disclose PHI requested except to the extent that such PHI is subject to the attorney-client privilege. Information subject to the attorney-client privilege or otherwise compiled in reasonable anticipation of or for use in legal proceedings may not be disclosed to the individual.

Disclosures to Another Covered Entity for Its Treatment, Payment and Health Care Operations Purposes

Northeast Arc is permitted to disclose your PHI to another covered entity for the other entity's payment activities, provided the following conditions are met:

Northeast Arc has determined that the transaction is for the other covered entity's treatment or payment purposes and involves no more than the minimum necessary amount of PHI to accomplish the particular purpose for which the transaction is made.

- Northeast Arc also may disclose your PHI to another covered entity for that entity's health care operations activities if either (1) the disclosure is for purposes of quality improvement or to review qualifications or performance of health care providers or health plans; or (2) the disclosure is for purposes of health care fraud and abuse detection or compliance, provided that:
- The other covered entity also has a relationship with the individual and the PHI disclosed pertains to the relationship.
Such transaction is within the responsible employee's assigned job functions; and
- The responsible employee has determined that the transaction is for the other covered entity's health care operations purposes and involves no more than the minimum necessary amount of PHI to accomplish the particular purpose for which the transaction is made, provided that the responsible employee may assume disclosures of PHI pursuant to another covered entity's request satisfies the minimum necessary requirement.

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Disclosures to Friends and Family Members

General Rule

Northeast Arc generally may not disclose your PHI to a family member, friend, or other person unless such disclosure is permitted with an authorization. However, under limited circumstances, Northeast Arc may disclose PHI to a family member, close personal friend, or other person identified by you without an authorization, provided that (a) such disclosure is limited to the minimum necessary PHI that is directly relevant to that person's involvement with the individual's care or payment for health care, and (b) at least one of the following conditions also is met –

Minor Individuals

Northeast Arc may disclose the PHI of an un-emancipated minor to the minor's parent or guardian.

Emergencies or Disaster Relief Situations

Northeast Arc may use or disclose your PHI to notify or assist in the notification of a family member, a close friend, another person responsible for your care, or a disaster relief organization of your location, condition, or death.

Uses and Disclosures for Workers Compensation Purposes

Northeast Arc may disclose your PHI as necessary to comply with workers compensation and similar laws that provide benefits for work-related injuries or illnesses without regard to fault.

Uses and Disclosures Pursuant to Legal Proceedings and for Certain Law Enforcement Purposes

The uses and disclosures for legal and law enforcement purposes listed below are permitted under this notice. However, information subject to the attorney-client privilege or otherwise compiled in reasonable anticipation of or for use in legal proceedings may not be disclosed without prior approval of Northeast Arc's counsel.

Legal Proceedings with Court Order

Northeast Arc may, to the extent ordered, disclose your PHI in the course of a judicial or administrative proceeding in response to an order from a court or an administrative tribunal.

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Legal Proceedings without Court Order

Northeast Arc may disclose your PHI in the course of a judicial or administrative proceeding in response to a subpoena, discovery request, or other legal process not accompanied by a court order.

Law Enforcement

Northeast Arc may disclose PHI to a law enforcement officer for law enforcement purposes, provided the following conditions are met, as applicable:

Court Orders. The disclosure is required by law or is in compliance with (i) a court order or court-ordered warrant, subpoena, or summons issued by a judicial officer; (ii) a grand jury subpoena, or (iii) an administrative request (including an administrative subpoena or summons), or a civil or authorized investigative demand or similar process authorized under law.

Suspects, Missing Persons, etc. The disclosure is in response to a law enforcement officer's request for the purpose of locating a suspect, fugitive, material witness, or missing person, provided that the disclosure contains limited information.

Victims of a Crime. The disclosure is in response to a law enforcement officer's request for information about an individual who is a suspected crime victim and the individual/victim agrees to the disclosure. If you are unable to agree to the disclosure because of incapacity or emergency circumstances, Northeast Arc may make the disclosure only if the law enforcement official represents that (i) the disclosure is necessary to determine if someone other than the individual/victim committed a crime, (ii) it is necessary for immediate enforcement activity, (iii) it will not be used against the you and (iv) the disclosure is in your best interest.

Crime Related to Individual's Death. The disclosure is made to a law enforcement officer and is about you if your death may have resulted from a crime.

Crime on Northeast Arc's Premises. The disclosure is made to a law enforcement officer and is evidence of a crime that occurred on Northeast Arc's premises.

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Fugitives, Violent Crime

Northeast Arc may use or disclose your PHI for law enforcement identification or apprehension for admitting to participating in a violent crime that may have caused serious physical harm to the victim.

Disclosures to Secretary of Health and Human Services

Northeast Arc may disclose your PHI to the secretary of HHS when requested by the secretary of HHS for purposes of determining Northeast Arc's compliance with the Privacy Rule.

Uses and Disclosures for Other Government Purposes

The uses and disclosures for governmental purposes listed below are permitted under this notice and Northeast Arc's policies. However, information subject to the attorney-client privilege or otherwise compiled in reasonable anticipation of or for use in legal proceedings may not be disclosed without prior approval of Northeast Arc's counsel.

Armed Forces

Northeast Arc may use or disclose your PHI if you are a member of the armed forces for activities necessary to assure proper execution of military mission.

National Security

Northeast Arc may use or disclose your PHI to an authorized federal officer for intelligence, counterintelligence, or other national security activities authorized by the National Security Act, as amended.

Federal Protective Services

Northeast Arc may use or disclose your PHI to an authorized federal officer for the provision of protective services to the president, foreign heads of state, or other designated persons, or for the conduct of investigations authorized by law.

Correctional Institution or Lawful Custody

Northeast Arc may use or disclose your PHI to a correctional institution or law enforcement officer who has lawful custody and the information is necessary for provision of health care to you or for ensuring the health and safety.

Uses and Disclosures for Health and Safety Purposes

The uses and disclosures for health and safety purposes listed below are permitted under this notice and Northeast Arc policies. However, information subject to the attorney-client privilege

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or otherwise compiled in reasonable anticipation of or for use in legal proceedings may not be disclosed without prior approval of Northeast Arc's counsel.

Threat to Public Health or Safety

Northeast Arc may use or disclose your PHI as believed necessary to prevent or lessen a serious and imminent threat to public health or safety if made to someone reasonably able to prevent or lessen the threat.

Abuse, Neglect, or Domestic Violence

Northeast arc may disclose your PHI if you are a suspected victim of abuse, neglect, or domestic violence to a government authority authorized by law to receive such reports. Such disclosure must meet at least one of the following conditions:

- a) disclosure is made only to the extent required by a law;
- b) the individual agrees to the disclosure; or
- c) the disclosure is authorized by a law or regulation, and either (i) the disclosure is necessary to prevent serious harm to the individual or others, or (ii) the individual is unable to agree to the disclosure because he or she is incapacitated, but, according to an official authorized to receive the disclosure, it is necessary for an immediate enforcement activity and it will not be used against the individual.

If the abuse, neglect, or domestic violence involves a child, Northeast Arc may use or disclose PHI to a public health authority or other appropriate government authority authorized by law to receive reports of child abuse or neglect.

Public Health Activities

Northeast Arc may use or disclose your PHI (i) to a public health authority authorized by law to collect or receive such information for prevention purposes (e.g., disease, injury, or disability), (ii) to a public health authority or other appropriate government authority authorized by law to receive reports of child abuse or neglect, (iii) to a person subject to jurisdiction of the Food and Drug Administration under limited circumstances, or (iv) to a school about a person who is a student or prospective student, provided the PHI is limited to proof of immunization required by law and you or the individual's parent/guardian gives oral or written permission to disclose.

Health Oversight Activities

Northeast Arc may use or disclose PHI to a health oversight agency for activities authorized by law, including audits, investigations, inspections, and licensure or disciplinary actions.

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Uses and Disclosures Concerning Decedents

The uses and disclosures concerning decedents listed below are permitted under the Notice of Privacy Practices. However, information subject to the attorney-client privilege or otherwise compiled in reasonable anticipation of or for use in legal proceedings may not be disclosed without prior approval of Northeast Arc's counsel.

Post-mortem Identification, etc.

Northeast Arc may disclose minimum necessary PHI to (i) a coroner or medical examiner for purposes of identifying the decedent, determining cause of death, or other lawful purpose, or (ii) a funeral director as necessary for purposes of carrying out their duties.

Tissue Donation

Northeast Arc may use or disclose minimum necessary PHI for purposes of cadaveric organ, eye, or tissue donation to organizations engaged in procuring, banking, or transplanting such cadaveric organs, eyes, or tissues.

Certain Disclosures to Family Members

Northeast Arc may use or disclose certain PHI to a family member, other relative, close personal friend, or other person previously identified by you, provided: the person requesting the PHI was involved in your care or payment for healthcare prior to death.

Notwithstanding the foregoing, such PHI may not be used or disclosed if doing so is inconsistent with your prior expressed preference that is known to Northeast Arc.

Other Laws

Northeast Arc may use or disclose PHI to the extent required by applicable federal, state, or local law.

Northeast Arc's Use and Disclosure of PHI Must be Based Upon Your Written Authorization

Uses and disclosures of your PHI for purposes other than treatment, payment, or agency operations will be made only with your written authorization, unless otherwise permitted or required by law as described below. You may revoke the authorization at any time, in writing, except to the extent that Northeast Arc or your service provider has taken an action in reliance on the use or disclosure indicated in the authorization.

YOUR RIGHTS:

- You have the right to request a restriction of your PHI.



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- You may request a restriction by asking your service provider/director/coordinator for the appropriate internal form. Your service provider/director/coordinator is not required to agree to any restriction that you may request. If the service provider/director/coordinator believes it is in your best interest to permit use and disclosure of your PHI, your PHI will not be restricted.
- You may have the right to request to amend your PHI that is being held in a designated record set. Please contact the Northeast Arc HIPAA privacy officer to determine if you have questions about amending your personal health information.
- You have the right to receive an accounting of certain disclosures Northeast Arc has made, if any, of your PHI. This right applies to disclosures for purposes other than treatment, payment or healthcare operations as described in this Notice of Privacy Practices.
- You have the right to obtain a paper copy of this notice from Northeast Arc, on request, even if you have agreed to accept this notice electronically.

COMPLAINTS

You may complain to us or to the Secretary of Health and Human Services if you believe your privacy rights have been violated by Northeast Arc. You may file a complaint with Northeast Arc by notifying Northeast Arc's HIPAA privacy officer of your complaint. Please be assured that Northeast Arc will not retaliate against you for filing a complaint. If you have any questions about filing a complaint, you should feel free to contact Northeast Arc's HIPAA privacy officer at (978) 624-2478 or email sbrady@ne-arc.org.

RECEIPT OF PRIVACY NOTICE

Refer to forms:

Notice of Privacy Practices – Service Recipient and/or Guardian CO-01b

Notice of Privacy Practices – Employee or Volunteer CO-01c

If you have any questions about this notice please contact Northeast Arc's HIPAA privacy officer at (978)924-5159 or compliance@ne-arc.org