

Motivational Services, Inc. (MoCo)

Notice of Privacy Practices

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

This Notice describes how medical information about you may be used and disclosed by MoCo, in compliance with the regulations set forth under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) contained in Federal Regulation 45CFR §164.520(b)(1)(i) and any updates. MoCo has a responsibility to have policies and procedures and systems in place to protect and secure health information about you, and provide you with knowledge regarding how you can get access to this information. Please review this Notice carefully.

If you have questions about this Notice of Privacy Practices and your Rights to Privacy under the HIPAA Rule, please contact the MoCo Privacy Contact listed in Section 4 (page 7) of this Notice.

This Notice of Privacy Practices describes how MoCo may use and disclose your protected health information to carry out treatment, payment or health care operations and for other purposes that are permitted or required by law. It also describes your rights to access and control your protected health information. "Protected Health Information" (PHI) is information about you, including demographic information that may identify you and that relates to your past, present or future physical or mental health or other conditions related to health care services.

MoCo is required to abide by the terms of this Notice of Privacy Practices to:

- make sure that medical information that identifies you is kept private;
- give you this Notice of our legal duties and privacy practices with respect to medical information about you; and,
- follow the terms of the Notice that is currently in effect.

We may change the terms of our Notice at any time in keeping with the law. Any revised Notice will be effective for all PHI that we maintain at that time. Upon your request, we will provide you with a current copy of the Notice of Privacy Practices. The most current version of the MoCo Notice of Privacy Practices is posted on our public website www.mocomaine.com; available in each of MoCo's Program Offices and can also be obtained by calling the main office at 626-3465 or the Records Office at 624-0414 to request that a current copy be sent to you, or made available for you to pick up.

1. Uses and Disclosures of Protected Health Information

Uses and Disclosures of Protected Health Information Based Upon Your Written Statement of Receipt of this Notice of Privacy Practices

All clients enrolled in MoCo services on April 14, 2003 and prospective clients enrolled after April 14, 2003 will be given this Notice of Privacy Practices on that date or on or before their next treatment date or enrollment date, respectively; and, will be asked by an authorized MoCo representative to sign the Notice of Privacy Practices Statement indicating you have received notice. Once you have signed the statement it means that you understand and agree with the

terms of this Notice regarding your rights; that you understand MoCo's responsibilities regarding the HIPAA Law and your PHI; and you understand how MoCo will use and disclose your PHI in the course of "Treatment, Payment and Health Care Operations" (TPO) as described by the Notice.

Your PHI may be used and disclosed by members of your care and treatment team including your MoCo Physician, Program Manager, Case Manager, Community Support Worker, Program Nurse or other designated MoCo staff for the purpose of providing health care services to you. Your PHI may also be used and disclosed to be paid for your health care related bills and to support the operation of MoCo practices in providing services to you.

Following are examples of the types of uses and disclosures of your protected health care information that MoCo is permitted to make for TPO once you have consented to receive treatment or services from MoCo. These examples are not meant to be exhaustive, but to describe the type of uses and disclosures that may be made by MoCo staff under this Notice. All TPO related uses and disclosures would be made providing the minimum amount of information necessary unless otherwise authorized by you. Records are maintained regarding the uses and disclosures of all TPO.

Treatment: MoCo will use and disclose your PHI to provide, coordinate, or manage your health care and any related services. This includes the coordination of the management of your health care with a third party that has already obtained your permission to have access to your PHI. For example, we would disclose your PHI, as necessary, to another agency for the purpose of designing a service agreement to provide a service MoCo cannot provide such as crisis intervention or home health services in accordance with your Individualized Service Plan (ISP) or Individualized Living Plan (ILP). We will also disclose PHI to other physicians, psychologists, therapists or providers who may be treating you when we have the necessary permission from you to disclose your PHI. For example, your PHI may be provided to a physician, psychologist, therapist or other providers to whom you have been referred to ensure that they have the necessary information to diagnose, treat or serve you. In addition, we may disclose your PHI from time to time to another health care provider (e.g. a laboratory, or pharmacy) who at the request of your physician becomes involved in your care by providing assistance with your health care diagnosis, treatment or service provision.

Payment: Your PHI will be used, as needed to obtain payment for your health care services. This may include certain activities that your health insurance plan may undertake before it approves or pays for the health care services you request or that MoCo recommends for you such as, making a determination of eligibility or coverage for insurance benefits or reviewing services provided to you for medical necessity. For example, obtaining approval for referral to another provider may require that your relevant PHI be disclosed to your health plan to obtain approval for those services or admission to a program.

Healthcare Operations: MoCo may use or disclose, as needed, your PHI in order to support the business activities of its operation. These activities include, but are not limited to, utilization review and quality assessment activities, employee supervision activities, training of students, licensing, marketing and fundraising activities, and conducting or arranging for other business activities. For example, we may disclose your PHI to nursing, occupational therapy or other students that use MoCo as an affiliate / rotation in their college or training program. In addition, we may call your name in the waiting room when the physician or other provider is ready to see you. We may use or disclose your PHI, as necessary, when speaking to you at the program site or in other places where we conduct work on your plan. We may use or disclose

your PHI, as necessary, when speaking with you on the phone in arranging for appointments with your case manager or when setting up other appointments.

We will share your PHI with a third party "business associate" (B.A.) that performs various activities (e.g. billing services) for the agency. Whenever an arrangement between MoCo and another business involves the use or disclosure of your PHI, we will have a written business agreement with that business associate, which may be part of a contract for services with the B.A. that contains terms that will protect the privacy of the health information. MoCo will take every precaution to ensure business associates treat your PHI with the same respect and obligations as we do in using and securing it. You may have access to disclosures made by us to a business associate.

We may disclose or use your PHI, as necessary to provide you with information about service or treatment activities or other health-related benefits and services that may be of interest to you. We may also use and disclose your PHI for other marketing activities. For example, your name and address may be used to send you a newsletter or brochure about the agency and the services or events we offer unless you request that these materials not be sent to you. We may publish your birthday or awards in a newsletter unless you request to be excluded from such activities. We may use or disclose your demographic information in order to contact you for fundraising activities supported by the agency. For example, we may mail you a flier regarding donating items for a yard sale or bottle drive unless you request that these materials not be sent to you.

Use and Disclosure of Protected Health Information Based on Your Written Authorization

Other uses and disclosures of your PHI will be made only with your written authorization, unless otherwise permitted or required by law as described below. A MoCo Authorization for Release of Protected Health Information will be used for this purpose unless another covered entities' authorization form for this purpose is judged to contain all of the required regulatory statements; and the authorization is complete, valid and not expired. You may revoke an authorization at any time by verbal statement to a care provider; you may also make the request in writing if you choose. All requests for revocation will be honored except to the extent that the authorization being revoked has already been acted upon in our reliance the previous authorization was still in effect.

We will refrain from using electronic means of communicating with you unless you provide us with specific prior authorization to do so.*

Other Permitted and Required Uses and Disclosures That May be Made With Your Authorization or Opportunity to Object

MoCo may use and disclose your PHI in the following instances. You have the opportunity to agree or object to the use or disclosure of all or part of your PHI. If you are not present or able to agree or object to the use or disclosure of the PHI, then MoCo may, using professional judgment, determine whether the disclosure is in your best interest. In this case, only the minimum necessary PHI that is relevant to your health care will be disclosed. All requests to object to the use or disclosure of your PHI must be made to the Motivational Services Privacy Contact listed in Section 4 of this Notice.

Facility Directories: Unless you object, this information will only be used or disclosed to a business associate for the purposes of TPO or to a person to whom you have given written Authorization to obtain this information.

Others Involved in Your Health Care: Unless you object, we may disclose to a member of your family, a relative, or close friend or any other person you identify, your PHI that directly relates to that person's involvement in your health care. If you are unable to agree or object to such a disclosure, MoCo may disclose such information as necessary if we determine it is in your best interest based on our professional judgment. MoCo may use or disclose PHI to notify or assist in notifying a family member, personal representative or any other person that is responsible for your care of your location, general condition or death. Finally, we may use or disclose your PHI to an authorized public or private entity to assist in disaster relief or public health efforts and to coordinate uses and disclosures to family or other individuals involved in your care.

Emergencies: MoCo may use or disclose your PHI in an emergency treatment situation. If this happens, your treatment team shall try to obtain your consent as soon as reasonably practical after the delivery of treatment. Your PHI as shared by MoCo staff may be used and further shared with other health care providers in the delivery of the emergency care you require.

Communication Barriers: We may use and disclose your PHI health information if MoCo attempts to obtain consent from you but is unable to do so due to substantial communication barriers and MoCo determines, using professional judgment, that you would intend to authorize the use or disclosure of that information under the circumstances.

Other Permitted and Required Uses and Disclosures That May Be made Without Your Consent, Authorization or Opportunity to Object

MoCo may use or disclose your PHI in the following situations without your consent or authorization. The minimum necessary standard will apply when using or disclosing PHI in each of the following situations. These situations include:

Required by Law: MoCo may use or disclose your PHI to the extent that law requires the use or disclosure. The use or disclosure will be made in compliance with the law and will be limited to the relevant requirements of the law. You will be notified, as required by law, of any such disclosures.

Public Health and Communicable Diseases: MoCo may disclose your PHI for public health activities and purposes to the State of Maine Department of Health and Human Services, or other state or federal public health authority that is permitted by law to collect or receive the information. The disclosure will be made for the purpose of controlling disease, injury or disability. An example is to collect tuberculosis or other communicable diseases information for the purpose of controlling a disease in the community or collecting that information for the purposes of public health data collection according to the law.

Health Oversight: MoCo may disclose PHI to a health oversight agency for activities authorized by law, such as audits, investigations and inspections. Oversight agencies seeking information include government agencies that oversee the health care system, government benefit programs, other government regulatory programs and civil rights laws. Examples of this would be providing information to the AMHI Consent Decree Coordinator (CDC) or to the Maine Department of Health and Human Services (DHHS) for reviewing your plan of care according to Maine State Law and Regulation.

Abuse and Neglect: MoCo may disclose your PHI to a public authority that is authorized by law to receive reports of abuse or neglect. MoCo may disclose your PHI, if we believe you have been a victim of abuse or neglect or domestic violence, to the government authority, entity or

agency authorized to receive such information. In this case, disclosures will only be made consistent with the requirements of applicable federal and state laws. Examples of this would be providing information to the Disability Rights Center, the Department of Health and Human Services, Office of Adult Protection to protect you from serious threat of health or safety. In the even of such disclosures, you will be informed unless informing you would place you at risk for serious harm.

Food and Drug Administration: MoCo may disclose your PHI to a person or company required by the Food and Drug Administration to report adverse events or other circumstances surrounding treatment as required by law.

Legal Proceedings: MoCo may disclose PHI in the course of any judicial or administrative proceedings, in response to an order of a court or administrative tribunal (to the extent such disclosure is expressly authorized), and in certain conditions in response to a subpoena, discovery request or other lawful process.

Law Enforcement: MoCo may also disclose PHI, so long as applicable legal requirements are met, for law enforcement purposes. These law enforcement purposes include (1) legal processes and otherwise required by law, (2) limited information requests for identification and location purposes, (3) pertaining to victims of a crime, (4) suspicion that death has occurred as a result of criminal conduct, (5) in the event that a crime occurs on MoCo premises, and (6) medical emergency (not on MoCo premises) and it is likely that a crime has occurred.

Coroners and Funeral Directors: MoCo may disclose PHI to a coroner, medical examiner or funeral director for identification purposes, determining cause of death or to perform other duties authorized by law. Example, a MoCo client dies on MoCo premises and the coroner or Medical Examiner must pronounce them dead before their remains can be moved by the funeral director.

Research: MoCo may disclose your PHI to researchers when their research proposal has been approved by an Institutional Review Board of MoCo to insure that the research proposal and established protocols will ensure the privacy of your PHI.

Criminal Activity: Consistent with applicable and federal and state laws, MoCo may disclose your PHI, if we 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. MoCo may also disclose PHI if it is necessary for law enforcement authorities to identify or apprehend an individual. This will be done consistent with complex limitations in the law. MoCo will only provide the minimum necessary PHI needed and will not disclose protected PHI such as psychotherapy notes or substance use information otherwise protected by Federal law; and, the status of illnesses as Aids, Hepatitis, etc unless necessary for the protection of public health and safety.

Military Activity: When appropriate conditions apply, MoCo may use or disclose PHI for the purpose of a determination by the Department of Veterans Affairs of your eligibility for benefits.

Workers' Compensation: Only the minimum PHI necessary may be disclosed by MoCo as authorized to comply with workers' compensation laws when such disclosure is related to the delivery of services. An example of this would be when a work related illness or injury, or workplace medical surveillance involves both a member of the workforce and a client.

Inmates: MoCo may use or disclose your PHI if you are an inmate of a correctional facility and MoCo created or received your PHI in the course of providing treatment or services to you. This will be done consistent with complex limitations in the law.

Required Uses and Disclosures: Under the law, MoCo must make disclosure to you and when required to the Secretary of the Department of Health and Human Services to investigate to determine our compliance with the requirements of Section 164.500 et. seq. of the HIPAA Regulations.

2. Your Rights

Following is a statement of your rights with respect to your protected health information and a brief description of how you may exercise these rights.

You have the right to access, inspect and obtain a copy of your PHI: This means you may inspect and obtain a copy of PHI about you that is contained in the Motivational Services designated record set for as long as we maintain your PHI. A MoCo "designated record set" contains clinical and billing records and other health care operations records the agency uses for making decisions about you. Motivational Services has the right to charge you for making copies of your health information records. Charges will be assessed in accordance with the policy in effect at the time of the request. Request for access to your record should be made to the MoCo Privacy Contact listed in Section 4 of this Notice. (Appendix C)

Under federal law, however, you may not inspect or copy the following records: psychotherapy notes; information compiled in reasonable anticipation of, or use in, a civil criminal or administrative action or proceeding, and PHI that is subject to law that prohibits access to PHI. Depending on the circumstances, a decision to deny access may be reviewable. In some circumstances, you may have a right to have this decision reviewed. You must make requests to have a decision reviewed to the Privacy Contact listed in Section 4 of this Notice. (Appendix D)

You have the right to request a restriction of your PHI: This means you may ask us not to use or disclose any part of your PHI for the purposes of treatment, payment or health care operations. You may also request that any part of your PHI not be disclosed to family members or friends who may be involved in your care or for notification purposes as described in this Notice of Privacy Practices. Your request to restrict must be in writing, state the specific restrictions requested and to whom you want the restrictions to apply. Request for restriction to your PHI should be made to the MoCo Privacy Contact listed in Section 4 of this Notice. (Appendix E)

MoCo is not required to agree to a restriction that you may request. If MoCo believes it is in your best interest to permit use and disclosure of your PHI, your PHI will not be restricted. However, if MoCo does agree to the requested restriction, we may not use or disclose your PHI in violation of the restriction unless it is needed to provide emergency treatment.

You have the right to request to receive confidential communications from MoCo by alternative means at an alternative location: Motivational Services will accommodate reasonable requests. We may condition your request by asking you for more information as to how it will be handled, for specifications of an alternative address, or how another method of contact will be handled. We will not request an explanation from you as to the basis for the request. All requests to receive confidential communications must be made to the MoCo Privacy Contact listed in Section 4 of this Notice. (Appendix F)

You have a right to amend your PHI: This means you may request an amendment of PHI about you in a designated record set for as long as MoCo maintains your records. All requests for amendment must be in writing and addressed to the MoCo Privacy Contact noted in Section 4 of this Notice. In certain cases, your request may be denied. If your request for amendment is denied, you have the right to file a statement of disagreement with MoCo. MoCo may prepare a rebuttal to your statement and will provide you with a copy of any such rebuttal. The MoCo Privacy Contact will assist you with your request and / or answer any questions you have about the amendment process. (Appendix G)

You have the right to receive an accounting of certain disclosures we have made, if any, of your PHI*: This right applies to disclosures for purposes including treatment, payment or healthcare operations as described in this Notice of Privacy Practices. It excludes disclosures made to you for your own use, for a facility directory, to family members or friends involved in your care, or for notification purposes. You have the right to request what was disclosed, the date of disclosure, why the PHI was disclosed and who received it. The accounting of disclosures may be for PHI made by MoCo over a period of the preceding six years effective the date of this Rule or six years retrospective of the date of your request. You may request a shorter timeframe. The right to receive this information is subject to certain exceptions, restrictions and limitations. To request and accounting of disclosures, contact the MoCo Privacy Contact, listed in Section 4 of this Notice. (Appendix H)

You have the right to obtain a paper copy of this Notice from MoCo: Upon request, even if you have agreed to accept this Notice electronically, you may receive a paper copy of this MoCo Notice of Privacy Practices. You may request a copy by contacting the MoCo Privacy Contact, listed in Section 4 of this Notice.

You have the right to be informed of any breaches involving your information*: In the event your information reaches the hands of an unauthorized party Motivational Services must inform you upon learning of and investigating the circumstances to ensure the breach was factual.

3. Complaints

If you believe your privacy rights have been violated you may file a complaint with MoCo by notifying the Motivational Services Privacy / Compliance Officer, Michael Provencher, at 71 Hospital Street, Augusta, Maine 04330 / P.O. Box 229, 04332-0229, by telephone or your video relay at 626-3465. MoCo will not retaliate against you for filing a complaint. You will be assisted with completing the necessary papers. (Appendix I)

4. Appendix Forms and Information Contact

The Forms Appendix to this Notice of Privacy Practices is separate from this Notice document. It contains forms for performing certain procedural functions outlined in this Notice. If you would like a specific form or guidance in accessing, obtaining, reviewing or modifying your record or if you have questions or need more information regarding this Notice, please call the MoCo Privacy Contact, Mary Ann Johnson by phone or your video relay at 624-0414.

- **If you received a small print booklet version of this Notice of Privacy Practices (NPP) and you wish to receive a copy in large print, please call 624-0414.**

This Notice of Privacy Practices becomes effective April 14, 2003 with any additional updates 2009 and 2010 Federal Changes Update*

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