

POLICY OF PRIVACY PRACTICES

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The Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule

The Association for Mentally Ill Children of Westchester, Inc. and its affiliated corporation, AMIC Holding Co., Inc., will be referred to in this Notice of Privacy Practices (NPP) jointly as AMIC.

AMIC established The Clear View School (the School) and continues to operate the School as an approved special education school and a certified day treatment center. AMIC also established and operates AMIC Supportive Families (ASF), a program that provides services, including residential services, to adults with developmental disabilities.

As required by statute and regulation, AMIC maintains at the School and ASF medical records, including mental health records, which constitute Protected Health Information (PHI).

The Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule provides consumers with important privacy rights and protections with respect to their health information, including important controls over how their health information is used and disclosed.

The **Notice** that follows is addressed to “You,” which includes students 18 years of age or older and the parents or guardians of students under 18 years of age at the School. “You” also includes consumers of services at ASF or their personal representatives, as defined by the laws of the State of New York.

NOTICE OF PRIVACY PRACTICES

Your Information. Your Rights. AMIC's Responsibilities

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.

Your Rights

You have the right to:

- Get a copy of your paper or electronic medical record
- Correct your paper or electronic medical record
- Request confidential communication
- Ask AMIC to limit the information it shares
- Get a list of those with whom AMIC shares your information
- Get a copy of this Notice of Privacy Practices
- Choose someone to act for you
- File a complaint if you believe your privacy rights have been violated

Your Choices

You have some choices in the way that AMIC uses and shares information as AMIC:

- Tells family and friends about your condition
- Provides disaster relief
- Includes you in a directory of the School or ASF
- Provides mental health care
- Advertises and promotes AMIC's services
- Raises funds

AMIC's Uses and Disclosures

AMIC may use and share your information as AMIC:

Your Rights

When it comes to your health information, you have certain rights. This section explains your rights and some of AMIC's responsibilities to help you.

Get an electronic or paper copy of your medical record

- You can ask to see or get an electronic or paper copy of your medical record and other health information AMIC has about you. Ask how to do this by contacting in writing the Office of the Executive Director at:
480 Albany Post Road
Briarcliff Manor, NY 10510
cdevlin@clearviewschool.org

- AMIC will provide a copy or a summary of your health information, usually within 30 days of your request. AMIC may charge a reasonable, cost-based fee.

Ask to correct your medical record

- You can ask AMIC to correct health information about you that you think is incorrect or incomplete. Ask how to do this by contacting in writing the Office of the Executive Director at:
480 Albany Post Road
Briarcliff Manor, NY 10510
cdevlin@clearviewschool.org
- AMIC may say “no” to your request, but it will tell you why in writing within 60 days.

Request confidential communications

- You can ask AMIC to contact you in a specific way (for example, home or office phone) or to send mail to a different address.
- AMIC will say “yes” to all reasonable requests.

Ask AMIC to limit what AMIC uses or shares

- You can ask AMIC not to use or share certain health information for treatment, payment or AMIC’s operations. AMIC is not required to agree to your request, and AMIC may say “no” if it would affect your care.

Get a list of those with whom AMIC shares information

- You can ask for a list (accounting) of the times AMIC shared your health information for six years prior to the date you ask, with whom AMIC shared it and why.
- AMIC will include all the disclosures except for those about treatment, payment, and health care operations, and certain other disclosures (such as any you asked us to make). AMIC will provide one accounting a year for free but will charge a reasonable, cost-based fee if you ask for another one within 12 months.

Get a copy of this privacy notice

You can ask for a paper copy of this notice at any time, even if you have agreed to receive the notice electronically. AMIC will provide you with a paper copy promptly.

Choose someone to act for you

- If you have designated someone as your health care agent or if someone has been appointed by a court as your legal guardian with health care powers, that person can exercise your rights and make choices about your health information.
- AMIC will make sure the person has this authority and can act for you before AMIC takes any action.

File a complaint if you feel your rights are violated

- You can complain if you feel AMIC has violated your rights by contacting in writing the Office of the Executive Director at:
480 Albany Post Road
Briarcliff Manor, NY 10510
cdevlin@clearviewschool.org
- You can file a complaint with the U.S. Department of Health and Human Services Office for Civil Rights by sending a letter to 200 Independence Avenue, S.W., Washington, D.C. 20201, calling 1-877-696-6775, or visiting www.hhs.gov/ocr/privacy/hipaa/complaints/.
- AMIC will not retaliate against you for filing a complaint.

Your Choices

For certain health information, you can tell AMIC your choices about what AMIC shares. If you have a clear preference for how AMIC shares your information in the situations described below, tell AMIC what you want it to do, and AMIC will follow your instructions.

In these cases, you have both the right and choice to tell AMIC to:

- Share information with your family, close friends, or others involved in your care
- Share information in a disaster relief situation
- Include your information in a School or ASF directory

If you are not able to tell AMIC your preference, for example if you are unconscious, AMIC may go ahead and share your information if it believes it is in your best interest. AMIC may also share your information when needed to lessen a serious and imminent threat to health or safety.

In the following cases, AMIC never shares your information unless you give written permission:

- Advertisement or promotion of AMIC's services
- Fundraising

In the case of fundraising:

- AMIC may contact you for fundraising efforts, but you can tell AMIC not to contact you again

AMIC's Uses and Disclosures

How does AMIC typically use or share your health information?

AMIC typically uses or shares your health information in the following ways.

Treat you

AMIC can use your health information and share it with other professionals who are treating you.

Example: A doctor treating you for an injury asks another doctor about your overall health condition or what medications have been prescribed to you to avoid prescribing another medication, which, in combination, may cause a negative reaction.

Run our organization

AMIC can use and share your health information to run the School or ASF, improve your care, and contact you when necessary.

Example: We use health information about you to manage your treatment and services.

Bill for your services

AMIC can use and share your health information to bill and get payment from health plans or other entities.

Example: We give information about you to Medicaid or your health insurance plan so it will pay for your services.

How else can AMIC use or share your health information?

AMIC is allowed or required to share your information in other ways – usually in ways that contribute to the public good, such as public health and research. AMIC has to meet many conditions in the law before it can share your information for these purposes. For more information see:

www.hhs.gov/ocr/privacy/hipaa/understanding/consumers/index.html.

Help with public health and safety issues

AMIC can share health information about you for certain situations such as:

- Preventing disease
- Helping with product recalls

- Reporting adverse reactions to medications
- Reporting suspected abuse, neglect, or domestic violence
- Preventing or reducing a serious threat to anyone's health or safety

Do research

AMIC can use or share your information for health research.

Comply with the law

AMIC will share information about you if state or federal laws require it, including with the Department of Health and Human Services if it wants to see that AMIC is complying with federal privacy law.

Respond to organ and tissue donation requests

AMIC can share health information about you with organ procurement organizations.

Work with a medical examiner or funeral director

AMIC can share health information with a coroner, medical examiner, or funeral director when an individual dies.

Address workers' compensation, law enforcement, and other government requests

AMIC can use or share health information about you:

- For workers' compensation claims
- For law enforcement purposes or with a law enforcement official
- With a department of correction for your health and safety or that of others
- With health oversight agencies for activities authorized by law
- For special government functions such as military, national security, and presidential protective services

Respond to lawsuits and legal actions

AMIC can share health information about you in response to a court or administrative order, or in response to a subpoena.

AMIC's Responsibilities

- **AMIC is required by law to maintain the privacy and security of your protected health information.**
- **AMIC will let you know promptly if a breach occurs that may have compromised the privacy or security of your information.**
- **AMIC must follow the duties and privacy practices described in this notice and give you a copy of it.**
- **AMIC will not use or share your information other than as described here unless you tell AMIC it can in writing. If you tell AMIC it can, you may change your mind at any time. Let AMIC know in writing if you change your mind.**

For more information see: www.hhs.gov/ocr/privacy/hipaa/understanding/consumers/noticepp.html.

Changes to the Terms of this Notice

AMIC can change the terms of this notice, and the changes will apply to all information AMIC has about you. The new notice will be available upon request to the Office of the Executive Director (480 Albany Post Road, Briarcliff Manor, NY 10510; cdevlin@clearviewschool.org) and on AMIC's web site (www.clearviewschool.org).

Special Notices

- This Notice of Privacy Practices is effective as of its revision date.

- Any questions or inquiries regarding AMIC’s Privacy Practices or any requests or complaints pursuant to this Notice of Privacy Practices should be directed to AMIC’s Executive Director, who is the officer responsible for AMIC’s Privacy Practices:
Charles F. Devlin
480 Albany Post Road
Briarcliff Manor, NY 10510
(914)941-9513 (ext 514)
cdevlin@cleaviewschool.org
- AMIC never markets or sells Personal Health Information (PHI) or any personally identifiable information (PII) maintained in any of its records
- Confidentiality of **HIV Related Information and Alcohol or Substance Abuse Related Information:** Under NYS Law, there are special protections afforded HIV and Alcohol or Substance Abuse Related Information. This information may not be released or disclosed without a specific, written authorization by you. A general consent to the release or disclosure of PHI does not satisfy the requirement of a specific, written authorization for the release or disclosure of HIV and Alcohol or Substance Abuse Related Information.
- Confidentiality of **Mental Health Information:** Under NYS Law, there are special protections afforded Mental Health Information. This information may not be released or disclosed without a specific, written authorization by you. A general consent to the release or disclosure of PHI does not satisfy the requirement of a specific, written authorization for the release or disclosure for Mental Health Information. Other protections regarding Mental Health Information may be found in NYS Mental Hygiene Law §§33.13; 33.16.
- Special treatment of **Psychotherapy Notes:** Psychotherapy notes are treated differently from other Mental Health Information both because these notes contain particularly sensitive information and are the personal notes of the therapist. Typically, except for the health care professional who created them, psychotherapy notes are not required or useful for treatment nor for payment, or health care operations. With few exceptions, therefore, the HIPAA Privacy Rule requires specific, written authorization prior to the release or disclosure of psychotherapy notes for any reason, *including a disclosure for treatment purposes to a health care provider other than the originator of the notes*. See 45 CFR 164.508(a)(2). A general consent to the release or disclosure of PHI, or even a general consent to the release or disclosure of Mental Health Information does not satisfy the requirement of a specific, written authorization for the release or disclosure of Psychotherapy Notes. There are limited exceptions to this rule, such as for mandatory reporting of abuse and neglect (SSL Art.6, Title 6), and mandatory “duty to warn” of substantial risk or threat of harm (MHL §9.46).

Revised: 12/8/2017