

## 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

For questions about this notice, please contact the Privacy Officer.  
(585) 672-2234  
The Arc of Monroe  
2060 Brighton-Henrietta Townline Road  
Rochester, NY 14623

### Who this notice applies to:

This notice applies to all programs and services of The Arc of Monroe County. It applies to all employees, volunteers, contractors, business associates, students, interns, aides and assistants affiliated with The Arc.

### Our Policy:

The Arc takes the privacy of the information used to provide services to you seriously. We will take reasonable steps to ensure that you have access to this information if and when you want, and to keep this information private from those who should not have access to it. You will be notified if there is a breach of your protected health information as defined in the HIPAA law.

By law, we are required to keep your information private and secure; provide you with this notice stating how we will use and disclose it within the course of providing services to you (treatment), to be reimbursed for our services (payment), and to maintain business operations; and follow the terms of this notice.

### When and how we may use or disclose information used to provide services to you:

In this section, we will explain some of the ways in which we will use or disclose information about you (hereafter referred to as, "your information" or "information about you"). Examples will be given. For each of the following uses or disclosures, until otherwise indicated, we are not required to obtain your authorization or permission.

- To provide services to you (for treatment):  
Staff who are involved in providing you services may use your information in order to best assist you. Your information may also be disclosed to clinical professionals, interns, students, aides, business associates, and volunteers who are involved in providing services to you. Your information may also be disclosed to another health care provider or agency in order to refer you to that provider, or so that the provider can provide appropriate treatment to you. For example, if you fall and hurt your leg, we may share your medical information with the hospital so that they can treat you correctly.
- To receive reimbursement (payment):  
We may use or disclose pieces of your information to our funders so that we can receive reimbursement for the services we provide.
- For agency operations:  
We may use or disclose your information in order to maintain ongoing agency operations. Doing so helps us to ensure quality care and a consistent approach to the services we provide. For example, your information may be used by our Quality Assurance department as part of our internal monitoring of services and systems.
- Appointment reminders:  
Within our clinical services, we may use and disclose your information in order to contact you or those who support you as a reminder that you have an appointment.
- Notification regarding new services or opportunities:  
We may use and disclose your information in order to tell you about new services or opportunities that we are planning or developing, and which you might find of interest.
- Marketing:  
We may use or disclose your information for the purposes of marketing if we do this in a face-to-face meeting with you or if it relates to services or products of a nominal value.
- Fundraising:  
We may use or disclose your information to a business associate with whom we have a contract or agreement, or The Arc foundation for the purposes of raising funds. If we do this, we will only use or disclose basic demographic information such as your name, address, phone number, and specific dates you may have received services. If you do not want The Arc to contact you for fundraising activities, you must notify the Privacy Officer, in writing at the address listed above.
- Other key individuals in your life:  
We may disclose your information to key people involved in your life. This may include others who are involved in your care (such as residential or day program staff, if applicable), doctors or clinicians you may see at another location, or friends or family, as long as you or your legal representative agree or do not object.
- To avert a serious threat to health or safety:  
We may use or disclose your information when necessary to prevent a serious threat to your health and safety, or that of another person. Such a disclosure would only be to someone who could help prevent or deal with the threat.
- To demonstrate compliance with HIPAA:  
We may disclose information about you to governmental representatives in order to demonstrate that we are complying with the HIPAA regulations.
- Sale of protected health information:  
The Arc of Monroe County does not sell protected health information to anyone.

### Special Situations:

- Organ and tissue donation:  
If you are an organ donor, we may disclose parts of your information to organizations or individuals who handle organ procurement and transplantation.
- Public health risks:  
We may disclose information about you for public health activities. These activities generally include the following:
  - \*to prevent or control disease, injury, or disability;
  - \*to report births or deaths;
  - \*to report child abuse or neglect;
  - \*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 that an individual we serve 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.
- Lawsuits or disputes:  
If you are involved in a lawsuit or dispute, we may disclose your information in response to a court or administrative order. We may also disclose your information in response to a subpoena, discovery request, or other lawful process by someone else involved in the dispute.
- Law Enforcement:  
We may disclose your information if asked to do so by law enforcement personnel. This would generally be for one of the following reasons:
  - \*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;
  - \*about criminal conduct which occurs within The Arc
  - \*in emergency circumstances to report a crime, the location or victims of a crime, and/or the identity, description, or location of someone who committed a crime

- Medical Examiners and funeral directors:  
We may disclose your information to the medical examiner if necessary to identify a deceased person or to determine the cause of death. We may also disclose your information to a funeral director in order for them to fulfill their duties.

Uses and disclosures for which we require your authorization:

Any uses and disclosures other than those permitted by the Privacy Rule will be made only with the written authorization of you or your legal representative. Prior to using or disclosing your information for purposes other than those noted above, we will be required to obtain a signed authorization from you allowing us to do so. If you have signed an authorization, you have the right to revoke that authorization at any time and for any reason.

Your rights regarding information we use to provide services to you:

You have the following rights regarding your information:

- The right to have access to, review, and receive copies of your information:  
The Arc acknowledges and supports your right to have access to, review of, and to receive copies of information contained within your formal records and charts (to use the regulation's terminology, the designated record set). In order to receive access, copies, or the opportunity to review your information, you must submit a written request to the director of the program where the records are that you wish to see. The Arc may deny your request under certain circumstances. If we do so, you will be notified in writing of the reasons why. If the information you are requesting is located in more than one program or site, we will give you access to it at the site or location where you first requested it, or from which the information was initially generated. For any protected health information that is kept electronically, you are entitled to access or receive a copy of that information in an electronic format if you so choose. If The Arc permits your access, it will provide such access in the form requested by you if it is readily producible in such form. If not, access will be provided in a form or format that you and The Arc both agree to.

You have the right to file a complaint regarding the denial. This should be directed to the Privacy Officer and must be submitted in writing to the address listed on page 1. They will conduct a review of the circumstances regarding the denial, and will render a final decision. The Arc will comply with this decision.

Prior to allowing you access to, review, or copies of your information we reserve the right to verify your identity or the identity of your representative. This is to ensure that we are not disclosing your private information to someone who has no right to receive it. If we do not maintain the information about you that you are requesting but we know where it is, we will tell you where you may request it.

- The right to amend your information:  
If you feel that information contained within your records here at The Arc are inaccurate or incomplete, you have the right to ask that they be amended. You must make your request for amendments in writing. These requests should be sent to the manager of the program where the records are that you are asking us to amend. We may deny your request under certain allowable situations noted in the law. You have the right to file a complaint regarding the denial. This should be directed to the Privacy Officer, and must be submitted in writing to the address listed on page 1. They will conduct a review of the circumstances regarding the denial, and will render a final decision. The Arc will comply with this decision.
- The right to an accounting of disclosures:  
You have the right to request an "accounting of disclosures." By this, we mean that you can receive a listing of all the disclosures we have made of your information. To request this accounting, you must submit a written request to the Privacy Officer to the address listed on page 1. Your request must clearly identify the period you want the accounting for. This period cannot exceed 6 years and cannot include any dates prior to April 14, 2003.
- The right to request restrictions:  
You have the right to request that we restrict the use and disclosure of your information. We are not required to agree to any request of restriction you submit. We will terminate restrictions on use and disclosure of your information if you agree, in writing, to terminate the restriction, if you orally agree to terminate the restriction and such oral agreement is documented, or we inform you in writing that we are terminating the restriction. In this latter case, the termination would only apply to any information about you which is created or received after we have told you we are terminating the restriction.

To request a restriction on the use and disclosure of your information, you must submit a written request to the manager of the program involved. You must specify what information you want limited, whether you are asking us to limit use, disclosure, or both, and to whom the limits apply, if anyone. You will then be notified by The Arc as to whether or not the restriction is being agreed to or not.

If you choose to pay fully for a service provide by The Arc of Monroe County out of your own funds (not using any Medicaid, Medicare, insurance, grant or other funding) and request that we not share any protected health information regarding those services with your Medical insurance provider(s) (including Medicaid or Medicare), we will agree to that request and not disclose such information.

- The right to request confidential communications:  
You have the right to receive communication about your information from The Arc in ways that are comfortable and acceptable to you. You must make your request for confidential communications to the manager of the program involved. We will not ask you to specify a reason for the request. We will accommodate all reasonable requests. You must specify how or where you wish to be contacted.

If you would like to receive communications that include protected health information via unencrypted email, we are willing to accommodate this request. However, please be aware that there is some risk that the information or any attachments to the email could be read or accessed by a third party. Knowing this, if you still wish to receive unencrypted email which includes protected health information, The Arc will not be responsible for any unauthorized access of the information during transmission nor once you have received the information.

- The right to receive a copy of this notice:  
You have the right to receive a paper copy of this notice at any time. To obtain a copy of this notice, please contact the Privacy Officer. They can be reached at (585) 672-2234. You can also find a copy of this notice at each program site and on our website, [www.arcmonroe.org](http://www.arcmonroe.org).

Changes to this notice:

We reserve the right to change this notice. We reserve the right to make the revised or changed notice apply to information we already have about you as well as any information we create or receive in the future. The current version of our notice can be found on our website at [www.arcmonroe.org](http://www.arcmonroe.org). In addition, whenever a revision to this notice occurs, you shall be informed within 60 days of a material revision to the notice. As indicated above, you are entitled to receive a copy of our notice at any time.

Complaints:

If you believe that your privacy rights have been violated, you may file a complaint with The Arc directly. This can be done by submitting your complaint in writing to the manager of the program involved or the Privacy Officer at the address listed on page 1. In addition, you have the right to file a complaint with the Secretary of the Federal Department of Health and Human Services. You will not be treated differently nor will your services change based on your decision to file a complaint.