



## 1.8 Confidentiality and Accessibility of Records

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Policy Owner:

Policy Applies To:

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Regulatory Standard(s): 4 Pa. Code 255, 42 CFR Part 2, HIPAA

Accreditation Standard(s): RI.01.01.01, EP 1

This policy rescinds any previous publication covering the same material.

**Purpose:** God's Mountain Recovery Center has developed these privacy policies and procedures as an overall statement of the responsibilities and obligations of all employees and clients regarding medical records and other business records maintained by God's Mountain Recovery Center.

### Definitions

- Confidentiality: Protection of data or information from being made available or disclosed to any unauthorized person(s) or process(es) [1].
- HIPAA: Health Information Portability and Accountability Act of 1996 [2].
- Health Information: Any information, including genetic information, whether oral or recorded in any form or medium, that: (1) Is created or received by a health care provider, health plan, public health authority, employer, life insurer, school or university, or health care clearinghouse; and (2) Relates to the past, present, or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present, or future payment for the provision of health care to an individual [3].
- Privacy of Information: The right of an individual to limit the disclosure of personal information [1].
- Protected Health Information: Individually Identifiable Health Information:
  1. Except as provided in item (2) of this definition, that is: (i) Transmitted by electronic media; (ii) Maintained in electronic media; or (iii) Transmitted or maintained in any other form or medium.
  2. Protected health information excludes individually identifiable health information: (i) In education records covered by the Family Educational Rights and Privacy Act, as amended, 20 U.S.C. 1232g; (ii) In records described at 20 U.S.C. 1232g(a)(4)(B)(iv); (iii) In employment records held by a covered entity in its role as employer; and (iv) Regarding a person who has been deceased for more than 50 years [3].

### Policy

- It is the policy of God's Mountain Recovery Center to comply with all laws and regulations pertaining to the confidentiality and protection of identifiable health information.
- God's Mountain Recovery Center and its employees recognize that client privacy is of utmost importance in care and treatment. As such, God's Mountain Recovery Center will take strict and immediate action if/when there is a breach of such privacy. We will take every reasonable measure to ensure that privacy and confidentiality is maintained, and that the personal information of clients is secured and protected at all times. If a staff member is found to have breached the confidentiality of a client, the action will be reviewed by the Administrative Director and the employee's supervisor to determine appropriate disciplinary action which may include termination of

- Any use or disclosure of a client's health information that is not for purposes of treatment of the client, payment of the client's medical bills or for the healthcare operations of Gods Mountain Recovery Center or permitted or required by law must be authorized by the client or client's legal representative.
- God's Mountain Recovery Center, a client, or the client's legal representative may request authorization to use or disclose the client's health information.
- God's Mountain Recovery Center, Inc. employees will not distribute copies or allow distribution of any individual's records without written permission of the person served and/or legal guardian following the HIPAA Privacy Practices Policy and Pa Code 255.5.
- A signed copy of each authorization will be maintained in the medical record.
- A client may revoke an authorization at any time by giving written notice of such revocation to Gods Mountain Recovery Center administrative staff. Such revocation shall be documented in the client's medical record. Once a program administrator receives a written revocation, God's Mountain Recovery Center may no longer use or disclose the client's health information pursuant to the authorization.
- The Authorization of Release of Records form will be completed and signed by the person served or guardian prior to distribution of any records. The Authorization for Release of Records form will be filed in the client record by the Care Manager.

#### **Client Request for Access to Health Information:**

- Clients have the right to access their health information with a few very limited exceptions (e.g. information assembled for a lawsuit or other legal action, information that is clinically determined by a professional to be detrimental to the client's health, or information obtained under a promise of confidentiality.)
- Clients have the right to review their individual records at the facility upon request to their primary counselor/therapist.
- Requests for access to a copy of the record must be made in writing.
- God's Mountain Recovery Center will respond to the request within 30 days unless God's Mountain Recovery Center notifies the client in writing that it needs additional time. If God's Mountain Recovery Center notifies the client of a need for additional time to respond, God's Mountain Recovery Center has only 30 extra days to respond.
- God's Mountain Recovery Center may charge reasonable copying and postage costs for health information given to a client.
- Any denial by God's Mountain Recovery Center of a client's request for their own health information must be in writing. All denials of request for access must be reviewed and approved by God's Mountain Recovery Center Administrative Director.
- The client has a right to request a review of God's Mountain Recovery Center denial of access to health information. Such review will be coordinated by God's Mountain Recovery's Administrative Director
- The client's request for access and God's Mountain Recovery Center response will be maintained in the medical record.

#### **Client Request for Amendment of Health Information:**

### **Client Request for Accounting of Disclosures:**

- A client has the right to receive an accounting of disclosure of health information after April 14, 2003 that are not made for treatment of the client, payment of the client's medical bills or for the healthcare operations of the Practice.
- All requests for an accounting will be made in writing.
- All requests for an accounting will be directed to God's Mountain Recovery Center Administrative Director, who is responsible for receiving and directing the appropriate individuals to process requests for accountings.
- God's Mountain Recovery Center must respond to requests for accounting within 60 days unless God's Mountain Recovery Center notifies the client in writing of the reason that it needs additional time and the expected date for completion of action on the client's request. If God's Mountain Recovery Center notifies the client of a need for additional time to respond, God's Mountain Recovery Center has only 30 extra days to respond.
- Any discovered breach of privacy or confidentiality or unauthorized disclosure of patient information will be reported to the individual client within 3 business days.

### **Legal Representatives and Guardians:**

- A client's legal representative or guardian may exercise any of the client's rights regarding the client's health information.
- If the client is deceased, the client's legal representative is the executor or administrator of the client's estate.

### **Complaints:**

- If a client or other affected person believes that God's Mountain Recovery Center policies and procedures regarding the confidentiality of medical information do not conform to applicable law or that God's Mountain Recovery has violated such policies and procedures, s/he may file a complaint with God's Mountain Recovery Center.
- Complaints should be handled as outlined in the Grievance Policy.

### **Storage and Protection of Records:**

- God's Mountain Recovery Center shall take reasonable precautions to ensure that all records containing health information are secured against loss, destruction, unauthorized access, unauthorized reproduction, corruption, and damage in accordance with the HIPAA Security Regulations.

### **References**