

NOTICE OF PRIVACY PRACTICES

The **Health Insurance Portability and Accountability Act (HIPAA)** is a federal law that provides privacy protection and outlines your rights regarding the use and disclosure (sharing) of your **Protected Health Information (PHI)**.

42 CFR Part 2 is additional federal law that protects the confidentiality of substance use disorder patient records.

Information about your past, present and future health (including mental and behavioral health), the care you get for your health or payment for the services is considered Protected Health Information (PHI).

First Resources Corp utilizes an electronic health record (EHR) with extra security (multifactor authentication) to protect your records. There is regular testing by the EHR system and First Resources Corp to ensure your information is protected.

The PHI may be shared by First Resources Corp staff, contracted services, or those who do services through a Business Associate Agreement.

This notification is available to you on the first day of services and is posted in each First Resources office and our website at www.firstresources.us.

You have the right to receive a copy of this notice (in paper or electronic form). If you have any questions or want to discuss the information, please contact Stephanie Gehlhaar (Director of Compliance) at 641-954-7967 or at sgehlhaar@firstresources.us.

When can PHI be disclosed?

HIPAA and 42 CFR Part 2 laws permit the disclosure of a client's PHI to an outside identity without your consent for the following purposes:

- **Treatment:** To provide, coordinate or manage your care. PHI can also be disclosed to other healthcare providers involved in your care. In most cases, this will be discussed with you before we talk to the other healthcare providers, and your permission will be obtained.
- **Payment:** To obtain reimbursement. For example, First Resources Corp will share information with your insurance company/funder so that we can get paid for your support.
- **Health Care Operations:** First Resources Corp may use/share your PHI to your health care service plan or insurance company for purposes of providing your services. This means information may be shared to your case manager or a third-party drug screening business.

A single consent can be used to obtain consent for all future disclosures related to Treatment, Payment and Health Care Operations (TPO).

If you are in a substance abuse program, information shared with your counselor or related to your diagnosis will be secured from other staff.

**What is authorization and when
is it required?**

- Authorization is written permission that permits only specific information to be shared or disclosed.
- You can add or change who First Resources contacts at any time.
- You can change what is shared in most cases.
- For example, you can designate an emergency contact but only state that you want them contacted for an emergency. Other times First Resources Corp would not talk to them.
- If you are in the substance use programs, a specific release will be needed to send counselor notes to others.

**Exceptions when First Resources
can share your information without
permission**

- **Emergencies:** We may use and disclose your health information in an emergency treatment situation. For example, we may provide your health information to a paramedic who is transporting you in an ambulance.
- **Acknowledgement of Presence:** We may disclose that you are present in any of our offices if necessary for normal daily operations. The type of program or location would not be shared. For example, if your case manager wanted to know if you were home to visit, staff could respond. Example 2: if someone called a residential treatment program and asked if you were there, staff would reply by stating “I can take your name and number. If that person is here, they can contact you.”
- **Serious Threat to Health or Safety:** To prevent a serious and imminent threat to you or others, First Resources Corp will share only required information with those that can help reduce the threat and keep people safe. *This may include suspected child or dependent adult abuse and law enforcement activities.*

- **Research:** We may disclose your health information to researchers when their research has been approved by an Institutional Review Board or a similar privacy board that has reviewed the research proposal and established protocols to protect the privacy of your health information.
- **Health Oversight Activities:** Oversight agencies such as Medicare and Medicaid may require information to be shared to services provided correctly and your civil rights are protected.
- **Public Health Activities:** Certain health conditions and situations are monitored by the state to keep everyone safe. For example, if you contracted tuberculosis, First Resources Corp would report this to the state health department but your name would be de-identified.
- **Worker's Compensation:** First Resources Corp may disclose health information about you to comply with the state's Workers' Compensation Law.
- **Fundraising:** Staff would need to talk to you about fundraising activities to see if you would like to be involved or remove from fundraising communications. An example would be choosing if you wish to receive mailings from First Resources Corp regarding the Golf Tournament.
- **Disclosures in Legal Proceedings:** If ordered by a judge or subpoena, First Resources will share your health information.
- **As Required by Law:** First Resources Corp can share your PHI when required to do so by any other law not already referred to.

**Additional things related to 42CFR part 2
(for people in substance use services):**

- Records that are disclosed to another CFR Part 2 program, covered entity, or business associate pursuant to the patient's written consent for treatment, payment, and health care operations may be further disclosed by that Part 2 program, covered entity, or business associate, without the patient's written consent, to the extent the HIPAA regulations permit such disclosure.
- If you were mandated to treatment through the criminal legal system (including drug court, probation, or parole) and you sign a consent authorizing disclosures to elements of the criminal legal system such as the court, probation officers, parole officers, prosecutors, or other law enforcement, your right to revoke consent may be more limited and should be clearly explained on the consent you sign.

- Records or testimony relaying the content of such records, shall not be used or disclosed in any civil, administrative, criminal, or legislative proceedings against you unless based on your specific written consent or a court order. Records shall only be used or disclosed based on a court order after notice and an opportunity to hear is provided to you (the patient) and/or the holder of the record, where required by 42 USC § 290dd-2 and 42 CFR Part 2. A court order authorizing use or disclosure must be accompanied by a subpoena or other similar legal mandate compelling disclosure before the record is used or disclosed.

You have the RIGHT to:

- Obtain a copy of the privacy notice:** You can ask for a copy of this notice any time or can have it sent to you electronically. First Resources Corp will get this to you promptly.
- Request restrictions on what is shared and to whom it is shared.** This can be changed at any time upon your request. First Resources Corp will assist you with completing a Release of Information specific to your requests.
- Revoke permission/consent at any time.** You may initiate the revocation of consent verbally but to be fully legal The revocation will need to be in writing. Your coordinator or director can assist you with completing the necessary paperwork. If you have questions on this, please contact Stephanie Gehlhaar, Director of Compliance, at 641-954-7967 or by emailing sgehlhaar@firstresources.us. First Resources Corp can only restrict disclosures to your health plan for those services that are paid in full.
- Obtain an electronic or paper copy of your medical record (an accounting of disclosures).** First Resources Corp can provide records as allowed by law. Health records are maintained for 6 years while 42CFR Part 2 records may only be maintained for 3 years.
- Ask First Resources Corp to correct your medical record if you think it is incorrect or incomplete.** First Resources Corp may reject your request if we believe it was made in error.
- Request confidential communication:** You can ask First Resources Corp to contact you in a specific way (cell, home, text, or mail)
- Ask us to limit what we share:** You can ask First Resources not to use or share certain information for treatment, payment or operations. We may have to say “no” if it would affect your care. If you pay privately, you can request that we not share information with your health insurer.
- Get a list of those we've shared information with:** You can ask for a list of information First Resources Corp has shared information with during the past six years. This will include disclosures about treatment, payment, and health care operations.

- **Choose someone to act for you:** You can have legal guardian or medical power of attorney making choices about your care. First Resources Corp will verify that the person has authority to act on your behalf before sharing information.\
- **File a complaint if you feel your rights are violated:** If you have questions regarding your rights or information that is shared, please contact us. You can contact Stephanie Gehlhaar, Director of Compliance for assistance as 641-954-7679 or at sgehlhaar@firstresources.us. You can file a complaint with the U.S. Department of Health and Human Services for Civil Rights at www.hhs.gov/ocr/privacy/hipaa/complaints.
- First Resources Corp will not retaliate against you for filing a claim.