

BARTH CLINIC

CONFIDENTIALITY OF ALCOHOL AND DRUG ABUSE PATIENT INFORMATION

Information regarding your health care, including payment for health care, is protected by two federal laws: the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), 42 U.S.C. § 1320d *et seq.*, 45 C.F.R. Parts 160 & 164, and the Confidentiality Law, 42 U.S.C § 290dd-2, 42 C.F.R.

Part 2. Under these laws, Barth Clinic may not say to a person outside Barth Clinic that you attend the program, nor may Barth Clinic disclose any information identifying you as an alcohol or drug abuser, or disclose any other protected information except as permitted by federal law.

Barth Clinic must obtain your written consent before it can disclose information about you for payment purposes. For example, Barth Clinic must obtain your written consent before it can disclose information to you health insurer in order to be paid for services. Generally, you must also sign a written consent before Barth Clinic can share information for treatment purposes or for health care operations. However, federal law permits Barth Clinic to disclose information *without* your written permission:

- (1) Pursuant to an agreement with a qualified service organization/business associate;
- (2) For research, audit or evaluations;
- (3) To report a crime committed on Barth Clinic's premises or against Barth Clinic personnel;
- (4) To medical personnel in a medical emergency;
- (5) To appropriate authorities to report suspected child abuse or neglect;
- (6) As allowed by court order.

For example Barth Clinic can disclose information without your consent to obtain legal or financial services, or to another medical facility to provide health care to you, as long as there is a qualified service organization / business associate agreement in place.

Before Barth Clinic can use or disclose any information about your health in a manner which is not described above, it must first obtain your specific written consent allowing it to make the disclosure. Any such written consent may be revoked by you in writing.

Your Rights

Under HIPAA you have the right to request restrictions on certain uses and disclosures of your health information. Barth Clinic is not required to agree to any restrictions you request, but if it does agree that it is bound by that agreement and may not use or disclose any information which you have restricted except as necessary in a medical emergency.

You have the right to request that we communicate with you by alternative means or at an alternative location. Barth Clinic will accommodate such requests that are reasonable and will not request an explanation from you. Under HIPAA you also have the right to inspect and copy your own health information maintained at Barth Clinic, except to the extent that the information contains psychotherapy notes or information compiled for use in a civil, or administrative proceeding or in other limited circumstances.

Under HIPAA you also have the right, with some exceptions, to amend health care information maintained in Barth Clinic's records, and to request and receive an accounting of disclosures of your health related information made by Barth Clinic during the six years prior to your request. You also have the right to receive a paper copy of this notice.

Barth Clinic's Duties

Barth Clinic is required by law to maintain the privacy of your health care information and to provide you with a notice of its legal duties and privacy practices with respect to your health information. Barth Clinic is required by law to abide by the terms of this notice. Barth Clinic reserves the right to change the terms of this notice and to make new notice provisions effective for all protected health information it maintains.

Complaints and Reporting Violations

You may complain to Barth Clinic and the Secretary of the United States Department of Health and Human Services if you believe that your privacy rights have been violated under HIPAA. You will not be retaliated against for filing such a complaint.

Violation of the Confidentiality Law by a program is a crime. Suspected violations of the Confidentiality Law may be reported to the United States Attorney in the district where the violation occurs.

