



Notice of Privacy Practices

THIS NOTICE DESCRIBES HOW IDENTIFIABLE MEDICAL INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY.

The Arc Otsego is required by law to maintain the privacy of your health information and to provide you with notice of its legal duties and privacy practices with respect to your health information

Effective Date of This Notice---April 14, 2003

Our Privacy Commitment to You

At The Arc Otsego we understand that information about you and your family is personal and confidential. We are committed to protecting your privacy and sharing information only with those who need to know and are allowed to see the information. This notice tells you how The Arc Otsego uses and discloses information about you. It also describes your rights and what The Arc Otsego's responsibilities are concerning information about you.

Who Will Follow This Notice

All members of The Arc Otsego workforce will follow this notice. This includes all employees, contractors/consultants, and volunteers from all departments or divisions of the agency.

What Is Protected Health Information

All information that we create or keep that relates to your health or your care and treatment is protected health information. This includes your name, address, birth date, social security number, medical information, your individualized service plan, your photograph, and other information about the services we provide for you.

Your Rights Regarding Information About You

You have the following rights concerning information about you. These rights also apply to your personal representative. Depending on your circumstances and in accordance with New York State law, this may be your guardian, your health care proxy, or your involved parent, spouse, or adult child.

- You have the right to see or inspect information about you and obtain a copy. Some exceptions apply, such as records regarding incident reports and investigations, and information compiled for use in court or administrative proceedings. The Arc Otsego may require you to make your request for records in writing. The Arc Otsego may also charge a fee for the costs of copying or mailing your records.
- If we deny your request to see your information, you have the right to request a review of that denial. Professionals chosen by The Arc Otsego who were not involved in denying your request will review your request and the denial to decide if you may have access to the record.

- You have the right to ask The Arc Otsego to change or amend information that you believe is incorrect or incomplete. We may deny your request in some cases, for example if the record was not completed by The Arc Otsego, or if after reviewing your request we believe the record is accurate and complete.
- You have the right to request a list of the disclosures The Arc Otsego has made of your information. The list does not include certain disclosures, such as those made for treatment, payment, or health care operations, or disclosures made to you or made to others with your permission.
- You have the right to request a restriction on uses or disclosures of your health information related to treatment, payment, or health care operations. You also have the right to request a restriction on disclosure of your information to your family. The Arc Otsego is not required to agree to your request. If we agree, we will comply with your request unless the information is needed to provide emergency treatment for you.
- You have the right to request that The Arc Otsego communicates with you in a way that will help keep your information confidential. For example, you may ask that we only contact you at work or by mail.
- You have the right to receive a paper copy of this notice. You may also ask for another copy of this notice.
- To request access to your information or to request any of the rights listed here, you may contact The Arc Otsego Director of Corporate Compliance/QA at 607-433-8445.

The Arc Otsego's Responsibilities Regarding Information About You

The Arc Otsego is required to:

- Maintain the privacy of your information in accordance with federal and state laws;
- Give you this notice of our legal duties and practices concerning the information we have about you;
- Follow the rules in this notice (The Arc Otsego will use or share information about you only with your permission except for the reasons explained in this notice.); and
- Tell you if we make changes to our privacy practices in the future. If significant changes are made, The Arc Otsego will give you a new notice and post new notices at The Arc Otsego sites.

How The Arc Otsego Uses and Discloses Information About You

The Arc Otsego collects information about you and stores it in a paper record and on a computer. These records are the property of The Arc Otsego, but the information in the records belongs to you. The Arc Otsego protects the privacy of your information. The law permits The Arc Otsego to use or disclose your information for the following purposes:

- **For Treatment**—The Arc Otsego will use your information to provide you with treatment and services. We may disclose information to doctors, nurses, psychologists, service coordinators, individual program coordinators, residential aides, habilitation assistants, and others who are involved in delivering services to you. For example, involved staff may discuss your information to develop and carry out your individualized service plan (ISP). Other staff may share your information to coordinate different services you need, such as medical tests, counseling, transportation, etc. We may need to disclose your information to your service coordinator and other providers outside The Arc Otsego who are responsible for providing you with the services identified in your ISP or to obtain new services for you. We may need to disclose information for volunteer and work opportunities that are part of your ISP. We may also need to disclose information on your behalf in order to make referrals for services outside The Arc Otsego.
- **For Payment**—The Arc Otsego will use your information so that we can bill and collect payment from you, a third party, an insurance company, Medicare, Medicaid, or other government agencies. For example, we may need to provide the New York State Department of Health

(Medicaid) with information about the services you received in one of our facilities or through one of our Home and Community Based (HCBS) Waiver programs, so they will pay us for the services. In addition, we may disclose your information to receive prior approval for payment for services you may need. We may also disclose information to the U.S. Social Security Administration, or the Department of Health to determine your eligibility for coverage or your ability to pay for services.

- **For Health Care Operations**—The Arc Otsego will use information for administrative operations. These uses and disclosures are necessary to operate The Arc Otsego programs and residences, and to make sure that all consumers receive appropriate, quality services. For example, we may use information for quality improvement to review our treatment and services and to evaluate the performance of our staff in providing services to you. We may also disclose information to clinicians and other personnel for on-the-job training. We may use or disclose information for fiscal audits, for fraud and abuse detection, and for quality assurance surveys. We may use or disclose information to resolve complaints or objections to your services. We may also disclose information to our business partners who need access to the information to perform administrative or professional services on our behalf.

Other Uses and Disclosures

In addition to treatment, payment, and health care operations, the Arc Otsego will use information without your permission as allowed or required by law for the following reasons:

- When we are required to do so by federal or state law;
- For public health reasons, including prevention and control of disease, injury or disability, reporting births and deaths, reporting child abuse or neglect, reporting reactions to medication or problems with products, and to notify people who may have been exposed to a disease or are at risk of spreading the disease;
- To report domestic violence, and adult abuse or neglect to government authorities;
- For health oversight activities, including audits, investigations, surveys, inspections, and licensure (These activities are necessary for the government to monitor the health care system, government programs, and compliance with civil rights laws.);
- For judicial and administrative proceedings, including hearings and disputes (If you are involved in a court or administrative proceeding, we will disclose information if the judge or presiding officer orders us to share the information.);
- For law enforcement purposes, in response to a court order or subpoena, to report a possible crime, to identify a suspect or witness or missing person, to provide identifying data in connection with a criminal investigation, and to the district attorney in furtherance of a criminal investigation of client abuse;
- Upon your death, to coroners or medical examiners for identification purposes or to determine cause of death, and to funeral directors to allow them to carry out their duties;
- To organ procurement organizations to accomplish cadaver, eye, tissue, or organ donations in compliance with state law;
- For research purposes, that have been approved by the Executive Director;
- To prevent or lessen a serious and imminent threat to your health and safety or someone else's;
- To authorized federal officials for intelligence and other national security activities authorized by law;
- To correctional institutions or law enforcement officials if you are an inmate and the information is necessary to provide you with health care, protect your health and safety or that of others, or for the safety of the correctional institution; and
- To governmental agencies that administer public benefits, if necessary to coordinate the covered functions of the programs;
- To provide appointment reminders to you or to give you information about other services that may be of interest to you;
- To ask you to participate in fund-raising activities for The Arc Otsego.

Uses and Disclosures That Require Your Agreement

The Arc Otsego may disclose information to the following persons if we tell you that we are going to use or disclose it, and you agree or do not object:

- To family members and personal representatives who are involved in your care if the information is relevant to their involvement and to notify them of your condition and location; or
- To disaster relief organizations that need to notify your family about your condition and location should a disaster occur.

Uses and Disclosures That Require Your Authorization

For all other types of uses and disclosures not described in this notice, The Arc Otsego will use or disclose information only with a written authorization signed by you that states who may receive the information, what information is to be shared, the purpose of the use or disclosure, and an expiration for the authorization.

If you cannot give permission due to an emergency, The Arc Otsego may release information in your best interest. We are required to tell you as soon as possible after releasing the information.

You may revoke your authorization at any time. If you revoke your authorization in writing, we will no longer use or disclose your information for the reasons stated in your authorization. We cannot, however, take back disclosures we made before you revoked the authorization, and we must retain information that indicates the services we have provided for you.

Changes To This Notice

We reserve the right to change this notice. We reserve the right to make changes to terms described in this notice and to make the new notice effective for all information that The Arc Otsego maintains. We will post the new notice with the effective date in our facilities. In addition, we will offer you a copy of the revised notice at your next scheduled team meeting.

Complaints

Complaints about this Notice of Privacy Practices or how The Arc Otsego handles your health information should be directed to:

**Director of Corporate Compliance/QA
The Arc Otsego
P.O. Box 490
Oneonta, NY 13820
607-433-8445**

All complaints must be submitted in writing. You will not be penalized for filing a complaint. If you are not satisfied with the manner in which this office handles a complaint, you may submit a formal complaint to the Secretary of the Department of Health and Human Services, Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Room 509F, Washington, DC 20201.