

Perry County Board of Developmental Disabilities

**NOTICE OF PRIVACY PRACTICES**

Effective: May, 2013

***This notice describes how personal information about you may be used and disclosed and how you can get access to this information.  
Please review it carefully.***

**OUR ORGANIZATION**

This notice describes the privacy practices of the Perry County Board of DD (the DD Board). This notice also describes the privacy practices of persons or entities which have signed a contract with the DD Board and which are acting as business associates, and have promised to follow the same rules of confidentiality.

**THE DD BOARD INCLUDES:** Administrative Office, Help Me Grow, and SSA, as well as the DD Board employees and volunteers at those facilities.

If you want to know about the privacy practices of service providers who are not employed by the DD Board and who are not business associates, you should contact them directly.

**PRIVACY PROMISE**

The DD Board understands that your personal information needs to be kept private. Protecting your personal information is important. We follow strict federal and state laws that require us to keep personal information confidential.

**HOW WE USE YOUR PERSONAL INFORMATION** When you receive services from the DD Board, we may use your personal information for such activities as providing you with services, billing for services, and conducting our normal board business, known as health care operations.

If you have chosen a personal representative, such as a family member or service planner, and have agreed to let your personal representative obtain your personal information, we will provide the information to your personal representative. If you have a guardian we will provide the information to your guardian.

**EXAMPLES OF HOW WE USE YOUR INFORMATION INCLUDE:**

**TREATMENT** - We keep records of the care and services provided to you within the DD Board. For example, your service and support administrator keeps notes on all contacts made in coordinating and arranging for services. If you see a nurse working for the DD Board, the nurse will keep records of any care you receive. DD Board staff may share your personal information while helping to develop your service plan.

If DD Board staff want to share your personal information with anyone who is not employed by the DD Board, you must give them written permission first. However, we may disclose your identity without your permission if necessary for your treatment or to obtain payment for services.

Some personal records, including confidential communications with a mental health professional and substance abuse records, may have additional restrictions for use and disclosure under state and federal law.

**PAYMENT** - We keep records that include payment information and documentation of the services provided to you. Your information may be used to obtain payment for your services from Medicaid, insurance or other sources. For example, we may disclose personal information about the services provided to you to confirm your eligibility for Medicaid and to obtain payment from Medicaid. The DD Board may use your personal information to determine the amount and type of Medicaid services you need and send this information to the proper state department.

**HEALTH CARE OPERATIONS** - We use personal information to improve the quality of care, train staff, manage costs, conduct required business duties, and make plans to better serve you and other individuals enrolled in the DD Board. For example, we may use your personal information to evaluate the quality of treatment and services provided by our service staff.

### **OTHER SERVICES WE PROVIDE:**

We may also use your personal information to:

- Determine whether you are eligible for services from the DD Board;
- Recommend to you service alternatives and other possible benefits;
- Tell you about other service providers who may be able to help you;
- Remind you of an appointment unless you tell the DD Board staff that you do not wish to be reminded;
- Allow the DD Board to review direct service contracts;
- Determine whether the waiting lists are being kept in accordance with Ohio law;
- Allow local, state, federal agencies to monitor your services;
- Investigate incidents affecting health and safety, to report these kinds of incidents and take steps to protect your health and safety;
- Allow the DD Board to prepare reports required by the Ohio Department of Developmental Disabilities and the Ohio Department of Job and Family Services;
- Contact you for assistance in passing levies, unless you notify the DD Board that you do not wish to be contacted for these purposes.
- Contact you for assistance for other fund raising activities, unless you notify the DD Board that you do not wish to be contacted for these purposes.

### **OUR PRIVACY RESPONSIBILITIES**

The DD Board is required by law to:

- Maintain the privacy of your personal information;
- Provide this notice that describes the ways we may use your personal information;
- Follow the terms of the notice currently in effect.

**We reserve the right to make changes to this notice at any time and make the new privacy practices effective for all information we maintain.**

Current notices will be posted in the DD Board facilities and on our website: [perrydd.org](http://perrydd.org)

You may also request a copy of any notice from the DD Board Privacy Officer at (740) 342-3542.

### **SHARING YOUR PERSONAL INFORMATION**

There are limited situations when we are permitted or required to disclose personal information without your signed authorization. These situations are:

- To protect victims of abuse, neglect, or domestic violence;
- To reduce or prevent a serious threat to public health and safety;
- For health oversight activities such as investigations, audits, and inspections;
- For lawsuits and similar proceedings;
- For public health purposes such as reporting communicable diseases, work-related illnesses, or other diseases and injuries permitted by law; reporting births and deaths, and reporting reactions to drugs and problems with medical devices;
- When required by law;
- When requested by law enforcement as required by law or court order;
- To coroners, medical examiners, and funeral directors;
- For organ and tissue donation;
- For workers' compensation or other similar programs if you are injured at work and are covered by workers' compensation or other similar programs;
- For specialized government functions such as intelligence and national security;
- We may disclose your identity, if necessary, for your treatment or to obtain payment for services;

All other uses and disclosures, not described in this notice, require your signed authorization. You may revoke your authorization at any time with a written statement.

Disability Rights Ohio (DRO) filed a state-wide class action captioned Ball v. Kasich Case No. 2:16-cv-282 in the U.S. District Court for the Southern District of Ohio. The suit was filed on March 31, 2016 against the Governor, Department of Developmental Disabilities, Department of Medicaid and Opportunities for Ohioans with Disabilities. The Ohio Association of County Boards Serving People with Developmental Disabilities may become a defendant in the lawsuit. The Plaintiffs are represented by DRO and other lawyers from Massachusetts, Illinois, Michigan and Washington D.C.

The action potentially affects all adults with DD. The parties to the lawsuit, through their lawyers, have sought and will continue to seek documentation, including Protected Health Information, on individuals who are or who may be a part of this lawsuit, or who may have information relevant to this lawsuit or who are simply receiving services from DD Boards. The DD Board will comply with requests for information and may provide Protected Health Information on any person served by the DD Board to the lawyers for any of the parties. All information provided in connection with this lawsuit is covered by a protective order issued by the court which complies with HIPAA and other privacy regulations and which ensures that the information about any individual cannot be disclosed outside of the lawsuit without their permission. At the conclusion of the lawsuit, all protected health information which was disclosed or retained by any party in the course of the lawsuit will be destroyed.

#### **YOUR INDIVIDUAL RIGHTS**

You have the right to:

- Receive notifications of breaches of your unsecured protected health information. You will receive such notifications if any occur.
- Request restrictions on how we use and share your personal information. We will consider all requests for restrictions carefully but are not required to agree to any restriction.\*
- Require restrictions on certain disclosures of protected health information to a health plan when you have paid out of pocket for health care item or service.\*
- Request that we use a specific telephone number or address to communicate with you.
- Inspect and copy your personal information, including service, medical and billing records. Fees may apply.\*
- Request corrections or additions to your personal information. You must give the reasons for wanting the change.\*
- Request an accounting of certain disclosures of your personal information made by us or by Business Associates who are working for us. Your request must state the period of time desired for the accounting. You may ask for an accounting of disclosures made at least three years prior to your request, and in some case disclosures made for six years prior to your request. The first accounting is free but a fee will apply if more than one request is made in a 12-month period.\*
- Request a paper copy of this notice even if you agree to receive it electronically.

Requests marked with a star (\*) must be requested in writing. Contact the DD Board Privacy Officer, Tammy Bush, for the appropriate form for your request at (740) 342-3542 or [t.bush@perrydd.org](mailto:t.bush@perrydd.org).

#### **CONTACT US**

If you would like further information about your privacy rights, are concerned that your privacy rights have been violated, or disagree with a decision that we made about access to your personal information:

Contact the DD Board:

**(740) 342-3542**

We will investigate all complaints and will not retaliate against you for filing a complaint.

You also may file a written complaint with:

The Secretary of the U.S. Department of Health and Human Services at 200 Independence Avenue SW, Washington D.C., 20201 or call 1-877-696-6775

The Office for Civil Rights, U.S. Departmental Health and Human Services at 200 Independence Avenue SW, Room 509F, HHH Building, Washington D.C., 20201 or call OCR's hotline at 1-800-368-1019, or email at [ocrmail@hhs.gov](mailto:ocrmail@hhs.gov)

Attorney General for State of Ohio at 30 E. Broad St., 17th Floor, Columbus, OH 43215 or visit [ohioattorneygeneral.gov/Contact](http://ohioattorneygeneral.gov/Contact)