



## **NOTICE OF HIPAA PRIVACY PRACTICES EFFECTIVE OCTOBER 1, 2020**

**This notice describes how medical information about you may be used and disclosed and how you can get access to this information.**

This notice will tell you and your correspondent of record how CBS may use and disclose your protected health information (PHI). Protected health information means any health information about you that identifies you or for which there may be reason to believe it can be used to identify you. PHI is information that may relate to your past, present or future physical or mental health condition, services and payment for such services. In the description of this Notice, above, information is referred to as “medical information”. In this Notice, CBS will call all of that protected health information simply “health information”.

This notice tells you about your rights and CBS’ duties with respect to health information about you. It will tell you how to let CBS know if you believe your privacy rights have been violated.

### **CBS’ COMMITMENT TO PROTECT YOUR HEALTH INFORMATION**

CBS is very concerned about protecting your privacy and understands that health information is very personal and can be sensitive information. All employees of CBS will be informed of our privacy policies. In addition, all contractors, consultants, agencies, and organizations that have access to your protected health information at CBS have agreed to protect this information. CBS will follow the privacy practices described in this Notice, though CBS may need to change our privacy practices and the terms of this Notice. If CBS does so, a new Notice will be posted at our main facility and/or website. You may request a copy of any new or current Notice from our administrative office by calling (914) 277-4771 ext. 115 or ext 114.

CBS is required to:

- Maintain the privacy of your information.
- Notify you following a breach of unsecured health information.
- Give you this notice regarding our legal duties and practices concerning the health information we have about you.
- Follow the rules in this notice.

### **HOW CBS MAY USE AND DISCLOSE YOUR HEALTH INFORMATION**

CBS uses and discloses health information for a variety of reasons. The law provides that CBS may use/disclose health information for some specific purposes without your authorization. Descriptions and examples of these specific uses and disclosures of your health information are described below.

**For Treatment:** CBS may disclose your health information to doctors, nurses, Qualified Intellectual Disabilities Professionals (QIDPs), psychologists, social workers, direct service staff and other agency staff who are involved in providing your care and services. CBS may need to consult with other health care providers in coordinating quality care for you, and as part of that consultation, share health information with them.

For example, your health information may be used or disclosed:

- To members of your treatment team to develop and carry out your individual service plan
- To coordinate services such as medical examinations, transportation, physical therapy, pharmacy services, etc.

**To Obtain Payment:** CBS may use/disclose your health information in order to bill and collect payment for your health care services.

For example, CBS may release portions of your health information to Medicaid, the Office for People with Developmental Disabilities, the Hudson Valley Disabilities Regional Office, the Department of Health, Local County and/or private insurers to get paid for services delivered to you.

**For Health Care Operations:** CBS may use/disclose your health information in the course of operating the agency.

For example, your health information may be used or disclosed:

- CBS may use your health information in evaluating the quality of services provided, or disclose your health information to our accountant or attorney for audit purposes.
- Since CBS operates many services in different locations, CBS may disclose your health information to designated Department of Health and Human Services staff or their Service Coordination Department for similar purposes.
- Sharing of health information with the County Mental Health Department, Department of Social Services and/or Medicaid might also be necessary to determine your eligibility for publicly funded services.

**Business Associates:** CBS may disclose your health information to contractors, agents and other business associates who need the information in order to assist us with obtaining payment or carrying out our business operations. If we do disclose your health information to a business associate, we will have a written contract to ensure that our business associate also protects the privacy of your health information.

For example, sharing your health information with an accounting firm or law firm that provides professional advice to us about how to improve our health care services and comply with the law.

**Appointment Reminders:** Unless you provide CBS with alternative instructions, appointment reminders, progress notes and other materials may be sent to your home.

## OTHER USES AND DISCLOSURES OF YOUR HEALTH INFORMATION NOT REQUIRING YOUR AUTHORIZATION

The law provides for special situations in which CBS may use/disclose your health information without authorization, such as in the following situations:

**When required by law:** CBS may disclose your health information when a law requires that CBS report information about suspected abuse, neglect or domestic violence, or relating to suspected criminal activity, or in response to a court order. CBS must also disclose health information to authorities who monitor compliance with these privacy requirements.

**For public health activities:** CBS may disclose health information when it is required to collect information about disease or injury, or to report vital statistics to a public health authority.

**For health oversight activities:** CBS may disclose your health information to the Department of Health and Human Services central office, protection and advocacy agencies, or other agencies responsible for monitoring the health care system, for such purposes as reporting or investigation of an unusual incident.

**Relating to decedents:** CBS may disclose your health information, related to your death, to coroners, medical examiners, or funeral directors; and to organ procurement organizations, relating to organ, eye or tissue donations or transplants.

**For research purposes:** When you have agreed to participate in the research and an Institutional Review Board or Privacy Committee has approved the use of the health/clinical information for the research purposes;

**To avert a threat to health or safety:** In order to avoid a serious threat to health or safety, CBS may disclose health information as necessary to law enforcement or other persons who can reasonably prevent or lessen the threat of harm.

**For specific government functions:** CBS may disclose health information of military personnel and veterans in certain situations, to correctional facilities in certain situations, to government programs relating to eligibility and enrollment, and for national security reasons, such as protection of the President.

## USES AND DISCLOSURES OF YOUR HEALTH INFORMATION REQUIRING YOUR AUTHORIZATION

For uses and disclosures beyond treatment, payment and operating purposes, or those as listed above, CBS is require to have your written authorization, unless the use or disclosure falls within one of the exceptions described below. Authorizations can be revoked at any time to stop future uses/disclosures except to the extent that CBS has already undertaken an action, relying upon your authorization, at the time.

**Public Relations/Fund Raising and Grants:** CBS may use your health information in summary format to describe the scope of services for public relations, fund raising and grant applications. To support our business operations, we may use certain information about you when deciding whether to contact you or your personal representative to raise money to help us operate. We may also share this information with a charitable foundation that will contact you or your personal representative to raise money on our behalf. You have a right to opt out of receiving such communications by contacting the Privacy Officer.

For example, a grant application may ask for the agency to describe the nature of individuals served by a specific CBS program.

### **USE AND DISCLOSURE OF YOUR HEALTH INFORMATION AND YOUR RIGHT TO AN OPPORTUNITY TO OBJECT**

In the following situations, CBS may disclose your health information if they inform you about the disclosure in advance, and you do not object. However, if there is an emergency situation and you cannot be given your opportunity to object, disclosure may be made if it is consistent with any prior expressed wishes and disclosure is determined to be in your best interests. You must be informed and given an opportunity to object to further disclosure as soon as you are able to do so.

**CBS Agency Director/Database:** CBS may include your name, services, and general diagnoses or condition in our database. You will have an opportunity to advise CBS if you wish to be excluded from the database.

Examples:

- Database information may be used for administrative coordination purposes such as informational mailings, contacting you about new services, and events of interest to you and/or your family.
- To families, friends or other personal representatives: CBS may share with these people health information directly related to their involvement in your care, or payment for your care. CBS may also share health information with these people to notify them about your location, general condition or death.

### **AUTHORIZATION REQUIRED FOR ALL OTHER USES AND DISCLOSURES**

CBS will use or disclose information only with written authorization by you that states who may receive the information, outside the CBS Interdisciplinary Team.

Written authorization will be required for the use and disclosure of psychotherapy notes, or for marketing purposes.

Under NYS law, more restrictive rules may apply to confidential HIV-related information.

If you have received alcohol or substance abuse treatment from an alcohol/substance use disorder program that receives funds from the United States government, more restrictive rules may apply.

## YOUR RIGHTS REGARDING YOUR HEALTH INFORMATION

You have the following rights relating to your health information:

**To request restrictions on uses/disclosures:** You have the right to ask that CBS limit how your health information is used or disclosed.

Please note that CBS will consider your request, but is not legally bound to agree to the restriction, except it must agree to your request to restrict the information we provide to your health plan if the disclosure is not required by law and the information relates to health care being paid in full by someone other than the health plan. To the extent that CBS does agree to any restrictions on our use/disclosure of your health information, CBS will put the agreement in writing and abide by it except in emergency situations. CBS cannot agree to limit uses/disclosures that are required by law.

**To choose how CBS contacts you:** You have the right to ask that CBS send your health information to an alternative address or by an alternative means.

CBS will agree to your request as long as it is reasonable to do so.

**To inspect and copy your health information:** Unless your access is restricted under relevant laws, you have a right to see your health information if you put your request in writing.

CBS will respond to your request within 10 days.

If CBS denies your access, you will be given written reasons for the denial and an explanation of any rights you have to have the denial reviewed. If you want copies of your health information, a charge for copying may be imposed, but may be waived, depending on your circumstances. You have a right to choose what portions of your information you want copied and to have prior information on the cost of copying.

**To request amendment of your health information:** If you believe that there is a mistake or missing information in CBS' record of your health information, you may request, in writing, that CBS make corrections and/or additions.

CBS will respond within 60 days of receiving your request.

CBS may deny the request if CBS determines that your health information is: (i) correct and complete; (ii) not created by CBS and/or not part of CBS' records, or (iii) not permitted to be disclosed.

Any denial will state, in writing, the reasons for denial and explain your rights to have the request and denial, along with any statement in response that you provide, included with your health information.

If CBS approves the request for amendment, CBS will change your health information, let you know, and tell others that need to know about the change in your health information.

**To find out what disclosures have been made:** You have a right to get a list of when, to whom, for what purpose, and what content in your health information has been released other than instances of disclosure for which you gave authorization or for treatment, payment, operations as described in this Notice or other limited circumstances.

This list also will **not** include any disclosures made for national security purposes, to law enforcement officials or correctional facilities.

CBS will respond to your written request for such a list within 60 days of receiving it. Your request can relate to disclosures going as far back as six (6) years. There will be no charge for up to one such list each year. There may be a charge for more frequent requests.

**To receive this notice:** You have a right to receive a paper copy of this Notice and/or an electronic copy by email upon request.

### **HOW TO INFORM CBS OF YOUR COMPLAINTS ABOUT OUR PRIVACY PRACTICES**

If you think CBS may have violated your privacy rights, or you disagree with a decision made about access to your health information, you may file a complaint with the Privacy Officer listed in this notice below. CBS will not take any retaliatory action against you if you file a complaint.

#### **CONTACT PERSON FOR INFORMATION OR TO SUBMIT A COMPLAINT**

If you have questions about this Notice or any complaints about our privacy practices, please contact:

- CBS Privacy Officer Designee at (914) 236-1130
- Chief Operating Officer at (914) 236-1159
- Chief Executive Officer at (914) 236-1161

You may file a complaint by contacting the Office of Civil Rights, US Department of Health and Human Services, Jacob Javits Federal Building, 26 Federal Plaza, Suite 3312, New York, New York 10279. Phone number: (800) 368-1019. TDD: (800) 537-7697. Fax: (212) 264-3039.

You may file a grievance with the Office of Civil Rights by calling (866) OCR PRIV or (866) 627-7748 or (886) 788-4989 (TTY).

You will not be penalized for filing a complaint.