

ECH - Every Child's Hope

Client Rights: Protected Health Care Information

ECH will establish procedures so clients may exercise their legal rights with respect to their protected health information.

Client rights – With respect to their own health information, Federal law provides clients with the following rights: the right to inspect and copy, the right to amend, the right to an accounting of disclosures, the right to request restrictions, the right to request confidential communications, the right to be informed about the organization's privacy practice, and the right to complain about violations of their privacy rights. These rights are extended to the client's legal guardian or other individual that the client has assigned medical power of attorney.

Notice of Privacy Practices – A document that identifies ECH's legal duties and client rights with respect to protected health information, methods of client complaint, an effective date and the organization's Privacy Officer. All ECH clients are provided a copy of the current Notice at admission with signature verifying receipt. The current Notice is posted in all ECH service locations and is provided to interested parties upon request.

Privacy Officer – Staff member designated responsibilities to develop and implement policy and procedures that support the confidentiality standards of ECH, receive and respond to complaints offered to ECH about its confidentiality practices, and provide clarification to interested parties about ECH's Notice of Privacy Practices.

1. Right to Inspect

- A. A client wishing to review the contents of their record places the request in writing to their assigned staff. A client may request that a qualified professional review the record on their behalf.
- B. The client's assigned staff has the client sign an *Authorization for Release of Information* to document the review. The authorization is placed in the client's record.
 - 1) If the client is a child, the child's legal guardian is informed of the request and provides permission for the child to view the record by signing the authorization.
- C. The assigned staff previews the record to identify documents that the client is not permitted to review. Documents that a client may not be able to review include:
 - 1) Any document that ECH has obtained from a third party. A client wishing to review such a document is directed to the third party from whom he or she may directly request the document.
 - 2) Any document that contains reference to the treatment of another person.
 - 3) Any document that contains information that in the opinion of the assigned staff may be injurious for the client to review. The assigned staff consults with the Program Director about such information. If it is determined that the client may be injured by review of this information, the assigned staff makes an entry to the record identifying the information that may not be reviewed with rationale for the denial.
 - a) The client may appeal the decision to deny access to portions of their record due to potential injury. If the client so appeals, a licensed clinician not directly involved with the client's care reviews the request and rationale for denial. ECH complies with the outcome of the appeal.
- D. The client reviews his or her record in the presence of assigned staff on the premises of ECH.

2. Right to Copy

- A. A client wishing copies of his/her record places the request in writing to the ECH.
- B. Requirements noted above in Section III. #1 B-C are observed. The client may be charged twenty (20) cents per photocopied page.

3. Right to Amend

- A. If a client believes that health information maintained by ECH is inaccurate or incomplete, he/she has the right to request an amendment. A client wishing to make an amendment places their request in writing to their assigned staff. The request must specify the information to be amended and a supporting reason for the amendment.
 - 1) If the client is a child, the child's legal guardian is informed of the request and provides permission for the child to amend the record.
- B. The client's assigned staff consults with the Program Director to determine if the requested amendment is warranted. The request may be denied if the information was not created by ECH, is not part of the information that the client can inspect or copy, or the information is already believed to be complete and accurate.
- C. The client's assigned staff informs the client in writing of the response to their request.
- D. If the request is granted, the client documents the amendment and provides to assigned staff. The amendment and supporting documents are placed in the client's record.
 - 1) In the event that the assigned staff adds a statement or response, the client has the right to review this information.

4. Right to an Accounting of Disclosures

- A. A client has the right to request an accounting of disclosures. This is a list of disclosures that ECH has made of the client's health information to other parties. This does not involve disclosures that occurred for ECH's own treatment, payment or health care operations, disclosures made by ECH pursuant to a client's written authorization or other disclosures required by law.
- B. ECH does not make disclosures outside the parameters noted above. However, the following procedures apply if a client wishes to exercise this right.
 - 1) A client wishing an accounting of disclosures places the request in writing to the ECH Privacy Officer. The request must state a time period that does not go back more than six (6) years and can not include dates prior to the effective date of this policy. The first list provided to a client during a twelve (12) month period is free; a fee may be charged for subsequent lists during a twelve (12) month period.
 - 2) In conjunction with the client's assigned staff, the Privacy Officer performs research necessary to develop the list of disclosures.
 - 3) The Privacy Officer sends the list of disclosures to the client.
 - 4) The client's initial request and list of disclosures provided in response to the request are placed in the client's record.

5. Right to Restrictions on Uses and Disclosures

- A. A client has a right to request limits on ECH's use of their health information for treatment, payment and health care operations.
- B. A client wishing to request restrictions places the request in writing to assigned staff. The request must state the information to be restricted, whether the restriction is placed on use of information, disclosure of information or both, and to whom or what entity, the restriction applies.
- C. The client's assigned staff reviews the request. Although ECH is not obligated to honor the request, it will do so whenever practical.
- D. The client's assigned staff informs the client in writing of the response to their request.
- E. The client's initial request and response to the request are placed in the client's record.
- F. ECH honors the restriction as determined.

6. Right to Confidential Communications

- A. A client has a right to request that ECH staff communicate with them about health related matters in a certain way or at a certain location.
- B. A client wishing to request confidential communications places the request in writing to assigned staff. ECH may place reasonable conditions on the request, but may not require an explanation from the client as to the rationale for their request.
- C. The client's assigned staff informs the client in writing of the response to their request.

- D. The client's request and response to the request are placed in the client's record.
- E. ECH honors the request as determined.

7. Right to Privacy Notice

- A. All clients admitted to ECH after the effective date of this policy are provided a copy of the ECH *Notice of Privacy Practices* with signature verifying receipt.
- B. A copy of the current *Notice of Privacy Practices* is posted in all ECH service locations and upon request, is provided to interested parties.
- C. Clients seeking further information about ECH's privacy practices are referred to the ECH Privacy Officer.

8. Right to Complain about Violations of Privacy Rights

- A. A client wishing to complain about an alleged violation of their privacy rights, places the complaint in writing to either of the parties noted at the end of this section.
- B. Clients will not be penalized for filing a complaint.
- C. Complaints received by the ECH will be investigated by the Privacy Officer. Efforts will be taken to resolve the complaint in a manner consistent with the policies of ECH and the preferences of the client.
- D. The Privacy Officer will communicate in writing the resolution of the complaint to the client.

Privacy Officer
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