

Opportunity Village
Box 622, Clear Lake, Iowa 50428
NOTICE OF PRIVACY PRACTICES
Effective: APRIL 14, 2003

Code # 7.5

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

Please keep this Notice of Privacy Practices for your information.

This notice will tell you how we may use and disclose protected health information about you. In this document, “you” is the person who receives services from Opportunity Village. You would not mean “you” as the court appointed legal guardian or parent; rather it means the person for whom you are legal guardian or parent. Protected health information means any health information about you that identifies you or for which there is a reasonable basis to believe the information can be used to identify you. In the header above, that information is referred to as “medical information”. In this notice, we simply call all of that protected health information, “health information”.

This notice also will tell you about your rights and our duties with respect to health information about you. In addition, it will tell you how to complain to us if you believe we have violated your privacy rights.

I. How We May Use and Disclose Health Information About You.

We use and disclose health information about you for a number of different purposes. Each of those purposes is described below.

- 1. For Treatment.** We may use health information about you to provide, coordinate or manage the services, supports, and health care you receive from us and other providers. We may disclose health information about you to doctors, nurses, dentists, supervisory staff, Qualified Mental Retardation Professionals (QMRPs), outcome coordinators, psychologists, social workers, direct support staff and other agency staff, volunteers and other persons who are involved in supporting you or providing care. We may consult with other health care providers concerning you and, as part of the consultation, share your health information with them. For example, staff may discuss your information to develop and carry out your Life Plan. Staff may discuss your information with the Case Manager to report your progress on your goals and services.

Staff may share information to coordinate needed services, such as medical tests, transportation to a doctor’s visit, physical therapy, occupational therapy, speech and language therapy, etc. Staff may need to disclose health information to entities outside of Opportunity Village (for example, another provider or a state/local agency) to obtain new services for you.

- 2. For Payment of Services.** We may use and disclose health information about you so we can be paid for the services we provide to you. This can include billing a third party payer, such as your county of legal residence, Medicaid, Department of Human Services, or your insurance company. For example, we may need to provide the Iowa Department of Human Services and/or Central Point of Coordination (CPC) for your county of legal residence information about the services we provide to you so we will be reimbursed for those services. We may need to provide the state Medicaid program with information to ensure you are eligible for the medical assistance program. We also may need to provide information to Social Security to ensure you are or remain eligible for assistance.
- 3. For Health Care Operations.** We may use and disclose health information about you for our own operations. This is necessary for us to operate Opportunity Village and to maintain the quality of services for the individuals we serve. For example, we may use health information about you to review the services we provide. We may disclose health information about you to train our staff and volunteers. We also may use the information to study ways to more efficiently manage our organization, for accreditation or licensing activities, or for our internal quality assurance program.
- 4. How We Will Contact You.** Unless you tell us otherwise in writing, we may contact you by either telephone or by mail at either your home or your workplace. At either location, we may leave messages for you on the answering machine or voice mail. If you want to request that we communicate to you in a certain way or at a certain location, see “Right to Receive Confidential Communications” on page 6 of this Notice.
- 5. Appointment Reminders.** If we help or support you with any appointments, we may use and disclose health information about you to contact you to remind you of an appointment for treatment or services (ex: medical or dental appointments).
- 6. Treatment and Service Alternatives.** We may use and disclose health information about you to contact you about treatment and service alternatives that may be of interest to you.
- 7. Health Related Benefits and Services.** We may use and disclose health information about you to contact you about health related benefits and services that may be of interest to you. As an example, we may contact you about a new Social Security benefit for which you may be interested in and benefit from.
- 8. Marketing Communications.** We may use and disclose health information about you to communicate with you about a product or service to encourage you to purchase the product or service. This may be:

 - a) to describe a health-related product or service;
 - b) for your treatment;
 - c) for case management or care coordinator for you;
 - d) to direct or recommend alternative treatments, therapies, or health care providers.

We may communicate to you about products and services in a face-to-face communication by us to you. All other use and disclosure of health information about you by us to make a communication about a

product or service to encourage the purchase or use of a product or service will be done only with your written authorization.

9. Fund-raising and Public Relations. We may use and disclose health information about you in our fund-raising and public relations activities. We will only share basic information such as your name and address, the dates you received treatment or services from Opportunity Village, and personal accomplishments. We will only do this with your written permission (public relations consent). As an example, we publish regular newsletters (“Village Voice” and “Keeping in Touch”) in which we may publish a story regarding your accomplishments. At times, the local newspaper may have an article of special interest regarding you and your accomplishments. If you do not want Opportunity Village to contact you for fund-raising and public relations activities, you must notify the **Chief Development Officer at Opportunity Village** in writing.

10. Opportunity Village Directory. We may include your name, where you live or work in our services, your condition described in general terms, and your religious affiliation in our directory while you receive services. This information, except for your religious affiliation, may be released to people who ask for you by name. Your religious affiliation may be given to members of the clergy, such as a minister, priest or rabbi. If you do not want your name included in our directory, or you want to restrict the information we include in the directory, you must notify the **Receptionist at Opportunity Village at 641-357-5277** of your objection.

11. Disclosures to Family and Others. We may disclose to a parent/guardian, personal representative, conservator, family member, other relative, a close personal friend, or any other person identified by you, health information about you that is directly relevant to that person’s involvement with the services and supports you receive or payment for those services and supports.

We also may use or disclose health information about you to notify, or assist in notifying, those persons of your location, general condition, or death. If there is a family member, other relative or close personal friend to whom you do not want us to disclose health information about you, please notify your **Outcome Coordinator at Opportunity Village.**

12. Disaster Relief. We may use or disclose health information about you to a public or private entity authorized by law or by its charter to assist in disaster relief efforts. This will be done to coordinate with those entities in notifying a parent/guardian, personal representative, family member, other relative, close personal friend, or other person identified by you of your location, general condition, or death.

13. Required by Law. We may use or disclose health information about you when we are required to do so by federal or state law.

14. Public Health Activities. We may disclose health information about you for public health activities and purposes. This includes reporting health information to a public health authority that is authorized by law to collect or receive the information for purposes of preventing or controlling disease. As an example, Opportunity Village is required by law to report certain communicable infections (ex: viral meningitis) to the Cerro Gordo County Health Department. It also includes reporting for purposes

of activities related to the quality, safety or effectiveness of a United States Food and Drug Administration regulated product or activity.

15. Victims of Abuse, Neglect or Domestic Violence. We may disclose health information about you to a government authority authorized by law, either the Department of Human Services (DHS) or Department of Inspections and Appeals (DIA), to receive reports of abuse, neglect, mistreatment, or domestic violence. This will occur to the extent the disclosure is: (a) required by law; (b) authorized by law; and we believe the disclosure is necessary to prevent serious harm to you or to other potential victims, or if you are incapacitated and certain other conditions are met. If Opportunity Village administration has reason to believe that immediate protection is advisable, we shall also make an oral report to the appropriate law enforcement emergency.

16. Health Oversight Activities. We may disclose health information about you to a health oversight agency (ex: Iowa Department of Human Services, Iowa Department of Inspections and Appeals) for activities authorized by law, including audits, investigations, inspections, licensure, or disciplinary actions.

These and similar types of activities are necessary for appropriate oversight of the health care system, government benefit programs, and entities subject to various government regulations.

17. Judicial and Administrative Proceedings. We may disclose health information about you in the course of any judicial or administrative proceeding in response to an order of the court or administrative law judge. We also may disclose health information about you in response to a subpoena, discovery request, or other legal process but only if efforts have been made to tell you about the request or to obtain an order protecting the information to be disclosed.

18. Disclosures for Law Enforcement Purposes. We may disclose health information about you to a law enforcement official for law enforcement purposes:

- a) as required by law;
- b) in response to a court, grand jury or administrative order, warrant, or subpoena;
- c) to identify or locate a suspect, fugitive, material witness, or missing person;
- d) about an actual or suspected victim of a crime and that person agrees to the disclosure; (If we are unable to obtain that person's agreement, in limited circumstances, the information may still be disclosed.)
- e) to alert law enforcement officials to a death if we suspect the death may have resulted from criminal conduct;
- f) about crimes that occur at Opportunity Village;
- g) to report a crime in emergency circumstances.

19. Coroners and Medical Examiners. In the event of your death, we may disclose health information about you to a coroner or medical examiner for purposes such as identifying you and determining cause of death.

20. Funeral Directors. In the event of your death, we may disclose health information about you to funeral directors as necessary for them to carry out their duties.

- 21. Organ, Eye, or Tissue Donation.** In the event of your death, in order to facilitate eye, or tissue donation and transplantation, we may disclose health information about you to organ procurement organizations or other entities engaged in the procurement, banking, or transplantation of organs, eyes or tissue.
- 22. Research.** Under certain circumstances, we may use or disclose health information about you for research. Before we disclose health information for research, the research will have been approved by the legally responsible person. Additionally, if you reside in a 24-hour supervised setting, the Opportunity Village Human Rights Team also will have to approve. This is done in order to evaluate the needs of the research project with your needs for privacy of your health information. We may, however, disclose health information about you to a person who is preparing to conduct research to permit them to prepare for the project, but no health information will leave Opportunity Village during that person's review of the information.
- 23. To Avert Serious Threat to Health or Safety.** We may use or disclose protected health information about you if we believe the use or disclosure is necessary to prevent or lessen a serious or imminent threat to the health or safety of a person or the public. We also may release information about you if we believe the disclosure is necessary for law enforcement authorities to identify or apprehend an individual who admitted participation in a violent crime or who is an escapee from a correctional institution or from lawful custody.
- 24. Military.** If you are a member of the Armed Forces, we may use and disclose health information about you for activities deemed necessary by the appropriate military command authorities to assure the proper execution of the military mission.
- 25. National Security and Intelligence.** We may disclose health information about you to authorized federal officials for the conduct of intelligence, counter-intelligence, and other national security activities authorized by law.
- 26. Protective Services for the President.** We may disclose health information about you to authorized federal officials so they can provide protection to the President of the United States, certain other federal officials, or foreign heads of state.
- 27. Inmates: Persons in Custody.** We may describe health information about you to a correctional institution or law enforcement official having custody of you. The disclosure will be made if the disclosure is necessary: (a) to provide health care to you; (b) for the health and safety of others; or (c) the safety, security and good order of the correctional institution.
- 28. Workers Compensation.** We may disclose health information about you to the extent necessary to comply with workers' compensation and similar laws that provide benefits for work-related injuries or illness without regard to fault.
- 29. Other Uses and Disclosures.** Other uses and disclosures will be made only with your written authorization. You may revoke such an authorization at any time by notifying your Outcome

Coordinator at Opportunity Village in writing of your desire to revoke it. However, if you revoke such an authorization, it will not have any effect on actions taken by us to comply with federal laws on disclosure.

II. Your Rights With Respect to Health Information About You.

You have the following rights with respect to health information that we maintain about you.

- 1. Right to Request Restrictions.** You have the right to request that we restrict the uses of disclosures of health information about you to carry out treatment, payment, or health care operations. You also have the right to request that we restrict the uses or disclosures we make to: (a) a family member, other relative, a close personal friend, or any other person identified by you; or (b) public or private entities for disaster relief efforts. For example, you may not want your family to attend your Life Plan meeting or be aware of the meeting. You may have a relationship with someone you do not want your family to be aware of. You may not want your family to be aware of your finances.

If you want to request a restriction, you should do so by contacting the **Privacy Officer at Opportunity Village** in writing and tell us: (a) what information you want to limit; (b) whether you want to limit use or disclosure or both; and (c) to whom you want the limits to apply (for example, disclosures to your brother).

We may not agree with a requested restriction. However, if we do agree, we will follow that restriction unless the information is needed to provide emergency treatment. Even if we agree to a restriction, either you or we can later terminate the restriction.

- 2. Right to Receive Confidential Communications.** You have the right to request that we communicate health information about you to you in a certain way or at a certain location. For example, you can ask that we only contact you by mail or at work, or you may ask us not to leave messages on your phone answering machine. We will not require you to tell us why you are asking for the confidential communication.

If you want to request confidential communication, you must do so in writing to the **Privacy Officer at Opportunity Village**. Your request must state how or where you can be contacted. We will accommodate your request. However, we may, depending on the nature of the request, reserve the right to charge a reasonable fee to provide the confidential communication. We also may require an alternate address or other method to contact you.

- 3. Right to Inspect and Copy.** With a few limited exceptions, such as psychotherapy notes, you have the right to inspect and obtain a copy of health information about you. To inspect or copy health information about you, you must submit your request in writing to the **Privacy Officer at Opportunity Village**. Your request should state specifically what health information you want to inspect or copy. If you request a copy of the information, we may charge a fee for the costs of copying and, if you ask that it be mailed to you, the cost of mailing.

We will act on your request within thirty (30) calendar days after we receive your request. If we grant your request, in whole or in part, we will inform you of our acceptance of your request and provide access and copying.

We may deny your request to inspect and copy health information if the health information involved is:

- a) psychotherapy notes;
- b) information compiled in anticipation of, or use in, a civil, criminal or administrative action or proceeding;
- c) information related to, and subject to, the Clinical Laboratory Improvements Amendments of 1988 (CLIA), since Opportunity Village nurses implement procedures related to this act (ex: diabetes tests).

If we deny your request, we will inform you of the basis for the denial, how you may have our denial reviewed, and how you may complain. If you request a review of our denial, it will be conducted by a licensed health care professional designated by us who was not directly involved in the denial. We will comply with the outcome of that review.

- 4. Right to Amend.** You have the right to ask us to amend health information about you. You have this right for so long as the health information is maintained by us. To request an amendment, you must submit your request in writing to the **Privacy Officer at Opportunity Village**.

Your request must state the amendment desired and provide a reason in support of that amendment. We will act on your request within sixty (60) calendar days after we receive your request. If we grant your request, in whole or in part, we will inform you of our acceptance of your request and provide access and copying.

If we grant the request, in whole or in part, we will seek your identification of and agreement to share the amendment with relevant other persons. We also will make the appropriate amendment to the health information by appending or otherwise providing a link to the amendment. We may deny your request to amend health information about you.

We may deny your request; we will inform you of the basis of the denial. You will have the right to submit a statement of disagreeing with our denial. Your statement may not exceed three pages per request. We may prepare a rebuttal to your statement. Your request for amendment, our denial of the request, your statement of disagreement, if any, and our rebuttal, if any, will then be appended to the health information involved or otherwise linked to it. All of that will then be included with any subsequent disclosure of the information, or, at our election, we may include a summary of any of that information.

If you do not submit a statement of disagreement, you may ask that we include your request for amendment and our denial with any future disclosures of the information. We will include your request for amendment and our denial (or a summary of that information) with any subsequent disclosure of the health information involved.

You also will have the right to complain about our denial of your request.

5. Right to an Accounting of Disclosures. You have the right to receive an accounting of disclosures of health information about you. The accounting may be for up to six (6) years prior to the date on which you request the accounting, but not before April 14, 2003.

Certain types of disclosures are not included in such an accounting:

- a) disclosures to carry out treatment, payment and health care operations;
- b) disclosures of your health information made to you;
- c) disclosures that are incident to another use or disclosure;
- d) disclosures that you have authorized;
- e) disclosures for our directory or to persons involved in your care;
- f) disclosures for disaster relief purposes;
- g) disclosures for national security or intelligence purposes;
- h) disclosures to correctional institutions or law enforcement officials;
- i) disclosures that are part of a limited data set (a limited data set is where things that would directly identify you have been removed) for purposes of research, public health, or health care operations;
- j) disclosures made prior to April 14, 2003.

Under certain circumstances your right to an accounting of disclosures to a law enforcement official or a health oversight agency may be suspended. Should you request an accounting during the period of time your right is suspended, the accounting would not include the disclosure or disclosures to a law enforcement official or to a health oversight agency.

To request an accounting of disclosures, you must submit your request in writing to the Privacy Officer at Opportunity Village. Your request must state a time period for the disclosures. It may not be longer than six (6) years from the date we receive your request and may not include dates before April 14, 2003.

Usually, we will act on your request within (60) calendar days after we receive your request. Within that time, we will either provide the accounting of disclosures to you or give you a written statement of when we will provide the accounting and why the delay is necessary.

There is no charge for the first accounting we provide to you in any twelve (12) month period. For additional accountings, we may charge you for the cost of providing the list. If there will be a chart, we will notify you of the cost involved and give you an opportunity to withdraw or modify your request to avoid or reduce the fee.

6. Right to Copy of this Notice. You will receive a paper copy of our Notice of Privacy Practices. You may obtain a paper copy even though you agreed to receive the notice electronically. You may request a copy of our Notice of Privacy Practices at any time. You may obtain a copy of our Notice of Privacy Practices over the Internet at our web site, www.oppvill.org. To obtain a paper copy of this notice, contact the **Privacy Officer at Opportunity Village at 641-355-1347**. If you need some type of reasonable accommodation in order to read or understand the notice, please contact the **Privacy Officer at Opportunity Village**.

OPPORTUNITY VILLAGE DUTIES

- 1. Generally.** We are required by law to maintain the privacy of health information about you and to provide individuals with notice of our legal duties and privacy practices with respect to health information. We are required to abide by the terms of our Notice of Privacy Practices in effect at this time.
- 2. Our Right to Change Notice of Privacy Practices.** We reserve the right to change this Notice of Privacy Practices. We reserve the right to make the new notice's provisions effective for all health information that we maintain, including that created or received by us prior to the effective date of the new notice.
- 3. Availability of Notice of Privacy Practices.** A copy of our current Notice of Privacy Practices will be posted at the Kinney Lindstrom Center and Chappel Building in Clear Lake, and in our office locations in Webster City, Mason City, Humboldt, Eagle Grove and Garner. A copy of the current notice also will be posted on our web site www.oppvill.org.
- 4. Complaints.** You may complain to us and to the United States Secretary of Health and Human Services if you believe your privacy rights have been violated by us. To file a complaint with us, contact the Privacy Officer at Opportunity Village at 641-355-1347. All complaints should be submitted in writing. To file a complaint with the United States Secretary of Health and Human Services, send your complaint to him or her in care of: Office of Civil Rights, U.S. Department of Health and Human Services, 200 Independence Avenue S.W., Washington, D.C. 20201. You will not be retaliated against for filing a complaint.
- 5. Questions and Information.** If you have any questions or want more information concerning this Notice of Privacy Practices, please contact the **Privacy Officer at Opportunity Village at 641-355-1347.**