



## **Notice of Privacy Practices – Consumers**

January 1, 2016

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. You will be asked to acknowledge that you have received our Notice of Privacy Practices.

**Victor's Pledge to You** This notice is intended to inform you of the privacy practices followed by Victor, and Victor's legal obligations regarding your protected health information under the Health Insurance Portability and Accountability Act of 1996 (HIPAA). This notice is provided to tell you about our duties and practices with respect to your/ your child's protected health information (PHI). Victor wants to assure you that we comply with federal privacy laws and respect your right to privacy. Victor requires all members of our workforce and third parties that are provided access to PHI to comply with the privacy practices outlined below.

**Victor's Duties** Victor is required by law to maintain the privacy of PHI, and to provide individuals with notice of its legal duties and privacy practices with respect to PHI. This notice is effective January 1, 2016, and Victor is required to comply with its terms. However, Victor reserves the right to change the provisions of this Notice and make the new provisions effective for all PHI that it maintains. If Victor makes a material change to this Notice, you will receive a revised Notice of Privacy (NOP) sent to your address of record.

**Minimum Necessary Standard** When using or disclosing PHI, or when requesting PHI from another covered entity, Victor will make reasonable efforts not to use, disclose, or request more than the minimum amount of PHI necessary to accomplish the intended purpose of the use, disclosure, or request, taking into consideration practical and technological limitations. However, the minimum necessary standard will not apply in the following situations:

- Disclosures to or requests by a health care provider for treatment;
- Uses or disclosures made to the individual;
- Disclosures made to the Secretary of the U.S. Department of Health and Human Services;
- Uses or disclosures that are required by law; and
- Uses or disclosures that are required for Victor with federal regulations.

This notice does not apply to information that has been de-identified. De-identified information is information that does not identify an individual and with respect to which there is no reasonable basis to believe that the information can be used to identify an individual.

**Required Uses and Disclosures of PHI** Upon your request, Victor is required to give you access to certain PHI in order to inspect and copy it. Use and disclosure of your PHI may be required by the Secretary of the Department of Health and Human Services to investigate or determine Victor's compliance with the privacy regulations.

**Permitted Uses and Disclosures of PHI** The following categories detail the various ways in which we may use or disclose your PHI. It should be noted that while not every use or disclosure will be listed, each of the ways we are permitted to use or disclose information will fall into one of the following categories.

**Treatment** Victor will make uses and disclosures of your/your child's personal health information as necessary for treatment. For example, your Clinician may refer your child for psychological testing or, at your request, for transfer of care to another Clinician.

**Payment** Victor may use health information to bill and collect for the treatment and services we provide to you/ your child. For example, Victor may send information for payment purposes in order for your insurance to pay for the visit and services provided to you and your child.

**Health Care Operations** Victor may use and disclose health information to maintain and improve the quality of health care it provides. This is necessary to run the agency, to ensure that our consumers receive high quality care and to ensure that our employees receive superior training. For example, Victor may review your child's information during chart reviews or clinical supervision to conduct an evaluation of the treatment and services we provide, or to review the performance of our staff.

**Business Associates** We contract with individuals and entities – known as “Business Associates” – to perform various functions on our behalf or to provide certain types of services. To perform these functions or services, our Business Associates will receive, create, maintain, or use disclosed PHI, but only after we require the Business Associates to agree in writing to contract terms designed to appropriately safeguard your information. For example, we may disclose your PHI to a Business Associate to administer claims or to provide specialty services, like child psychiatry.

**Persons Involved in Your Care** Unless you object, we may in our professional judgment disclose to a member of your family, a close friend, or any other person you identify, your PHI to facilitate that person's involvement in caring for you or in payment for that care. We may use or disclose PHI to assist in notifying a family member, personal representative, or any other person that is responsible for your care of your location and general condition. Finally, we may disclose limited PHI to a public or private entity that is authorized to assist in disaster relief efforts in order for that entity to locate a family member or other persons that may be involved in some aspect of caring for you.

**Appointments and Services** Victor may use your PHI to remind you about your appointments, to follow-up on your visit, to give you information about treatment alternatives, or to provide you with health related benefits and services that may be of interest to you. For example, Victor may notify you of special events that it hosts for children and families who receive its services.

**Other Uses or Disclosures of PHI** Other uses and disclosures of PHI not covered by this Notice or the laws that are applicable to us will be made only with your written authorization. This authorization will describe what information will be disclosed, to whom, and for what purpose. You have the right to revoke that authorization in writing, except to the extent that we have already relied upon it.

**Uses and Disclosures for Which Consent, Authorization, or Opportunity to Object is Not Required**

We are permitted or required by law to make certain other uses and disclosures of your PHI without your consent or authorization. Subject to conditions specified by law:

- Victor may release your PHI for any purpose required by law;
- Victor may release your PHI for public health activities, such as required reporting of disease, injury, and birth and death, or for required public health investigations;
- Victor may release your PHI to certain governmental agencies if it suspects child abuse, neglect, or domestic violence. In such a case, Victor will promptly inform you that such a disclosure has been or will be made unless that notice would cause a risk of serious harm. For the purpose of reporting child abuse or neglect, it is not necessary to inform the minor that such a disclosure has been or will be made. Disclosure may generally be made to the minor's parents or other representatives, although there may be circumstances under federal and state law when the parents or other representatives may not be given access to the minor's PHI.
- Victor may release your PHI if required by law to a government oversight agency conducting audits, investigations, inspections and related oversight functions;
- Victor may use or disclose your PHI in emergency circumstances, such as to prevent a serious and imminent threat to a person or to the public;
- Victor may release your PHI if required to do so by a court or administrative order, subpoena, or discovery request; in most cases, you will have notice of such release;
- Victor may release your PHI to law enforcement officials to identify or locate suspects, fugitives or witnesses, or victims of crime, or for other allowable law enforcement purposes;
- Victor may release your PHI to coroners, medical examiners, and/or funeral directors; and

- Victor may release your PHI if you are a member of the military for activities set out by certain military command authorities as required by armed forces services; we may also release your PHI if necessary for national security, intelligence, or protective service activities.

## **Rights That You Have**

**Right to Request Restrictions on PHI Uses and Disclosures** You may request that Victor restrict uses and disclosures of your PHI to carry out treatment, payment, or health care operations, or to restrict uses and disclosures to family members, relatives, friends or other persons identified by you who are involved in your care or payment for your care. However, Victor is not required to agree to your request. To request restrictions, you must make your request in writing to: Victor Administrative Office, attn: Privacy Officer, 1360 East Lassen Ave., Chico, CA 95973-7823.

**Right to Restriction of PHI Disclosure to Health Plan** You may restrict Victor's disclosure of your PHI to your health plan if you pay for a specific aspect of your care out of pocket and in full. You may request this restriction for certain types of health care information, while allowing other types of disclosures to remain in effect. When you make a request for restriction of disclosure of PHI to your health plan, Victor will take every effort to comply with your request and to segregate such information from information that is sent to your health plan. To request restrictions, you must make your request in writing to: Victor Administrative Office, attn: Privacy Officer, 1360 East Lassen Ave., Chico, CA 95973-7823.

**Right to Inspect and Copy PHI** You have a right to access, inspect, and/or copy your PHI that Victor maintains about you. Requests for access must be made in writing to: Victor Administrative Office, attn: Privacy Officer, 1360 East Lassen Ave., Chico, CA 95973-7823. Victor may charge you for a copy of your medical records in accordance with a schedule of fees established by applicable state law. The requested information will be provided to you within 30 days if the information is maintained on site, or within 60 days if the information is maintained offsite. If access is denied, you will be provided with a written denial setting forth the basis for the denial, a description of how you may exercise those review rights and a description of how you may file a complaint with the Secretary of the U.S. Department of Health and Human Services.

**Right to Amend PHI** You have the right to request that PHI that Victor maintains about you be amended or corrected. Victor is not obligated to make all requested amendments but will give each request careful consideration. All amendment requests, in order to be considered by us, must be in writing to the Privacy Officer and must state the reasons for the amendment/correction request. If an amendment or correction you request is made by us, we may also notify others who work with us and have copies of the uncorrected record if we believe such notification is necessary. Please note that even if we accept your request, we may not delete any information already documented in your child's medical record.

**Right to Receive an Accounting of PHI Disclosures** You have the right to receive an accounting of certain disclosures Victor has made of your/your child's PHI. To request this list of disclosures, you must submit your request in writing to the Privacy Officer. Your request must state a time period that may not be longer than six years. Your request should indicate in which form you want the list (for example, paper or electronically). However, such accounting need not include PHI disclosures made: (1) to carry out treatment, payment or health care operations; (2) to individuals about their own PHI; (3) prior to April 14, 2003; or (4) based on your written authorization. If Victor cannot provide the accounting within 60 days, it will provide you with a written statement of the reasons for delay. If you request more than one accounting within a 12-month period, Victor may charge you a reasonable, cost-based fee for each subsequent accounting.

**Right to Request Confidential Communication** You have the right to request how we communicate with you to preserve your privacy. Your request must be in writing to the Privacy Officer and must specify how or where we are to contact you. We will accommodate all reasonable requests.

**Right to File a Complaint with Victor or the HHS Secretary** If you believe that your privacy rights have been violated, you may file a complaint with Victor in care of the following officer: Victor Administrative Office, attn: Privacy Officer, 1360 East Lassen Ave., Chico, CA 95973-7823.

You may also file a complaint with the Secretary of the U.S. Department of Health and Human Services, Hubert H. Humphrey Building, 200 Independence Avenue S.W., Washington, D.C. 20201.

Victor will not retaliate against you for filing a complaint.

**The Right to Get a Paper or Electronic Copy of this Notice** You have the right get a paper copy of this Notice, and you have the right to get a copy of this notice by e-mail. And, even if you have agreed to receive this Notice via e-mail, you also have the right to request a paper copy of it.

**Right to Notification of a Breach** An individual has a right to or will receive notification of breaches of his or her unsecured protected health information.

**Potential Impact of State Law** The HIPAA Privacy Regulations generally do not “preempt” (or take precedence over) state privacy or other applicable laws that provide individuals greater privacy protections. As a result, to the extent state law applies, the privacy laws of a particular state, or other federal laws, rather than the HIPAA Privacy Regulations, might impose a privacy standard under which Victor will be required to operate. For example, where such laws have been enacted, Victor will follow more stringent state privacy laws that relate to uses and disclosures of PHI concerning HIV or AIDS, mental health, substance abuse/chemical dependency, genetic testing, reproductive rights, etc.

This notice is also available on our website:

**[www.Victor.org/AboutUs/Notice-Privacy](http://www.Victor.org/AboutUs/Notice-Privacy)**

If you have any questions about this notice, please contact:

**Victor Administrative Office**

**1360 East Lassen Ave., Chico, CA 95973-7823**

**Attn: Privacy Officer**

**Phone: (530) 893-0758**