

JUSTICE RESOURCE INSTITUTE - NOTICE OF PRIVACY PRACTICES

Justice Resource Institute
160 Gould St, Suite 300
Needham, MA 02494

THIS NOTICE DESCRIBES HOW INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY. If you have any questions about this Privacy Notice, please contact the Program Director at the program or send an email to privacyofficer@jri.org.

I. Introduction

- A.** This Notice of Privacy Practices describes how we may use and disclose your protected health information to carry out treatment, payment or health care operations and for other purposes that are permitted or required by law. This Notice also describes your rights regarding health information we maintain about you and a brief description of how you may exercise these rights. This Notice further states the obligations we have to protect your health information.
- B.** “Protected Health Information” means health information (including identifying information about you) we have collected from you or received from your health care providers, health plans, your employer or a health care clearinghouse. It may include information about your past, present or future physical or mental health or condition, the provision of your health care, and payment for your health care services.
- C.** We are required by law to maintain the privacy of your health information and to provide you with this notice of our legal duties and privacy practices with respect to your health information. We are also required to comply with the terms of our current Notice of Privacy Practices.
- D. Business Associates:** JRI may contract with other persons or companies (Business Associates) to provide services that will assist JRI in providing treatment, payment or operations. Business Associates sign an agreement that they will protect the privacy of your protected health information to the same extent that JRI does, as required by law. The protections and actions described in this Privacy Notice apply to both JRI and to any Business Associate of JRI, and their subcontractors, if any. JRI may disclose Protected Health Information without your express authorization to a Business Associate and may allow a Business Associate to create, receive, maintain, or transmit protected Health Information on its behalf, so long as we obtain satisfactory assurance that the Business Associate will appropriately safeguard the information.

II. How We Will Use and Disclose Your Health Information

We will use and disclose your health information as described in each category listed below. For each category, we will explain what we mean in general, but not describe all specific uses or disclosures of health information.

A. Uses and Disclosures That May Be Made For Treatment, Payment and Operations

1. For Treatment.

- a)** We will use and disclose your health information without your authorization to provide your health care and any related services. We will also use and disclose your health information to coordinate and manage your health care and related services. For example, we may need to disclose information to a case manager who is responsible for coordinating your care. However, when we make disclosures to a third party (other than your health plan) for coordination or management of your health care, we will usually obtain your written authorization prior to the disclosure. A third party is a person or entity who is not affiliated with our organization.
- b)** We may also disclose your health information without your authorization among our clinicians and other staff (including clinicians other than your therapist or primary clinician), who work for Justice Resource Institute. For example, our staff may discuss your care at a case conference.
- c)** In addition, with your authorization, we will disclose your health information to another health care provider (e.g., your primary care physician or a laboratory) working outside of Justice Resource Institute.

2. For Payment.

- a)** We may use or disclose your health information without your authorization so that the treatment and services you receive are billed to, and payment is collected from, your health plan or other third party

payer or agency who is funding your care. By way of example, we may disclose your health information to permit your health plan to take certain actions before your health plan approves or pays for your services. These actions may include:

- making a determination of eligibility or coverage for health insurance;
 - reviewing your services to determine if they were medically necessary;
 - reviewing your services to determine if they were appropriately authorized or certified in advance of your care; or
 - reviewing your services for purposes of utilization review, to ensure the appropriateness of your care, or to justify the charges for your care.
- b) For example, your health plan may ask us to share your health information in order to determine if the plan will approve additional visits to your therapist.
- c) You have the right to restrict disclosures of your Personal Health Information to a health plan in cases where you pay out of pocket for these services in full. Should you decide in the future to allow such disclosures, for example in order to justify additional treatments, you must sign an authorization to that effect.
- 3. For Health Care Operations.**
- a) We may use and disclose health information about you without your authorization for our health care operations. These uses and disclosures are necessary to run our organization and make sure that the persons we serve receive quality care. These activities may include, by way of example, quality assessment and improvement, reviewing the performance or qualifications of our clinicians, training students in clinical activities, licensing, accreditation, business planning and development, and general administrative activities.
- b) We may combine health information of many of the persons we serve to decide what additional services we should offer, what services are no longer needed, and whether certain new treatments are effective. We may also combine our health information with health information from other providers to compare how we are doing and see where we can make improvements in our services. When we combine our health information with information of other providers, we will remove identifying information so others may use it to study health care or health care delivery without identifying specific persons.
- c) We may also use and disclose your health information to contact you to remind you of your appointment.
- d) Finally, we may use and disclose your health information to inform you about possible treatment options or alternatives that we provide that may be of interest to you.
- 4. Prohibition on Selling Your Health Information.** JRI will not sell your Personal Health Information without your express Authorization. "Selling" involves a transaction for which JRI receives remuneration.
- 5. Marketing Regarding Health-Related Benefits and Services.** We may use and disclose health information to tell you about health-related benefits or services that may be of interest to you. If you do not want us to provide you with information about health-related benefits or services, you must notify the Program Director or send an email to privacyofficer@jri.org. Please state clearly that you do not want to receive materials about health-related benefits or services.
- 6. Fundraising Activities.** We may use or disclose health information about you to contact you about raising money for our programs, services and operations. If you do not want us to contact you for fundraising purposes, you must notify the Program Director or send an email to privacyofficer@jri.org. Please state clearly that you do not want to receive any fundraising solicitations from us. If after receiving a fundraising solicitation you decide you do not want to receive any future fundraising solicitations you will be provided with an opportunity to "opt out."
- 7. Psychotherapy Notes:** JRI clinicians do not keep psychotherapy notes outside of your Health Record.

B. Uses and Disclosures That May Be Made Without Your Authorization, But For Which You Will Have an Opportunity to Object

1. Facility Directory.

- a) We maintain a limited program directory within some of our programs. We generally do not have this information publicly displayed. However, there may be lists of persons we serve in staff offices that have full names.
- b) When you are admitted to our program, you will generally have an opportunity to object to your full name being publicly displayed in the program.
- c) If you are admitted in an emergency, the clinician responsible for your admission will determine if, in their professional judgment, you are capable of agreeing or objecting to being identified in the program directory. If the clinician determines that you are not able to agree or object (e.g., you are not conscious or able to communicate clearly), that clinician will decide whether it is in your best interest to be listed in our program directory. If the clinician decides it is in your best interest, you will be listed in our

program directory. If you later become able to make your own health care decisions, we will ask whether you agree or object to being listed in our program directory and we will honor your expressed wishes at that time.

- d) If asked, we will not confirm orally, in writing or through any other medium that you are or have been receiving services from JRI, with the exceptions listed below under “Persons Involved in Your Care.”
- 2. Persons Involved in Your Care.**
- a) We may provide health information about you to someone who helps pay for your care. We may use or disclose your health information to notify or assist in notifying a family member, personal representative or any other person that is responsible for your care of your location, general condition or death. We may also use or disclose your health information to an entity assisting in disaster relief efforts and to coordinate uses and disclosures for this purpose to family or other persons involved in your health care.
- b) In limited circumstances, we may disclose health information about you to a friend or family member who is involved in your care. If you are physically present and have the capacity to make health care decisions, your health information may only be disclosed with your agreement to persons you designate to be involved in your care.
- c) But, if you are in an emergency situation, we may disclose your health information to a spouse, a family member, or a friend so that such person may assist in your care. In this case we will determine whether the disclosure is in your best interest and, if so, only disclose information that is directly relevant to participation in your care.
- d) And, if you are not in an emergency situation but are unable to make health care decisions, we will disclose your health information to:
- your health care agent if we have received a valid health care proxy from you,
 - your guardian or medication monitor if one has been appointed by a court, or
 - if applicable, the state agency responsible for consenting to your care.

C. Uses and Disclosures That May be Made Without Your Authorization or Opportunity to Object

- a. **Emergencies.** We may use and disclose your health information without your authorization in an emergency treatment situation. By way of example, we may provide your health information to a paramedic who is transporting you in an ambulance. If a clinician is required by law to treat you and your treating clinician has attempted to obtain your authorization but is unable to do so, the treating clinician may nevertheless use or disclose your health information to treat you.
- b. **Research.** We may disclose your health information to researchers when their research has been approved by an Institutional Review Board or a similar privacy board that has reviewed the research proposal and established protocols to protect the privacy of your health information.
- c. **As Required By Law.** We will disclose health information about you when required to do so by federal, state or local law.
- d. **To Avert a Serious Threat to Health or Safety.** We may use and disclose health information about you when necessary if in good faith we believe that such a warning is necessary to prevent a serious and imminent threat to your health or safety or to the health or safety of the public or another person. Under these circumstances, we will only disclose health information to someone who is reasonably able to help prevent or lessen the threat, such as law enforcement, family members or other persons who may be able to intervene to avert harm from the threat.
- e. **Organ and Tissue Donation.** If you are an organ donor, we may release your health information to an organ procurement organization or to an entity that conducts organ, eye or tissue transplantation, or serves as an organ donation bank, as necessary to facilitate organ, eye or tissue donation and transplantation.
- f. **Public Health Activities.** We may disclose health information about you as necessary for public health activities including, by way of example, disclosures to:
- report to public health authorities for the purpose of preventing or controlling disease, injury or disability;
 - report vital events such as birth or death;
 - conduct public health surveillance or investigations;
 - report child abuse or neglect;
 - report certain events to the Food and Drug Administration (FDA) by a person subject to the jurisdiction of the FDA including information about defective products or problems with medications;
 - notify consumers about FDA-initiated product recalls;
 - notify a person who may have been exposed to a communicable disease or who is at risk of contracting or spreading a disease or condition;

- notify the appropriate government agency if we believe an adult has been a victim of abuse, neglect or domestic violence. We will only notify an agency if we obtain your agreement or if we are required or authorized by law to report such abuse, neglect or domestic violence.
- g. **Health Oversight Activities.** We may disclose health information about you to a health oversight agency for activities authorized by law. Oversight agencies include government agencies that oversee the health care system, government benefit programs such as Medicare or Medicaid, other government programs regulating health care, and civil rights laws.
- h. **Disclosures in Legal Proceedings.** We may disclose health information about you to a court when a judge orders us to do so. We also may disclose health information about you in legal proceedings without your permission or a judge's order when:
 - you are a party to a legal proceeding and we receive a subpoena for your health information. Normally, we will not provide this information in response to a subpoena without your authorization if the request is for substance abuse records or for information relating to AIDS or HIV status or genetic testing;
 - your health information involves communications made during a court-ordered psychiatric examination;
 - you introduce your mental or emotional condition in evidence in support of your claim or defense in any proceeding and the judge approves our disclosure of your health information;
 - you sue any of our clinicians or staff for malpractice or initiate a complaint with a licensing board against any of our clinicians;
 - the legal proceeding involves child custody, adoption or dispensing with consent to adoption and the judge approves our disclosure of your health information;
 - one of our clinicians brings a proceeding, or is asked to testify in a proceeding, involving foster care of a child or commitment of a child to the custody of the Massachusetts Department of Children and Families or other state agency.
- i. **Law Enforcement Activities.** We may disclose health information to a law enforcement official for law enforcement purposes when:
 - you agree to the disclosure; or
 - when the information is provided in response to an order of a court; or
 - we determine that the law enforcement purpose is to respond to a threat of an imminently dangerous activity by you against yourself or another person; or
 - the disclosure is otherwise required by law.
- j. **Victims:** We may also disclose health information about a person who is a victim of a crime, without a court order or without being required to do so by law. However, we will do so only if the disclosure has been requested by a law enforcement official and the victim agrees to the disclosure or, in the case of the victim's incapacity:
 - the law enforcement official represents to us that (i) the victim is not the subject of the investigation and (ii) an immediate law enforcement activity to meet a serious danger to the victim or others depends upon the disclosure; and
 - we determine that the disclosure is in the victim's best interest.
- k. **Medical Examiners or Funeral Directors.** We may provide health information about our consumers to a medical examiner. Medical examiners are appointed by law to assist in identifying deceased persons and to determine the cause of death in certain circumstances. We may also disclose health information about our consumers to funeral directors as necessary to carry out their duties.
- l. **Military and Veterans.** If you are a member of the armed forces, we may disclose your health information as required by military command authorities. We may also disclose your health information for the purpose of determining your eligibility for benefits provided by the Department of Veterans Affairs. Finally, if you are a member of a foreign military service, we may disclose your health information to that foreign military authority.
- m. **National Security and Protective Services** We may disclose medical information about you to authorized federal officials for intelligence, counter-intelligence, and other national security activities authorized by law. We may also disclose health information about you to authorized federal officials so they may provide protection to the President, other authorized persons or foreign heads of state or so they may conduct special investigations.
- n. **Inmates.** If you are an inmate of a correctional institution or under the custody of a law enforcement official, we may disclose health information about you to the correctional institution or law enforcement official.

- o. **Workers' Compensation.** We may disclose health information about you to comply with the state Workers' Compensation Law. These disclosures will usually be made when we have received a court order or subpoena for the information.

III. Uses and Disclosures of Your Health Information with Your Permission.

1. Uses and disclosures not described in Section II of this Notice of Privacy Practices will generally only be made with your written permission, called an "authorization." You have the right to revoke an authorization at any time. If you revoke your authorization we will not make any further uses or disclosures of your health information under that authorization, unless we have already taken an action relying upon the uses or disclosures you have previously authorized.
2. No disclosure of Protected Health Information which is a sale of Protected Health Information such as may be used for marketing, as defined in §164.501 in that it results in remuneration to JRI. may be made without your express authorization.

IV. Your Rights Regarding Your Health Information.

A. Right to Inspect and Copy.

1. You have the right to request an opportunity to inspect or copy health information used to make decisions about your care – whether they are decisions about your treatment or payment of your care. Usually, this would include clinical and billing records. ,
2. You have a right to access this information electronically, in a mutually agreed upon format.
3. You must submit your request in writing to the Program Director. If you request a copy of the information, we may charge a fee for the cost of copying, mailing and supplies associated with your request.
4. We may deny your request to inspect or copy your health information in certain limited circumstances. In some cases, you will have the right to have the denial reviewed by a licensed health care professional not directly involved in the original decision to deny access. We will inform you in writing if the denial of your request may be reviewed. Once the review is completed, we will honor the decision made by the licensed health care professional reviewer.

B. Right to Amend.

1. For as long as we keep records about you, you have the right to request us to amend any health information used to make decisions about your care by the insertion of a written statement of disagreement – whether they are decisions about your treatment or payment of your care. Usually, this would include clinical and billing records
2. To request an amendment, you must submit a written document to the Program Director and tell us why you believe the information is incorrect or inaccurate.
3. We may deny your request for an amendment if it is not in writing or does not include a reason to support the request. We may also deny your request if you ask us to amend health information that:
 - was not created by us, unless the person or entity that created the health information is no longer available to make the amendment;
 - is not part of the health information we maintain to make decisions about your care;
 - is not part of the health information that you would be permitted to inspect or copy; or
 - is accurate and complete.
4. If we deny your request to amend, we will send you a written notice of the denial stating the basis for the denial and offering you the opportunity to provide a written statement disagreeing with the denial. If you do not wish to prepare a written statement of disagreement, you may ask that the requested amendment and our denial be attached to all future disclosures of the health information that is the subject of your request.
5. If you choose to submit a written statement of disagreement, we have the right to prepare a written rebuttal to your statement of disagreement. In this case, we will attach the written request and the rebuttal (as well as the original request and denial) to all future disclosures of the health information that are the subject of your request.

C. Right to an Accounting of Disclosures.

1. You have the right to request that we provide you with an accounting of disclosures we have made of your health information. An accounting is a list of disclosures. This list will not include certain disclosures of your health information, by way of example, those we have made for purposes of treatment, payment, and health care operations, or with your authorization.
2. To request an accounting of disclosures, you must submit your request in writing to the Program Director. The request should state the time period for which you wish to receive an accounting. This time period may not be longer than six years prior.

3. The first accounting you request within a twelve-month period will be free. For additional requests during the same 12-month period, we will charge you for the costs of providing the accounting. We will notify you of the amount we will charge and you may choose to withdraw or modify your request.
- D. Right to Request Restrictions on Disclosure.**
1. You have the right to request a restriction on the health information we use or disclose about you for treatment, payment or health care operations. You may also ask that any part (or all) of your health information not be disclosed to family members or friends who may be involved in your care or for notification purposes as described in Section II(B)(2) of this Notice of Privacy Practices.
 2. You have the right to request a restriction on disclosure of health information to a health plan if the disclosure is for payment or health care operations and is not otherwise required by law and the health information pertains solely to a health care item or service for which the individual has paid JRI in full.
 3. You must request the restriction to the Program Director, who will ask you to fill out a Request for Restriction Form.
 4. We are not required to agree to a restriction that you may request. If we do agree, we will honor your request unless the restricted health information is needed to provide you with emergency treatment.
- E. Right to Request Confidential Communications.**
1. You have the right to request that we communicate with you about your health care only in a certain location or by a certain method. Example: a request that we contact you only at work or by e-mail.
 2. To request such a confidential communication, you must make your request in writing to the Program Director. We will accommodate all reasonable requests. You do not need to give us a reason for the request; but your request must specify how and where you wish to be contacted.
- F. Right to a Paper Copy of this Notice.**
1. You have the right to obtain a paper copy of this Notice of Privacy Practices at any time. Even if you have agreed to receive this Notice of Privacy Practices electronically, you may still obtain a paper copy. To obtain a paper copy, contact your Program Director.
- V. Confidentiality of Substance Abuse Records**
- A. For persons who have received treatment, diagnosis or referral for treatment from our federally funded substance abuse programs, the confidentiality of substance abuse records is protected by federal law and regulations. As a general rule, we may not tell a person outside the programs that you attend any of these programs, unless:
 - you authorize the disclosure in writing; or
 - the disclosure is permitted by a court order; or
 - the disclosure is made to medical personnel in a medical emergency or to qualified personnel for research, audit or program evaluation purposes; or
 - you threaten to commit a crime either at the substance abuse program or against any person who works for our substance abuse programs.
 - B. A violation by us of the federal law and regulations governing substance abuse is a crime. Suspected violations may be reported to the United States Attorney in the district where the violation occurs.
 - C. Federal law and regulations governing confidentiality of substance abuse permit us to report suspected child abuse or neglect under state law to appropriate state or local authorities.
 - D. Please see 42 U.S.C. § 290dd-2 for federal law and 42 C.F.R., Part 2 for federal regulations governing confidentiality of substance abuse patient records.
- VI. Complaints**
- A. If you believe your privacy rights have been violated, you may file a complaint with us or with the Secretary of the U.S. Department of Health and Human Services. To file a complaint with us, contact the Program Director or email privacyofficer@jri.org. All complaints must be submitted in writing.
 - B. The Program Director will assist you with writing your complaint, if you request such assistance.
 - C. We will not retaliate against you for filing a complaint.
- VII. Changes to this Notice**
- A. We reserve the right to change the terms of our Notice of Privacy Practices. We also reserve the right to make the revised or changed Notice of Privacy Practices effective for all health information we already have about you as well as any health information we receive in the future. We will post a copy of the current Notice of Privacy Practices at our main office and at each site where we provide care. You may also obtain a copy of the current Notice of Privacy Practices by calling us at 781-559-4900 and requesting that a copy be sent to you in the mail or by asking for one any time you are at our offices.