

# *Developmental Disabilities Resource Center*

## **NOTICE OF PRIVACY PRACTICES**

**Effective: April 14, 2003**

**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.**

This notice will tell you how Developmental Disabilities Resource Center (DDRC) may use and disclose or share protected health information about you (individual receiving services). 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, "protected information."

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

### **Your Rights Regarding Your Protected Information**

#### **Right to Request Restrictions**

You have the right to request that we restrict the use or release of protected 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 releases 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 could ask that we not share protected information about you with your brother or sister.

*DDRC is not required to agree to any 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 DDRC can later terminate the restriction. We cannot agree to limit uses and releases that are required by law.

You may request a restriction at any time. Requests must be made in writing and include (a) what information you want to limit; (b) whether you want to limit use or release or both; and, (c) to whom you want the limits to apply (for example, release of information to your brother). For assistance in completing the request form, contact your DDRC resource coordinator at 303-233-3363.

#### **Right to Receive Confidential Communications**

You have the right to request that we communicate protected 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, phone or at home. We will not require you to tell us why you are asking for the confidential communication. DDRC will accommodate your request, however, we may also require an alternate address or other method to contact you.

If you want to request confidential communication, you must do so in writing to the Director of Resource Coordination, 11177 W. 8<sup>th</sup> Avenue, Lakewood, Colorado, 80215, 303-233-3363. Your request must specify how, where or when you can be contacted.

## **Right to Inspect and Copy Your Protected Information**

You have the right to inspect and obtain a copy of protected information about you. To inspect or copy protected information about you, you must submit your request in writing to the DDRC Records Secretary, 11177 W. 8<sup>th</sup> Avenue, Lakewood, Colorado, 80215, 303-233-3363. Your request should state specifically what protected information you want to inspect or copy.

DDRC will act on your request within seven working 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. Copying and mailing charges may be assessed.

***DDRC may deny your request to inspect and copy protected information*** if the protected information involved is psychotherapy notes or information compiled in anticipation of, or use in, a civil, criminal or administrative action or proceeding. If DDRC denies your request, we will inform you of the basis for the denial, how you may have the denial reviewed, and how you may complain. Reviews will be heard by an impartial decision-maker designated by DDRC, who was not directly involved in the denial.

## **Right to Amend**

You have the right to request that DDRC amend any protected information that you feel may be incorrect or missing, as long as this protected information about you is maintained by DDRC. To request an amendment, you must submit your request in writing to DDRC's Customer Relations Manager, DDRC, 11177 W. 8<sup>th</sup> Avenue, Lakewood, Colorado, 80215, 303-233-3363. 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 DDRC grants the request, in whole or in part, we will inform you of our acceptance and seek your identification of and agreement to share the amendment with relevant other persons. We also will make the appropriate amendment to the protected information by appending the information.

***DDRC may deny your request to amend protected information about you.*** We may deny your request if it is not in writing or if it does not provide a reason in support of the amendment. In addition, we may deny your request if you ask us to amend protected information that: (a) was not created by DDRC; (b) is not part of the protected information maintained by DDRC; (c) would not be available for you to inspect or copy; or; (d) is shown to be accurate and complete.

If DDRC denies your request, we will inform you of the basis for the denial. You will have the right to submit a statement disagreeing with our denial. We may prepare a rebuttal to that 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 protected information involved. 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 protected information involved.

## **Right to an Accounting of Protected Information Releases**

You have the right to receive an accounting of releases of protected 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 releases are not included in such an accounting: (a) releases to carry out treatment, payment and health care operations; (b) releases of your protected information made to you; (c) incidental releases; (d) releases that you have authorized; (e) releases to persons involved in your care; (f) releases for disaster relief, national security or intelligence purposes; (g) releases to correctional institutions or law enforcement officials when in custody; (h) releases that are part of a limited data set for purposes of research, public health, or health care operations (a limited data set is where things that would directly identify you have been removed).

To request an accounting of releases, you must submit your request in writing to the Director of Resource Coordination, 11177 W. 8<sup>th</sup> Avenue, Lakewood, Colorado, 80215, 303-233-3363. Your request must state a time period for the releases.

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

There will be no charge for the first list we provide to you in any twelve (12) month period. For additional lists in a twelve (12) month period, we may charge you for the cost of providing the list. DDRC will notify you of the cost involved and give you an opportunity to withdraw or modify your request before you are charged.

### **Right to Obtain a Copy of this Notice**

You have the right to obtain a paper copy of DDRC's Notice of Privacy Practices, even though you may have agreed to receive the notice electronically. You may request a copy of our Notice of Privacy Practices at any time. To obtain a paper copy of this notice, contact the DDRC Executive Assistant, 11177 W. 8<sup>th</sup> Avenue, Lakewood, Colorado, 80215, 303-233-3363.

You may obtain a copy of this notice over the Internet at our web site, [www.ddrcco.com](http://www.ddrcco.com). Copies will also be posted at all of DDRC's facilities.

## **How We May Use and Share Protected Information About You**

### **Determination of Eligibility**

DDRC has the responsibility for determining eligibility for developmental disability funded services. This information may be reviewed by the DDRC eligibility committee and/or other external review groups or individuals in order to determine eligibility.

### **Treatment**

DDRC may use protected information about you to obtain, provide, coordinate or manage the services, supports, and health care you receive from us and other providers. We may share protected information about you to doctors, nurses, developmental disability professionals, psychologists, social workers, direct support staff and other agency staff, volunteers and other persons who are involved in supporting you or providing care. This includes DDRC administrative committees such as Human Rights Committee (HRC), Referral and Placement Committee, Family Support Council, or Resource Allocation Committee (RAC). These groups may include individuals external to DDRC.

We may consult with other health care providers concerning you and, as part of the consultation, share your protected information with them. For example, staff may discuss your information to develop and carry out your individualized plan (IP). Staff may share information to coordinate needed services, such as medical tests, transportation to a doctor's visit, physical therapy, etc. Staff may need to share protected information to entities outside of our organization (for example, another provider or a state/local agency) to access benefits or obtain new services for you.

### **Payment**

DDRC may use and share protected information about you so that we can be paid for services we provide for you or purchase on your behalf. This can include billing a third party payer, such as Medicaid or Colorado Developmental Disabilities Services. For example, we may need to provide Developmental Disabilities Services information about the services provided to you so we will be reimbursed for those services.

## **Health Care Operations**

DDRC may use and share protected information about you for our own operations to ensure services are appropriate and high quality. For example, this information may be used to monitor the performance of staff providing services, quality improvement of services being provided, to train staff and/or volunteers, or for external audits and reviews including accreditation and licensing.

## **Communication With You**

Unless you tell us otherwise in writing, we may contact you by telephone, e-mail or by mail at either your home or your workplace. At either location, we may leave messages for you on the answering machine or by voice mail. If you want to request that we communicate to you in a certain way or at a certain location, see the "Right to Receive Confidential Communications" section of this notice.

## **Appointment Reminders**

DDRC may use and share protected information about you to contact you about upcoming appointments for meetings, treatment or services.

## **Alternative Treatment and Service Options**

DDRC may use and share protected information about you so that you may be contacted about alternative treatment and service options that may be of interest to you. We will not provide protected information to alternative treatment or service providers without your express written authorization outside of emergency situations.

## **News and Information Purposes**

DDRC produces a newsletter on a regular basis throughout the year and may also have other communications that we deem important for you to have. Your protected information may have been used to put you on the list to receive such a communication. DDRC only uses demographic information, such as your name, address and phone number, and will not release this to any other outside organization. **If you DO NOT want DDRC to contact you in this manner, you must notify the DDRC Data Coordinator, 11177 W. 8<sup>th</sup> Avenue, Lakewood, Colorado, 80215 in writing.**

## **Fundraising**

DDRC may use and share protected information about you to raise funds for DDRC or its foundation, the Developmental Disabilities Foundation. We may also use your information to contact you to volunteer or provide in-kind contributions. We will only use demographic information, such as your name, address and phone number, and will not release this to any other outside organization. **If you DO NOT want DDRC or its foundation to contact you for fundraising, you must notify the Director of Development, 11177 W. 8<sup>th</sup> Avenue, Lakewood, Colorado, 80215, 303-233-3363 in writing.**

## **Sharing Information with Family and Others**

DDRC may release to a parent/guardian, personal representative, family member, other relative, a close personal friend, or any other person identified by you, protected 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 share protected information about you to notify, or assist in notifying, those persons of your location, general condition, or death. **If there is anyone that we may contact in the above situations that you DO NOT want us to contact, please notify your Resource Coordinator or Director of Resource Coordination, 11177 W. 8<sup>th</sup> Avenue, Lakewood, Colorado, 80215, 303-233-3363.**

## **Additional Uses and Releases of Protected information that DO NOT Require Your Permission**

DDRC may be required to use and share protected information about you for several other reasons not identified in the previous section. **Only the minimum necessary protected information will be shared.** Each of those disclosures is described below.

### **Disaster Relief**

DDRC may use or share protected 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.

### **Required by Law**

DDRC may use or share protected information about you when a law requires that we report information regarding a crime that has been committed or in response to a court order or subpoena.

### **Public Health Activities**

DDRC may share your protected information to public health authorities for purposes including but not limited to: preventing or controlling disease, injury or disability; reporting disease or infection exposure; reporting to the United States Food and Drug administration problems with products and reactions to medications.

### **Mistreatment, Abuse, Neglect or Exploitation**

DDRC may share protected information about you to a government and/or regulatory authority authorized by law to receive reports of mistreatment, abuse, neglect, or exploitation, if we believe you are a victim, perpetrator, or witness of mistreatment, abuse, neglect, or exploitation. This will occur to the extent the disclosure is: (a) required by law; (b) agreed to by you or your personal representative; or, (c) authorized by law and we believe the disclosure is necessary to prevent serious harm to you or to other potential victims, and we are informed by law enforcement or other public official that immediate enforcement activity depends on the disclosure of your protected information.

### **Health Oversight Activities**

DDRC may share protected information about you to a health oversight agency for activities authorized by law, including audits, investigations, inspections, licensure or disciplinary actions. These include agencies responsible for the Medicaid program, U.S. Department of Health and Human Services, State of Colorado Department of Human Services and the Office of Civil Rights.

### **Judicial and Administrative Proceedings**

DDRC may share specific protected information about you in the course of any judicial or administrative proceeding in response to an order of the court or administrative tribunal. We also may share protected 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 shared. Only the specific information requested from the subpoena, discovery request, court or administrative order will be disclosed.

### **For Law Enforcement Purposes**

DDRC may share specific protected information about you to a law enforcement official for law enforcement purposes such as: as required by law; in response to a court, grand jury or administrative order, warrant or subpoena; to identify or locate a suspect, fugitive, material witness or missing person; about an actual or suspected victim of a crime and that person agrees to the disclosure; to alert law enforcement officials to a death if we suspect the death may have resulted from criminal conduct; about crimes that occur in our programs and contracted services; to report a crime in emergency circumstances.

## **Coroners, Medical Examiners and Funeral Directors**

DDRC may share protected information about you to a coroner, medical examiner or funeral director when necessary to perform their duties such as identifying a deceased person and determining cause of death.

## **Organ, Eye or Tissue Donation.**

If DDRC has a written record of your intent to be an organ, eye or tissue donor, we may share protected information about you to organ procurement organizations or other entities engaged in the procurement, banking or transplantation of organs, eyes or tissue. If you are incapacitated, we will share protected information only as authorized by your personal representative.

## **Research**

In rare situations, DDRC may use or share protected information about you for research, but only with your written authorization. Any research will have been reviewed and approved by the DDRC Human Rights Committee.

## **To Avert Serious Threat to Health or Safety**

DDRC may use or share protected 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.

## **Specialized Government Functions**

DDRC may share protected information about you to authorized federal officials for the conduct of intelligence, counter-intelligence, national security activities authorized by law or protection to the President of the United States, certain other federal officials, or foreign heads of state.

## **Correctional Institutions**

DDRC may share protected 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.

## **Workers Compensation**

DDRC may share protected 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.

## **Our Right to Change Notice of Privacy Practices**

DDRC reserves the right to change this notice. We reserve the right to make the new notice's provisions effective for all protected information that we maintain, including that created or received by us prior to the effective date of the new notice. Current notices will be posted on our web site, [www.ddrcco.com](http://www.ddrcco.com), as well as in all our facilities.

## **Complaints**

To file a complaint with DDRC, contact our Customer Relations Manager, 11177 W. 8<sup>th</sup> Avenue, Lakewood, Colorado, 80215, 303-233-3363. 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 for Civil Rights, U.S. Department of Health and Human Services, 200 Independence Avenue SW, Washington, D.C. 20201.

## **You will not be retaliated against for filing a complaint**

## **Questions and Information**

If you have any questions or want more information concerning this Notice of Privacy Practices, please contact DDRC's HIPAA Privacy Officer, 11177 W. 8<sup>th</sup> Ave., Lakewood, Colorado, 80215, 303-233-3363.