

## **Policies and Procedures of EDEN, Inc.**

Policy: Use and Disclosure of Protected Health and Personal Information

Effective Date: April 14, 2003 (updated May 7, 2010)

### **Purpose**

The purpose of this policy is to describe procedures for protecting the privacy of information about individuals who receive services provided by this organization, in accordance with Ohio laws and administrative rules, and the federal rules authorized by the Health Insurance Portability and Accountability Act of 1996 (HIPAA). EDEN is not a "Covered Entity" as defined under HIPAA. EDEN does, however, act as a "Business Associate" of some Covered Entities and as such has certain requirements concerning the use and disclosure of protected health information.

### **Definitions**

Protected health information (PHI) is health information that identifies an individual, or provides a reasonable basis for the identification of an individual. Protected health information includes the individual's name, street or e-mail address, telephone number, date of birth, or any other information that could reasonably be used to identify the individual, or infer the individual's identity. EDEN does receive protected health information from clients and other agencies in the course of qualifying clients for and providing housing related services to clients. Typical information received is the mental health or other diagnosis of the individual qualifying for EDEN's housing services. Information obtained is the minimum necessary to determine eligibility for EDEN's housing services.

Protected Personal Information (PPI) specifically relates to the information that is collected and entered into the Homeless Management Information System (HMIS). This information is protected in accordance with the HIPPA privacy rule.

Disclosure means the release, transfer, provision of access to, or in any other manner divulging of information to an individual or organization. Federal and State laws govern how information is used and stored, what information is disclosed, and who gets this information. We will only disclose information about clients that we are permitted to disclose.

Authorization for disclosure of information means the informed and written agreement of an individual (or an individual's parent, legal guardian, or legally authorized personal representative) for EDEN to disclose protected health information to individuals or entities outside of this organization. The individual's written agreement is documented on a properly completed "Release of Information Form" signed and dated by the individual (or the individual's parent or legal guardian).

### **Policy**

It is the policy of EDEN to protect the privacy and security of protected health information by adherence with Federal laws and Ohio laws and rules governing the use and disclosure of information about all persons who have received services from this organization, or who have been referred to this organization for services.

When using or disclosing protected health information, or when requesting protected health information from another source, it is the policy of EDEN to make reasonable efforts to limit protected health information to the minimum necessary to accomplish the intended purpose of the use, disclosure, or request.

### **(A) Uses and Disclosures within the Agency**

It is the policy of EDEN to use and disclose protected health information within the agency only as necessary for housing related operations. An individual's PHI is shared only with staff members, supervisors, staff members of the Ohio Department of Mental Health or Alcohol, Drug Addiction and Mental Health Services (ADAMHS) Board of Cuyahoga County, or staff members of accreditation organizations on a need to know basis who:

1. provide, coordinate, supervise, or manage healthcare or related services to the client,
2. determine eligibility for services, bill for services, collect, or manage payment for services,

3. conduct utilization review activities, including authorization for and review of services,
4. conduct quality assessment and improvement activities, including the evaluation of outcomes and
5. development of policies and clinical guidelines,
6. review the competence or qualifications of staff members providing services,
7. conduct or arrange for medical review, legal services, or auditing functions,
8. conduct cost-management or planning analyses that require the use of client information,
9. conduct activities related to this organization's certification or accreditation, or
10. investigate and resolve matters of client rights, or investigate and analyze incidents related to a client's care and services.

### **(B) Disclosures to Those Outside the Agency**

Except in certain emergency and special situations described in (C) below, or when disclosure is required by law, it is the policy of EDEN to obtain the written authorization of the individual (or the individual's parent, legal guardian, or legally-authorized personal representative) before the disclosure of protected health information to individuals or entities outside of this organization. Written permission is documented on a properly completed "EDEN's Release of Information Form".

### **(C) Disclosures For Which Authorization is Not Required**

It is the policy of EDEN to use and disclose protected health information, without the written authorization of the individual,

1. to protect an individual believed to be incapacitated or in an emergency circumstance.
2. to protect a child.
3. to protect an impaired adult.
4. to take action on an explicit threat.
5. in response to a law enforcement official's request.
6. in response to a court order
7. for public health activities and purposes

### **Procedures**

#### **Provide "Notice of Privacy Practices"**

An individual who receives services from EDEN is provided with "EDEN's Notice of Privacy Practices for Protected Health Information", and is given the opportunity to review this document before providing written consent for services and the use and disclosure of protected health information. If the individual has impaired vision or reading skills, staff members shall offer to read the Notice to the individual. When the individual who is to receive services is under the age of 18, the Notice shall be given to the individual's parent or legal guardian. When an individual who requests or is referred for services is an adult who has a legal guardian, the Notice shall be given to the legal guardian.

#### **Release of Information**

EDEN's "Release of Information" form authorizes EDEN to release "housing related information" for the purpose of "maintaining current housing" to the client's case manager and MH agency. In addition, clients who participate in the Housing Assistance Program (HAP) and EDEN's scattered site housing authorize EDEN to release MACSIS claims information to the ADAMHS Board of Cuyahoga County and relevant state agencies (Ohio Department of Mental Health, Ohio Department of Alcohol and Drug Addiction Services and the Ohio Department of Human Services). Both authorizations are explained by an EDEN staff member and signed by the client when the client first receives services from EDEN.

When an EDEN staff member determines the need to request or disclose protected health information about an individual other than the disclosures noted above, the individual (or the individual's parent or legal guardian) shall be fully informed about the specific information to be obtained or disclosed, the name of the organizations or persons from whom the information is to be requested or to whom it is to be disclosed, the specific information requested and the intended use of this information. Should the individual (or the individual's parent or legal guardian) agree to the request for or disclosure of information, the Client's

"Release of Information" form is completed with the individual (or the individual's parent or legal guardian). Originals of "Release of Information" forms are to be retained in client's file.

In the course of a telephone conversation or in response to any other form of inquiry, staff members ensure that a completed "Release of Information" form is in the client's file, and that it has not expired, prior to the disclosure of the identity of a client, or any information about the client, unless the law permits or requires disclosure without written authorization, as described in section C of this Policy statement.

Clients have the right to review the protected health information that EDEN retains in their file. Clients also have the right to request that EDEN amend health information about them that they believe is inaccurate or incomplete. To exercise these rights, contact the Client Rights Officer, Leslie Quilty

Staff members or agency representatives who are uncertain about the application or interpretations of Ohio laws, Federal laws, or this organization's policies regarding the disclosure of protected health information, consult with Elaine Gimmel, the Director of Housing Operations, or Leslie Quilty, the Privacy Officer.

*Insert from EDEN Tenant Rights Policy*

*EDEN has a strict confidentiality policy, concerning client information. This policy is part of EDEN / ADAMHS Board of Cuyahoga County Tenant Rights Policy. The relevant parts concerning privacy / confidentiality are:*

*13. Tenants have the right to confidentiality of communications and of all personally identifying information within the limitations and requirements for disclosure of various funding and/or certifying sources, state or federal statutes, unless release of information is specifically authorized by the client or parent or legal guardian of a minor client or court-appointed guardian of the person of an adult client.*

*14. Tenants have the right to have access to one's own records, unless access to particular identified items of information is specifically restricted for that individual client for clear treatment reasons in the client's treatment plan.*

Staff has a duty to protect all information including the printing and copying of information, as well as its disposal. EDEN head quarters has many common areas and when information is printed or copied in these areas the information should be removed promptly. EDEN has placed through out the agency locked boxes where all confidential information is to be placed for shredding.

Any violations of this policy should be immediately brought to a manager's attention.