

NORTHCARE NETWORK

POLICY TITLE: EHR (ELMER) Privacy Policy

REVIEW/REVISED:

POLICY EFFECTIVE DATE: 11/4/2009

BOARD ADOPTED: 11/4/2009

BOARD APPROVED REVISION:

POLICY

It is the policy of NorthCare that all information in the medical record and all information obtained in the course of providing services is confidential. It is the policy of NorthCare to comply with all legal, ethical, and accreditation standards governing the use and disclosure of recipient protected health information (PHI). These standards include but are not exclusive to the Health Insurance Portability and Accountability Act (HIPAA) security and privacy regulations, the Center for Medicaid and Medicare Services (CMS) Confidentiality of Alcohol and Drug Abuse Records Final Rule, Michigan Administrative Rules and the Michigan Mental Health Code requirements that protect the privacy, security, confidentiality, and integrity of recipient information.

NorthCare and the Affiliates shall maintain the following minimum requirements:

1. Post, distribute and otherwise disseminate the Notice of Privacy Practices and obtain acknowledgment of said distribution of the Notice of Privacy Practices;
2. Include a summary of Section 748 of the Mental Health Code in each recipient's file;
3. Obtain or receive a valid authorization for the use or disclosure of PHI when such valid authorization is required under State and Federal law. Acquisition of a valid authorization for release or disclosure of PHI will be consistent with such authorization;
4. Ensure recipients' right to inspect and copy their medical record for a cost-based fee;
5. Ensure recipients' right to request an amendment or correction of protected health information as recorded in the designated record set as long as NorthCare or the Provider maintains the information in the designated record set;
6. Ensure recipients' right to request and receive an accounting of disclosures of the Protected Health Information made by NorthCare or the Provider;
7. Comply with all legal and accreditation standards governing the release of PHI by subpoena either for a personal appearance or for records;
8. Comply with all federal and state laws, regulations, and accreditation standards when disclosing recipient protected health information (PHI) to Michigan Protection and Advocacy Services;

9. Consider all recipient requests for restriction of uses and disclosure of their PHI and make every attempt to grant reasonable requests. Recipients will also have the right to request reasonable accommodations to ensure that communications between both parties remain confidential and that the methods of communication are in the best interests of both parties;
10. Comply with legal and accreditation and NorthCare standards governing the confidentiality and disclosure of information pertaining to HIV infection or Acquired Immunodeficiency Syndrome (AIDS) of recipients;
11. Hold business associates to the same confidentiality standards;
12. Enforce and apply sanctions against employees, agents, and officers of NorthCare or the Provider who violate the standards and procedures set forth in this policy.

V. LEGAL AUTHORITY:

Act 258 of the Public Acts of 1974, as amended (Michigan Mental Health Code) Sections 748, 748 (a), and 750.

Department of Community Mental Health Administrative Rules, R 330.7051.

45 CFR part 160 et seq

45 CFR part 164 et seq

42 CFR part 2 et seq

Administrative Rules For Substance Abuse Programs in Michigan.

REFERENCES:

NorthCare Sanctions Policy

NorthCare Notice of Privacy Practice