

65.0 Notice of Privacy Practices

- 65.1 Highlights Healthcare is required by applicable state and federal law to maintain the privacy of each client’s protected health information. “Client” refers to the individual, whether by birth or adoption, or any other minor for whom a parent/guardian is legally responsible. Protected Health Information (“PHI”) is any piece of information in the client’s medical record that was created, used, or disclosed during the course of diagnosis or treatment that can be used to personally identify your child. PHI includes all of the identifiable health information regarding your child, maintained or transmitted by Highlights Healthcare and its staff, in any form or medium, whether electronic, on paper, or oral. PHI is protected under the Health Insurance Portability and Accountability Act (“HIPAA”).
- 65.2 The Highlights Healthcare notice summarizes the privacy practices that will be followed by Highlights Healthcare and the rights concerning the client’s PHI. The notice applies to all of the records of the client’s care and billing for that care that are generated and maintained by Highlights Healthcare, whether made by Highlights Healthcare personnel or other health care providers. This notice will remain in effect until Highlights Healthcare replaces it. Highlights Healthcare reserves the right to change this notice. Highlights Healthcare also reserves the right to make revisions effective for medical information it already has about the client as well as any information it may receive in the future. Highlights Healthcare will post a copy of the revised notice on the Highlights Healthcare website and its office. If the notice changes, a copy will be available upon request.

66.0 Uses and Disclosures of PHI

- 66.1 Highlights Healthcare uses and discloses client PHI for treatment, payment, and healthcare /operations.
- 66.2 **Treatment:** The client’s PHI will be used to provide medical treatment. “Treatment” is the provision, coordination, or management of health care and related services. It includes, but is not limited to, consultations and referrals. (Ex. Highlights Healthcare may disclose a client’s PHI to direct support staff (such as Board Certified Behavior Analysts, Behavior Technicians, and Registered Behavior Technicians), doctors, psychologists, licensed psychological associates, providers of support services, and other personnel involved in the client’s treatment.
- 66.3 **Payment:** The client’s PHI will be used and disclosed to obtain payment for the care provided by Highlights Healthcare. “Payment” includes, but is not limited to, actions to determine eligibility for benefits and processing payment for treatment or services received from Highlights Healthcare. (Ex. Highlights Healthcare may disclose a client’s PHI for verification of payment eligibility and to receive payment for services, as applicable.
- 66.4 **Health Care Operations:** Where permitted by state and federal laws, Highlights Healthcare may use and disclose a client’s PHI in conducting its health care operations. Highlights Healthcare “health care operations” include evaluating the performance of its staff involved in the care and treatment of a client or in an effort to improve their skills as health care providers. (Ex. Information may need to be disclosed to direct support staff (such as Board Certified Behavior Analysts, Behavior Technicians, Registered Behavior Technicians, doctors, psychologists, licensed psychological associates, providers of support services, and other personnel involved in a client’s treatment for both review of treatment and learning tools to provide higher quality of care.

67.0 PHI – Other Uses and Disclosures that do not Require Individual Authorization

67.1 Subject to certain requirements, Highlights Healthcare may use or disclose a client's PHI in certain limited situations without prior authorization. These situations include:

67.1.1 Public Health: Highlights Healthcare may use or disclose a client's PHI for public health activity purposes to a public health authority where permitted under state and federal law. For instance, Highlights Healthcare may disclose a client's PHI, if authorized by state or federal law, if your child has been exposed to a communicable disease or may otherwise be at risk of contracting or spreading the disease or condition.

67.1.2 To Family and Friends and Persons Involved in Care: Highlights Healthcare must disclose a client's PHI to you, as described in the Patient Rights Notice. Highlights Healthcare may disclose a client's PHI to a family member, friend, or other person involved in the client's treatment to the extent necessary to help with the child's health care, so long as the professional responsible for the client's care has not determined that such release of information would be harmful to the client's physical or mental well-being or that the intended recipient of the information lacks a legitimate need for it. You have the right to object to these types of disclosures. Highlights Healthcare will use its professional judgement and experience with common practice to make reasonable inferences of a client's best interest in allowing a person to access health information.

67.1.3 Emergency: As permitted by federal and state law, Highlights Healthcare may disclose a client's PHI in emergency situations involving the client.

67.1.4 Research: Under certain circumstances, Highlights Healthcare may disclose a client's PHI for research purposes.

67.1.5 Required by Law: Highlights Healthcare may use or disclose a client's PHI when required to do so by law, for instance, when such disclosure is required by state or federal law or other judicial or administrative proceeding.

67.1.6 Judicial or Administrative Proceeding: In certain limited situations, Highlights Healthcare may use or disclose your child's PHI response to valid judicial or administrative orders, orders of the court, and in response to a subpoena, discovery request, or other lawful process.

67.1.7 Law Enforcement: In accordance with state and federal law, Highlights Healthcare may disclose a client's PHI for law enforcement purposes. For

instance, Highlights Healthcare may disclose a client's PHI is necessary to comply with laws that require reporting of certain types of wounds or other physical injuries.

- 67.1.8 Abuse or Neglect: Highlights Healthcare may disclose a client's PHI to appropriate authorities if Highlights Healthcare reasonably believes that the client is a possible victim of abuse, neglect, or domestic violence or the possible victim of other crimes. Highlights Healthcare may disclose a client's PHI to the extent necessary to avert a serious threat to a client's health or safety or the health or safety of others. Highlights Healthcare will often inform of the disclosure unless doing so would cause a risk of harm or we reasonably believe that you may be responsible for the abuse, neglect, or other injury and that informing you would not be in the best interest of the client.
- 67.1.9 Serious Threat to Health or Safety: Highlights Healthcare may disclose a client's PHI, consistent with applicable law and standards of ethical conduct, if necessary to prevent or lessen a serious threat to health and safety. For instance, the Highlights Healthcare professional responsible for the client's care may disclose a client's PHI to prevent or lessen a serious and imminent threat to the health or safety of a person or the public in general.
- 67.1.10 Public Health Oversight Activities: Where authorized under state and federal law, Highlights Healthcare may disclose a client's PHI for health care oversight activities. For instance, Highlights Healthcare may disclose a client's PHI to a health oversight agency for such activities as audits, investigations (civil, administrative, or criminal), inspections, licensure, or other activities necessary for appropriate health care oversight.
- 67.1.11 Coroners, Funeral Directors, or Organ Donation: Where permitted under state and federal law, Highlights Healthcare may disclose a client's PHI to a coroner or medical examiner for the purpose of identifying a client, should a client die, identifying the cause of death, or performing other activities authorized by law. Highlights Healthcare may also disclose a client's PHI to a funeral director, as authorized by state and federal law, in order to permit the funeral director to carry out his or her duties. The client's PHI may also be used and disclosed for cadaveric organ, eye, or tissue donation purposes.
- 67.1.12 National Security and Intelligence Activities: Highlights Healthcare may disclose a client's PHI to federal officials for the conduct of intelligence, counter-intelligence, and national security activities authorized by law.

68.0 PHI – Uses and Disclosures that Require Written Authorization

- 68.1 Except for the general categories of uses and disclosures of a client’s PHI for treatment, payment, and health care operations and other special situations described above, Highlights Healthcare must obtain written authorization from a parent/guardian in order to use or disclose a client’s PHI. Highlights Healthcare shall be required to obtain written authorization from a parent/guardian prior to the use or disclosure of a client’s PHI: 1) for marketing purposes, except if the communication is in the form of a face to face communication made by Highlights Healthcare to parent/guardian or in the form of a promotional gift of nominal value provided by Highlights Healthcare, or 2) in connection with the sale of a client’s health information.
- 68.2 You may cancel an authorization whenever you choose as long as withdrawal is in writing. If you cancel your authorization, Highlights Healthcare will no longer use or disclose a client’s PHI for the reasons indicated in the authorization. You understand that Highlights Healthcare is unable to take back any disclosures already made prior to cancellation. Uses and disclosures related to a client’s PHI not described in this notice will be made only after authorization is obtained.

69.0 PHI – Patient Rights

69.1 Rights related to PHI and Highlights Healthcare responsibilities

- 69.1.1 Right to Inspect and Copy: Client's have the right to look at or get copies of the client's PHI. With limited exceptions, for as long as the information remains in our records. In addition, you have the right to request an amendment to your health information. Any requests to inspect or copy the client's PHI must be provided to Highlights Healthcare in writing.
- 69.1.2 Right to Accounting of Disclosures: Client's have the right to receive a list of instances in which a client's PHI was disclosed for purposes other than treatment or certain other activities for the six (6) year period prior to the date of a written request. Highlights Healthcare will include all the disclosures except for those about treatment, payment, and health care operations, and certain other disclosures (such as any you asked Highlights Healthcare to make). Highlights Healthcare will provide one accounting per year at no charge, but will charge a reasonable, cost-based fee if you ask for another accounting within twelve (12) months.
- 69.1.3 Right to Request Restrictions: A client may request, in writing, that we place additional restrictions on our use or disclosure of a client's PHI. Highlights Healthcare is not required to agree to these additional restrictions, but if Highlights Healthcare does, it will abide by any such agreement (except in an emergency).
- 69.1.4 Right to Amend: A client may request that Highlights Healthcare amend a client's PHI. A request must be in writing, and it must explain why the information should be amended. Highlights Healthcare may deny your request under certain circumstances.
- 69.1.5 Right to Breach Notification: Highlights Healthcare will investigate any discovered unauthorized use or disclosure of a client's unsecured PHI to determine if it constitutes a breach of the federal privacy or security regulations. If Highlights Healthcare determines that a breach has occurred, we will notify you of a breach and advise you of what we intend to do to mitigate the damage (if any) caused by the breach.
- 69.1.6 Right to Request Confidential Communications: Client's have the right to request that Highlights Healthcare communicate with you about medical matters in a certain way or at a certain location. For instance, you can ask that Highlights Healthcare only contact you at work or by mail, or at another mailing address other than your home address. Highlights Healthcare will accommodate all reasonable requests. Highlights

Healthcare will not ask you the reason for a request. To request confidential communications, make your request in writing to the contact person identified below and specify how or where you wish to be contacted.

69.1.7 Right to Request Alternative Communication: A client may request, in writing, that Highlights Healthcare communicate with you about a client's PHI by alternative means or to alternative locations. Highlights Healthcare will accommodate reasonable requests.

69.1.8 Right to a Paper Copy of Notice: Clients have the right to a paper copy of this notice or any revised notice, even if you have agreed to receive the notice electronically. To obtain a paper copy of this notice, please submit a request in writing to the compliance department or Clinical Director. Highlights Healthcare will provide clients with a copy of the notice promptly in response to a request.

70.0 PHI – Questions and Complaints

70.1 When clients want more information about Highlights Healthcare privacy practices or have concerns or questions, they will contact the Highlights Healthcare compliance department or Clinical Director. If a client is concerned that Highlights Healthcare may have violated a client's privacy rights, or disagree with a decision Highlights Healthcare made about access to a client's PHI or in response to a request made to amend or restrict the use or disclosure of a client's PHI, or to have Highlights Healthcare communicate with you by alternative means or at alternative locations, you may complain to us using the contact information listed at the end of the notice. A client may also file a complaint with the U.S. Department of Health and Human Services for Civil Rights by sending a letter to 200 Independence Avenue, SW, Room 509F HHH Bldg., Washington, D.C. 20201, calling 877-696-6775, or visiting www.hhs.gov/ocr/privacy/hipaa/complaints/. A client may also contact Disability Rights of NC at 919-856-2195 or at www.disabilityrightsn.org, as well as your insurance company. If a client needs the contact information for their insurance, MCO, CMH, or LME, they should contact the Highlights Healthcare main office at 704-703-8588 or operations@highlightshealthcare.com.