



ALCOHOL, DRUG and MENTAL HEALTH SERVICES
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Dear Alameda County Behavioral Health Plan Provider:

This letter is to inform you of the Alameda County Behavioral Health Care Services' Privacy Policies recent revisions with regard to government regulations pursuant to the Health Insurance Portability and Accountability Act of 1996 (HIPAA). Please read this letter carefully, as Alameda County Behavioral Health Plan Providers are responsible for safeguarding protected health information (PHI) pursuant to the Act and our policies for clients. You may handle such information in case files, in your computer, in your PDA, or elsewhere. Provider sites currently have protected health information (PHI) for clients. Regarding the provision of Alameda County Behavioral Health Care Services's Notice of Privacy Practices to clients receiving services at your office, compliance with the Behavioral Health Plan's Policy is mandatory and expected.

Alameda County Behavioral Health Care Services' Privacy Policy

Alameda County Behavioral Health Care Services creates clinical records to provide quality care and comply with legal requirements. Alameda County Behavioral Health Care Services understands protected health information is personal and private, and commits to safeguarding it to the extent reasonably possible. The law requires that Alameda County Behavioral Health Care Services keep protected health information private and to provide notice of privacy practices with respect to it. The law also requires Alameda County Behavioral Health Care Services to follow the terms of the notice which becomes effective April 14, 2003.

Generally, except as otherwise specified, by law, e.g. W&I Code 5328 and 42 CFR, Section 2.12, 2.13(a), Alameda County Behavioral Health Care Services may use and disclose protected health information:

1. For treatment;
2. For payment; and
3. For health care operations;

On a limited basis, by law, Alameda County Behavioral Health Care Services may use and disclose protected health information only with a valid authorization when the information is being released beyond our service system.

1. Psychotherapy notes as defined by HIPAA.
2. Some federally funded substance abuse treatment programs.



A Department of Alameda County Health Care Service Agency

In certain cases, Alameda County Behavioral Health Care Services is permitted and may use and disclose protected health information only if it informs individuals in advance and provides them the opportunity to agree or object, as required by law:

1. For facility directories;
2. To individuals involved in the individual's care; and,
3. To assist in disaster relief efforts.

In specific cases, Alameda County Behavioral Health Care Services is permitted and may be required to use and disclose protected health information without authorization and without providing the opportunity to agree or object:

1. As required by law;
2. For some public health activities;
3. To report victims of abuse, neglect or domestic violence;
4. For health oversight activities;
5. To the minimum extent necessary to comply with judicial and administrative proceedings when compelled by an order of a court or administrative tribunal, or in response to a subpoena, discovery request or other lawful process as allowed by law;
6. For some specific law enforcement purposes;
7. To coroners, medical examiners and funeral directors;
8. On a deceased person for organ, eye or tissue donation and transplantation;
9. For research purposes in compliance with required conditions approved by an Institutional Review Board;
10. To avert serious threats to health and safety;
11. On Armed Forces and foreign military personnel for activities deemed necessary by appropriate military command authorities to assure proper execution of a military mission;
12. To determine eligibility for or entitlement to veterans benefits;
13. To authorized federal officials for the conduct of lawful intelligence, counter-intelligence, and other national security activities;
14. To correctional institutions and other law enforcement custodial situations;
15. To determine eligibility for or enrollment in a government health plan program, or to coordinate and improve administration of benefits for such government plans; and,
16. To the minimum extent necessary to comply with workers' compensation laws or similar programs providing benefits for work-related injuries or illnesses.

Alameda County Behavioral Health Care Services will not disclose protected health information to outside parties for marketing, fund raising, or any other reasons not listed above without prior written authorization.

With regard to protected health information, Alameda County Behavioral Health Care Services recognizes and commits to safeguard an individual's:

1. Right to request restrictions on certain uses and disclosures;
2. Right to request confidential communications;
3. Right to inspect and copy health records with certain restrictions;
4. Right to request to amend health records;
5. Right to an accounting of certain disclosures;
6. Right to obtain a paper copy of the required Notice of Privacy Practices upon request; and,
7. Right to file complaints without threat of retaliation.

The designated Privacy Official is Craig Conwright. He is located at the Office of the County Administrator, Alameda County, 1330 Broadway, Suite 705, Oakland, California, 94612. Providers may choose to direct inquiries to their supervisors or BHCS Quality Assurance Office and complaints regarding health privacy issues to the designee within our department by calling 1-800-777-2173, to the County Privacy Official, or to the Secretary of the Department of Health and Human Services. Under no circumstances will Alameda County Behavioral Health Care Services allow or enable retaliation or reprisal against clients or providers who file such complaints.

This policy takes effect April 14, 2003.

Alameda County Behavioral Health Care Services Quality Assurance Office