

Privacy Notice

This notice describes how information about you may be used and disclosed and how you can get access to this information. Please review it carefully. If you have any questions, please contact our privacy officer at the address or phone number on the top of the first page of this notice.

I. Who will follow this notice?

Northeastern Mental Health Center provides behavioral health services to clients. The informational privacy practices in this notice will be followed by:

- Behavioral health professionals at all NEMHC locations.
- All staff or volunteers of our organizations.
- Any business associate with whom NEMHC shares health information.

II. NEMHC pledge to you

NEMHC staff understand that information about you is personal. They are committed to protecting information about you. This notice applies to all of the records of services maintained by NEMHC. By law, NEMHC is required to:

- Keep information about you private.
- Follow the terms of this notice currently in effect.
- Provide you this notice of legal duties and privacy practices with respect to information.

III. Changes to this Notice

Policy changes may occur. Such changes will apply to information already held, as well as new information after the change occurs. Before making significant changes in policies, NEMHC will change the notice and post a new notice in waiting areas and on the website: www.nemhc.org. You can receive a copy of the current notice at any time. The effective date is listed in the page footer.

IV. How information about you may be used and disclosed

NEMHC may use and disclose information about you:

- **For treatment** (such as including another clinician in treatment);
- **To obtain payment for treatment** (such as sending billing information to your insurance company or Medicare);
- **To support healthcare operation** (such as reviewing client information to improve quality of care).

Information about you may be used and disclosed **without** your prior authorization for several other reasons. Subject to certain requirements, information about you may be used or disclosed without prior authorization for **abuse or neglect reporting, behavioral care audits or accreditations, and emergencies**. Information will also be disclosed when **required by law**, such as response to a court order. You may also be contacted for **appointment reminders, possible treatment options, related benefits or services** that may be of interest to you or to support **fundraising efforts**.

V. Other Uses of Information

In any situation not covered by this notice, you will be requested to provide written authorization before information about you is used or disclosed. If you choose to authorize use or disclosure, you can later revoke that authorization by written notification of your decision.

VI. Your Rights Regarding Information About You

- A. In most cases, **you have the right to look at or get a copy of information** used to make decisions about services, when you submit a written request. If your request to review or obtain a copy is denied, you may submit a written request for review of that decision. If you request copies, a fee may be charged for the cost of copying, mailing or other related supplies.
- B. If you believe that information in your record is incorrect or if important information is missing, **you have the right to request that records be amended** by submitting a written request providing the reason for requesting amendment. Such request to amend a record may be denied if the information was not created by NEMHC; if it is not part of the information maintained by NEMHC, or if it is determined that the record is accurate. You may appeal, in writing, a decision not to amend a record.
- C. **You have the right to a list of those instances where information about you has been disclosed**, other than for treatment, payment, or healthcare operations, when you submit a written request. The request must state the time period desired for the accounting, which must be less than a 6-year period and starting after April 14, 2003. You may receive the list in paper or electronic form. The first disclosure list request in a 12-month period is free; other requests will be charged based on the cost of producing the list. You will be informed of the cost before incurring any costs.
- D. **You have the right to a paper copy of this notice.**



- E. **You have the right to request that information be communicated to you in a confidential manner**, such as sending mail to an address other than your home, by notifying NEMHC in writing of the specific way or location to be used to communicate with you.
- F. **You may request, in writing, that NEMHC restrict the use or disclosure of information about you** for treatment, payment, or healthcare operations except when specifically authorized by you, when required by law, or in an emergency. Your request will be considered, **but NEMHC is not legally required to accept it**. You will be informed of that decision.
- G. All written requests or appeals should be submitted to our Privacy Officer listed below.

VII. Complaints

If you are concerned that your privacy rights may have been violated, or disagree with a decision made about access to your records, you may contact the NEMHC Privacy Officer (listed below). You may also send a written complaint to the U.S. Department of Health & Human Services Office of Civil Rights. The Privacy Officer can provide you the address. **Under no circumstances will you be penalized or retaliated against for filing a complaint.**

Melissa Ayala | Privacy Officer | mayala@nemhc.org

Northeastern Mental Health Center | 14 South Main Street, Suite 1E, Aberdeen, SD 57401 | Phone **(605) 225-1010** | Fax **(605) 725-8057**

VIII. Rights of NEMHC Clients

- A. To be treated with dignity and respect and have the right to receive NEMHC services regardless of race, color, religion/spiritual beliefs, sex, ancestry, sexual orientation, psychological characteristics, political affiliation, income, national origin or disability.
- B. Personalized services provided by professional staff whose qualifications are made known, including assessment and specific treatment plan.
- C. The ability to designate or restrict any members of the treatment team.
- D. If medication is part of the treatment plan, it will only be prescribed by qualified personnel who will discuss the potential risks and benefits of the particular medication(s) prescribed.
- E. Any and all rights guaranteed under the constitution and laws of the US and the state of South Dakota including:
 - i. *The right to refuse extraordinary treatment as provided by South Dakota law;*
 - ii. *The right to be free of any exploitation or abuse;*
 - iii. *The right to seek and have access to legal counsel;*
 - iv. *The right to have access to an advocate as defined in SD law or an employee of the state's designated protection and advocacy system;*
 - v. *The right to confidentiality of all records, correspondence, and information relating to assessment, diagnosis and treatment in accordance with the confidentiality of records requirements of the Substance Abuse and Mental Health Services Administration, 42 U.S.C. §§ 290 dd-2 (January 7, 2011), the confidentiality of alcohol and drug abuse patient records, 42 C.F.R. Part 2 (June 9, 1987), and the security and privacy of HIPAA, 45 C.F.R. Part 160 and 164 (September 26, 2016).*
 - vi. *The right to participate in decision making, related to treatment, to the greatest extent possible.*
- F. There may be other rights granted by U.S. and/or South Dakota law.

IX. Grievance/Communication Procedures

NEMHC services are open to improvement. In addition, it is important for clients to be comfortable with assigned staff. In order to accomplish this, NEMHC clients should feel free to discuss anything that could be improved or with which they are uncomfortable with regards to services. If a situation fails to be resolved, the following process has been developed to allow complaints to be heard and resolved: A grievance shall be defined as a claim based upon an event, situation or decision which is felt to be unjust or is felt to adversely affect the conditions or circumstances of your treatment. If a grievance is submitted by a group, the same procedures apply.

Procedure:

Grievances shall be processed in the following manner:

- Step 1:** You should discuss the grievance with the employee providing services within a reasonable time period not to exceed ninety (90) days. The employee will reply verbally to you within five (5) working days of the date of this discussion.
- Step 2:** If the grievance is not resolved verbally in Step 1, you may submit it in writing, within five (5) working days of the employee's verbal reply, to the employee's supervisor. The supervisor will meet and discuss the grievance with you and the employee, and will reply in writing to you within five (5) working days of receipt of the written grievance.
- Step 3:** If the grievance is not resolved in Step 2, you may appeal the decision by forwarding the written grievance to NEMHC Executive Director within five (5) working days of the response. The Executive Director will reply to you in writing within five (5) working days of the receipt of the appeal.
- Step 4:** If the grievance is not resolved, you may request a hearing before the Executive Committee of the Board of Directors within five (5) working days following receipt of the Executive Director's response. The request will be in writing and must be submitted through the Executive Director to the Board President. The Board President shall decide in what manner the Board will respond and shall provide the Executive Committee's response regarding final resolution of the grievance.

You may at any time during the grievance process or following final decision by NEMHC obtain legal counsel or appeal NEMHC's decision regarding ineligibility or termination of services to the **South Dakota Division of Behavioral Health**, Kneip Building, 700 Governor's Drive, Pierre, SD 57501 at **(605) 773-3123** or **South Dakota Advocacy Services**, 211 S Central Avenue, Ste 38, Pierre, SD 57501 at **(605) 224-8294**.