

TRANSCENDENCE TREATMENT CENTER LLC

Privacy Policy

PURPOSE: To protect the privacy of clients' identity and any medical information gathered by Transcendence Treatment Center in accordance with the HIPPA act of 1996, 42 U.S.C. 1320d-2 to 1320d-8, and 45 C.F.R. Parts 160 and 164, as amended, including the security requirements mandated by subparts A and C of 45 C.F.R. Part 164, or as provided by applicable federal or state law, including 42 U.S.C. 290ee-3, and the Confidentiality of Alcohol and Drug Abuse Patient Records, 42 C.F.R. Part 2.

POLICY

In the course of delivering its services and programs, Transcendence Treatment Center collects personal information from its clients. Personal information means any information that could be used on its own, or with other information, to establish the identity of a client, the client's service provider or the client's substitute decision maker. Personal information also includes any other information about a client including information that is contained in a client record.

Transcendence Treatment Center collects, uses, and shares client's personal information for the following purposes:

- Providing quality programs and services to clients
- Providing information to other people or organizations with client consent (for example, making a referral for service)
- Conducting research to understand the kinds of issues our clients are facing.
- Reviewing client files to ensure high quality of service and documentation.

Transcendence Treatment Center may also collect, use and share personal information with consent or as permitted or required by law.

Transcendence Treatment Center is committed to protecting the privacy of its clients and ensuring that:

- the personal information it receives from clients is kept safe, secure, confidential, accurate and up to date.
- clients understand why their personal information is collected by Transcendence Treatment Center
- Transcendence Treatment Center obtains client consent before collecting, using, sharing, or releasing client information, except as set out in this policy or permitted or required by law.
- only the personal information necessary for the purposes listed above is collected from clients, unless otherwise consented to by the client or permitted or required by law.
- access to client information is limited to Transcendence Treatment Center employees, volunteers and students involved in delivering services to clients.

- any external agents to whom Transcendence Treatment Center releases information must have a need to know and only use and disclose client information for the purposes for which it was originally provided.
- clients can withdraw their consent at any time for the collection, use, and disclosure of their personal information.
- clients have access to their record, except where Transcendence Treatment Center is entitled to refuse an access request and may copy or correct their record and ask questions about Transcendence Treatment Center privacy policies and procedures.
- complaints about Transcendence Treatment Center privacy policies and procedures are handled efficiently and effectively.
- all legal and regulatory requirements regarding client information are met and maintained.

SCOPE

This policy applies to all Transcendence Treatment Center employees, students, and volunteers.

PROCEDURES

1. Obtaining Consent

1.1 As Transcendence Treatment Center programs often involve collaboration and consultation among employees, Transcendence Treatment Center employees will discuss the following with new clients:

- the nature and extent of consultation and collaboration in Transcendence Treatment Center program or service which the new client is accessing.
- the personal information that Transcendence Treatment Center may collect.
- the purposes for which Transcendence Treatment Center collects, uses and shares personal information, as listed above.

1.2 Client's rights and responsibilities including rights related to keeping client's personal information private will be reviewed with all new clients at their first appointment following intake.

1.3 Clients will be asked to use a form indicating that the organization's privacy policies have been discussed and that the client consents to the collection use and sharing of personal information for the purposes listed in this policy.

1.4 The signed forms will be maintained by the program (e.g., in the client's paper record, filed centrally within the program). A note will be made in the client's electronic record that the form has been signed.

1.5 In cases where it is not possible or practical to obtain the client's written acknowledgment (e.g., telephone only service), verbal acknowledgment that the organization's privacy practices have been explained to and accepted by the client will be recorded in an activity note in the client's record.

1.6 Consent will be given by the client. All information gained must relate to the personal information of the client and not be obtained through deception or coercion. A consent to the collection, use or sharing of personal health information about an individual is only valid if it is reasonable in the circumstances to believe that the individual knows, (a) the purposes of the

collection, use and/or disclosure, as the case may be; and (b) that the individual may give or withhold consent.

1.7 In the event employees are concerned that a client does not have the capacity to consent to the collection, use and disclosure of his or her personal information, employees should:

- Consider whether the client understands the decision they are being asked to make.
- Question whether the person understands the reasonably foreseeable consequences of the decision or lack of decision.
- Consult with their supervisor.

2. Client Withholding, Limiting or Withdrawing Consent

2.1 Clients have the right to stipulate who will have access to their personal information. This means that they can withhold, limit or withdraw their consent to the collection, use or disclosure of personal information.

2.a Electronic records: Transcendence Treatment Center employee receiving the client's request to withhold, limit or withdraw their consent will:

- Record the verbal instructions by the client in an activity note in the client's record.
- Scan any written instructions by the client into the client's electronic record.
- Notify all staff through immediate confidential e-mail and update a living document containing current consents and revocations.

2.b Paper records: If the client also has a paper file:

- Record the verbal instructions by the client in an activity note in the client's record.
- Place any written instructions by the client into the client's record.
- Notify all staff through immediate confidential e-mail and update a living document containing current consents and revocations.

3. Higher Levels of Confidentiality (Use of Aliases)

3.1 Transcendence Treatment Center serves clients periodically that require a higher level of confidentiality. For example: public figures; staff of Transcendence Treatment Center funding sources; former staff, students and volunteers, who may not wish it to be known that they are accessing services through Transcendence Treatment Center.

3.2 In such situations, programs will provide clients an opportunity to select and use an alias. The alias will be used in the client record and in the client's interactions with Transcendence Treatment Center.

3.3 A list of the aliases, clients' real names and file numbers will be confidentially maintained by a designated person in each department with a copy to Transcendence Treatment Center Privacy Officer.

3.4 A higher level of confidentiality designation does not invalidate the normal legal limits to confidentiality, which includes subpoenas, search warrants and the right of government funders to audit client records. Clients must be informed of these limitations on confidentiality.

3.5 The Human Resources Department will provide names of new staff members, volunteers and students to Transcendence Treatment Center Privacy Officer so that a check of the client database can be completed. If the individual has received services from Transcendence Treatment Center in past, an alias will be assigned to the record in order to maintain the privacy of the new staff member, volunteer or student.

4. Disclosure without Consent Including Responding to Summons/Subpoenas/Court Orders and Requests from Police

4.1 Transcendence Treatment Center will not disclose the personal information of clients without their consent, except where:

- It is believed the client or someone else is in imminent danger of serious physical harm (see *Duty to Warn* policy)
- A child under the age of 18 is at risk of or has been abused or neglected (see *Mandated Reporting* policy)
- Transcendence Treatment Center is subpoenaed or is otherwise served with a court order, summons, warrant or a similar requirement issued by a person who has jurisdiction to compel the production of information in a proceeding.
- It is otherwise permitted or required by law.

4.2 If a Transcendence Treatment Center employee, student or volunteer is served with a warrant, summons, subpoena, order or similar requirement issued in a proceeding, the individual must immediately notify their supervisor, who will provide advice and direction as to how to respond. The Supervisor will ensure the owner is notified, and the owner will be able to acquire legal assistance when necessary. Transcendence Treatment Center employees, students or volunteers should follow the same procedure in response to requests by police officers for client information.

4.3 In general, where an order, summons, warrant, subpoena or other requirement to produce documents has been served on Transcendence Treatment Center, Transcendence Treatment Center will:

- Make every attempt to respond in a way that is respectful of the order or other requirement, while at the same time taking steps to preserve the client's right to confidentiality.
- Make an exact copy of the file to remain at Transcendence Treatment Center and deliver the documents to the court or other proceeding in a sealed enveloped marked "private and confidential".

4.4 Where Transcendence Treatment Center discloses personal information without the client's consent, the client will be notified of such disclosure as soon as reasonable, practical, safe and/or legally possible in the circumstances.

5. Release of Information with Client Consent

5.1 Subject to Section 4, personal information, whether all or part of a client record, will not be released to third parties without the written consent of the client or the client's substitute decision maker, where applicable. Clients are required to complete Transcendence Treatment Center *Authorization to Request or Release Information* Form, depending on the nature of the

request. Consents provided on these forms are valid for one year, unless otherwise limited or withdrawn by the client in advance of that date. Transcendence Treatment Center may disclose a client's personal information, provided that the disclosure, to the best of Transcendence Treatment Center knowledge, is for a lawful purpose.

5.2 Reports from third parties contained in a client record may not be released without the written consent of the third party. Clients will be encouraged to pursue access to this information directly with the third party.

5.3 In exceptional circumstances, where written consent is not possible, the oral consent of the client to the release of personal information will be accepted and will be recorded in the client's file.

5.4 In response to requests to release information to third parties, Transcendence Treatment Center service provider will ensure that the client understands the purpose for which the information is being released and to whom the information is being released. Transcendence Treatment Center service provider will also explain that Transcendence Treatment Center cannot guarantee the confidentiality of the information once it has been released.

6. Safeguarding of Personal Information

6.1 Client information stored electronically is protected by password. Access to Transcendence Treatment Center electronic database is limited on a need-to-know basis for added security.

6.2 Client information collected in hard copy form is stored in locked cabinets accessible only by the counselors or other Transcendence Treatment Center employees, students and volunteers providing service to the client, and the relevant program managers.

6.3 Access to client information will be limited to those who need to know the information for the purposes set out in the client's consent or as otherwise permitted or required by law.

6.4 Transcendence Treatment Center employees will never leave client personal information, in paper or electronic form, unattended or exposed to anyone other than the client.

6.5 Transcendence Treatment Center will not send confidential personal information to clients by email without the client's prior consent. Personal information sent to clients or about clients will employ secure email. (Note that secure e-mail ensures messages are encrypted. Transcendence Treatment Center regular e-mail program is not secure email.)

6.6 Web-based counseling will use an encrypted website to protect client privacy and confidentiality.

6.7 Transcendence Treatment Center requires external agents, such as third-party auditors, to maintain the confidentiality of client information and to refrain from using client information for any purpose other than the purposes for which consent was provided by the client. Where appropriate and necessary, Transcendence Treatment Center will obtain the consent of the client to disclosure of information to external agents. (External agents are persons or companies with which Transcendence Treatment Center has contracts and that may come into contact with personal information.)

6.8 When disposal is permitted or required, records containing client personal information will be disposed of in a secure manner such that reconstruction of the records is not reasonably foreseeable in the circumstances.

7. Notice to Clients of Theft, Loss, Unauthorized Access, Use or Disclosure of Personal Information

7.1 Employees are required to report to their supervisor and to Transcendence Treatment Center Privacy Officer any theft, loss, unauthorized access, use or disclosure of personal information of Transcendence Treatment Center clients. In programs where funders require it, managers will file a serious occurrence report in this situation.

7.2 In the event of such theft, loss, unauthorized access, use or disclosure of personal information of a Transcendence Treatment Center client, Transcendence Treatment Center will notify the client as soon as possible.

7.3 Oral contact with the clients will be logged in the client record and will be followed up by a letter, which will be included in the client record.

7.4 In the case of former clients, contact will be made orally, if possible, and also in writing, at the last known address for the client recorded in Transcendence Treatment Center database.

8. Client Access to and Correction of Personal Information

8.1 Clients wishing to review their records should contact Transcendence Treatment Center service provider, relevant program manager or Privacy Officer.

8.2 Within 30 days of any such request, an appointment will be made for the client to review his/her personal information in a confidential manner on Transcendence Treatment Center premises, in the presence of a Transcendence Treatment Center employee, unless Transcendence Treatment Center is entitled to refuse the request, in which case written notice will be given. Clients may bring a support person to this appointment if they wish. Up to 60 days may be required in the case of complex searches for records. In exceptional circumstances (e.g., a client is unable to come to Transcendence Treatment Center office due to health issues), a copy of the record may be sent to the individual with consent.

8.3 Transcendence Treatment Center is required to retain client personal information that is the subject of a request for access for as long as necessary to allow the client to exhaust any recourse under the *Personal Health Information Protection Act, 2004* that he or she may have with respect to the request. This may require Transcendence Treatment Center to maintain the record for longer than the typical client record retention period.

8.4 Clients who wish an explanation of their records may contact their Transcendence Treatment Center service provider, the relevant program manager, or Transcendence Treatment Center Privacy Officer.

8.5 Clients will not be permitted to access third party records without the consent of the third party. In such cases, Transcendence Treatment Center service provider will direct the client to obtain the requested information directly from the third party.

8.6 Clients wishing to correct information in their file shall provide the correction in writing to Transcendence Treatment Center. The written correction will be included in the client's record, and, within three weeks of receipt, Transcendence Treatment Center will notify the client of its response to the correction.

9. Appointment of Privacy Officer

9.1 The Privacy Officer for Transcendence Treatment Center is the Clinical Director.

9.2 The name and contact information for the Privacy Officer is available on Transcendence Treatment Centers *Client Rights and Responsibilities Statement* and in Transcendence Treatment Center Employees Directory.

9.3 The duties of the Privacy Officer include:

- Maintaining knowledge of privacy legislation and regulations
- Ensuring that all employees and volunteers have training on the privacy policy.
- Monitoring employee compliance with Transcendence Treatment Center privacy policy
- Responding to privacy-related complaints and concerns
- Responding to requests for access and correction
- Responding to inquiries from the public about Transcendence Treatment Center privacy practices
- Liaising with other organizations, the public and government, as necessary, on privacy-related issues

10. Inquiries and Complaints

10.1 Questions, comments or complaints about Transcendence Treatment Center privacy policies and procedures or about the collection, use or disclosure of personal information will be directed to the Privacy Officer.

10.2 The Privacy Officer will follow the procedures set out in the *Client and Community Member Complaints* policy in responding to, resolving, and recording privacy-related complaints.

10.3 If the client is not satisfied with the response provided by the Privacy Officer, the client may follow the grievance and complaint procedure outlined in TS-01.