

## Notice of Privacy Practices

### Clinton County Board of Developmental Disabilities

#### FOR YOUR PROTECTION

THIS NOTICE DESCRIBES HOW MEDICAL INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY.

#### YOUR RECORDS ARE PRIVATE

We understand that information we collect about you or your child and records of the services and supports we provide, are personal. Keeping these records private is one of our most important responsibilities. The Board must follow many laws to protect your privacy. For adult services, and certain services for children, we follow the federal HIPAA laws. In addition, we follow many laws specific to Ohio Developmental Disability Boards. For this notice, we will use the term "records" to mean the paper or electronic records we maintain about you.

Your records may be used and disclosed by the employees and volunteers at the Board who serve you, as well as persons or agencies who work for us and sign strict confidentiality contracts.

In general, we use and disclose your information:

- For teaching, behavioral and medical support, transportation and school administration. For example, a school administrator will review progress data created by teachers.
- To provide the full range of services we provide: early intervention, habilitation, supported employment, and other services. For example, your service and support coordinator will review your records to create an ISP, which may be shared with you, your guardian, a vocational specialist, and other individuals involved with providing services and supports to you.
- To get payment for services provided: for example, the billing clerk uses service records of services provided to submit bills to the Ohio Department of Developmental Disabilities, and
- For other operations to operate and manage the Board: these include improving quality of care, training staff, managing costs, and conducting other business duties. For example, a quality assurance reviewer may audit your records to determine whether appropriate services were provided,
- To remind you or a guardian of an appointment for services,
- The Board or an affiliated foundation may contact you to raise funds. You have the right to opt out of any fundraising communications.

#### WHO USES AND DISCLOSES MY RECORDS?

There are limited situations when we are permitted or required to disclose your records, or parts of them, without your signed permission. These situations include:

#### COULD MY RECORDS BE RELEASED WITHOUT MY PERMISSION?

- Record transfers to other schools your child enrolls in,
- Reports to public health authorities to prevent or control disease or other public health activities,
- To protect victims of abuse, neglect, or domestic violence,
- For oversight including investigations, audits, accreditation and inspections, such as are conducted by the Ohio Department of Developmental Disabilities, Ohio Department of Education and federal agencies,
- When a court order, subpoena or other legal process compels us to release information,
- Reports to law enforcement agencies when reporting suspected crimes, when responding to an emergency, or in other situations when we are legally required to cooperate,
- In connection with an emergency, or to reduce or prevent serious threat to public health and safety, or the safety of an individual,
- To coroners, medical examiners and funeral directors,
- To victims of alleged violence or sex offenses,
- For workers' compensation programs,
- For specialized government functions including national security, protecting the president, operating government benefit programs, and caring for prisoners,
- In connection with "whistleblowing" by an employee of the Board.

All other uses not described above require that we obtain your signed permission.

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For any purpose not described above, we will release your information only with your explicit written authorization. Federal law requires that we notify you that any healthcare provider must obtain your explicit permission to release your information for any of the following:

WHAT IF MY RECORDS NEED TO GO SOMEWHERE ELSE

1. Psychotherapy Notes will only be released with your signed authorization;
2. For marketing purposes;
3. To sell information about you.

It has never been the Board's practice to release information for marketing purposes or to sell your information. Your written authorization tells us what, where, why and to whom the information must be sent. Your signed authorization is good until the expiration date you specify. You can cancel your permission at any time by letting us know in writing.

You have legal rights concerning your privacy, access to your records, and the accuracy of your records. You have the following rights:

1. To see your records, or to get a copy, including an electronic copy;
2. To request a correction to your records if you believe they are incorrect;
3. To receive all communications at a confidential address or phone number;
4. To receive an "accounting of disclosures", that is, a list of any place we sent your record without your authorization;
5. To request additional limits on how we use or disclose your information, although we are not obliged to honor these requests except that if you choose to personally pay for services delivered, we will not bill Medicaid.
6. You may receive a paper copy of this notice.

WHAT ARE MY RIGHTS REGARDING PRIVACY, ACCESS TO MY RECORDS, AND THE ACCURACY OF MY RECORDS?

To exercise any of these rights, or if you have any questions or complaints regarding our privacy practices, call, deliver, mail or email your request to:

Kyle Lewis, HIPAA Privacy Officer  
Clinton County Board of DD  
4425 State Route 730  
Wilmington OH 45177  
(937) 382-7519  
klewis@nikecenter.org

Ask any employee if you need help in putting your request in writing.

OUR DUTIES

We are obligated by law to maintain the privacy of your information and to provide this notice. In the event of a breach, that is, an improper disclosure of your information, we are required to notify you. We are required by law to abide by the terms of this notice. From time to time we may make changes to our policies, and if and when we do, your records will be protected by our new, changed policies. Our current notice will always be available on our website.

If you have any questions or complaints about our privacy practices, please contact us:

QUESTIONS OR COMPLAINTS?

Kyle Lewis, HIPAA Security Officer, Clinton CBDD  
4425 State Route 730  
Wilmington OH 45177  
(937) 382-7519  
klewis@nikecenter.org

We will never retaliate against you for filing a complaint. Further, if you are not satisfied with the results, you may also complain to the federal government:

Secretary of Health and Human Services 200 Independence  
Avenue, SW Washington, D.C. 20201  
[www.hhs.gov/ocr/privacy/hipaa/complaints/index.html](http://www.hhs.gov/ocr/privacy/hipaa/complaints/index.html) Original Notice effective

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### **ADDENDUM TO NOTICE OF PRIVACY PRACTICES**

The Section of your Notice of Privacy Practices which addresses Sharing your Personal Information without authorization is amended to add the following language

Disability Rights Ohio (DRO) filed a state-wide class action captioned Ball v. Kasich Case No. 2:16-cv-282 in the U.S. District Court for the Southern District of Ohio. The suit was filed on March 31, 2016 against the Governor, Department of Developmental Disabilities, Department of Medicaid and Opportunities for Ohioans with Disabilities. The Ohio Association of County Boards Serving People with Developmental Disabilities may become a defendant in the lawsuit. The Plaintiffs are represented by DRO and other lawyers from Massachusetts, Illinois, Michigan and Washington D.C.

The action potentially affects all adults with DD. The parties to the lawsuit, through their lawyers, have sought and will continue to seek documentation, including Protected Health Information, on individuals who are or who may be a part of this lawsuit, or who may have information relevant to this lawsuit or who are simply receiving services from DD Boards. The DD Board will comply with requests for information and may provide Protected Health Information on any person served by the DD Board to the lawyers for any of the parties. All information provided in connection with this lawsuit is covered by a protective order issued by the court which complies with HIPAA and other privacy regulations and which ensures that the information about any individual cannot be disclosed outside of the lawsuit without their permission. At the conclusion of the lawsuit, all protected health information which was disclosed or retained by any party in the course of the lawsuit will be destroyed.

For further information on the lawsuit or the Protective Order, contact OACBDD.

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### Acknowledgement of Privacy Practices

**Date:** \_\_\_\_\_

I have been given a copy of the Clinton County Board of DD Notice of Privacy Practices.

**Individual/Guardian Signature:** \_\_\_\_\_

**Co. Bd. Representative:** \_\_\_\_\_

*The Clinton County Board of DD Privacy Practices is distributed initially at the time of enrollment and/or during intake. The acknowledgment form is maintained on file and a copy is provided to the Individual/Guardian.*