

# Notice of Privacy Practices

## **PRIVACY PROMISE**

The Defiance DD Board understands that your personal information needs to be kept private. Protecting your personal information is important. We follow strict federal and state laws that require us to keep your personal information confidential.

## **HOW WE USE YOUR PERSONAL INFORMATION**

When you receive services from us, we may use your personal information for such activities as providing you with services, billing for services, and conducting normal Board business that falls in the category of health care operations. If you have chosen a personal representative and have agreed to let your personal representative obtain your personal information, we will provide the information to your personal representative. If you have a guardian we will provide the information to your guardian.

*Examples of how we use your information include:*

*Treatment* - We keep records of the care and services provided to you by the Defiance DD Board or its contract agencies. For example, your Service and Support Administrator keeps notes on all contacts made in coordinating and arranging for services. If you see a nurse working for the Defiance DD Board, the nurse will keep records of any care you receive. Defiance DD Board staff may share your personal information with other members of your planning team while helping to develop your service plan. If we want to share your personal information with anyone who is not employed by the Defiance DD Board or part of your planning team, we must first get your written permission. Some personal records, including confidential communications with a mental health professional and substance abuse records, may have additional restrictions for use and disclosure under state and federal law.

*Payment* - We keep records that include payment information and documentation of the services provided to you. Your information may be used to obtain payment for such services from Medicaid, insurance or other sources. For example, we may disclose personal information about the services provided to you to confirm your eligibility for Medicaid and to obtain payment from Medicaid. The Defiance DD Board may use your personal information to determine the amount and type of Medicaid services you need and send this information to the proper state Department.

*Health Care Operations* - We use personal information to improve the quality of care, train staff, manage costs, conduct required business duties, and make plans to better serve you and other individuals enrolled in the Defiance DD Board. For example, we may use your personal information to evaluate the quality of treatment and services provided by our service staff.

## **OTHER SERVICES WE PROVIDE**

We may also use your personal information to:

- Determine whether you are eligible for services from the Defiance DD Board
- Recommend to you service alternatives and other possible benefits
- Tell you about other service providers who may be able to help you
- Remind you of an appointment unless you tell the Defiance DD Board staff that you do not wish to be reminded
- To allow the Defiance DD Board to review direct service contracts
- To allow local, state, federal agencies to monitor your services
- To investigate incidents affecting health and safety, to report these kinds of incidents and to take steps to protect your health and safety

- To allow the Defiance DD Board to prepare reports required by the Ohio Department of Developmental Disabilities and the Ohio Department of Job and Family Services

## **MORE INFORMATION**

For more information about the practices and rights described in this notice, contact the Defiance DD Board at the phone number, e-mail, or address on the back of this notice.

## **SHARING YOUR PERSONAL INFORMATION**

There are limited situations when we are permitted or required to disclose personal information without your signed authorization.

*These situations are:*

- To protect victims of abuse, neglect, or domestic violence
- To reduce or prevent a serious threat to public health and safety
- For health oversight activities such as investigations, audits, and inspections for lawsuits and similar proceedings
- For public health purposes such as reporting communicable diseases, work-related illnesses, or other diseases and injuries permitted by law; reporting births and deaths, and reporting reactions to drugs and problems with medical devices.
- When required by law
- When requested by law enforcement as required by law or court order
- To coroners, medical examiners, and funeral directors
- For organ and tissue donation
- For workers' compensation or other similar programs if you are injured at work and are covered by workers' compensation or other similar programs
- For specialized government functions such as intelligence and national security.

All other uses and disclosures, not described in this notice, require your signed authorization. You may revoke your authorization at any time with a written statement.

## **OUR PRIVACY RESPONSIBILITIES**

The Defiance DD Board is required by law to:

- Maintain the privacy of your personal information
- Provide this notice that describes the ways we may use and share your personal information
- Follow the terms of the notice currently in effect.

We reserve the right to make changes to this notice at any time and make the new privacy practices effective for all information we maintain.

Current notices will be posted in the Defiance DD Board facilities. You may also request a copy of any notice from the DD Board Office.

## **YOUR INDIVIDUAL RIGHTS**

You have the right to:

- Request in writing restrictions you would like us to follow for using and sharing your personal information. We will consider all requests for restrictions carefully but are not required to agree to any restriction.
- Request that we use a specific telephone number or address to communicate with you.
- Inspect and copy your personal information, including service, medical and billing records.
- Request in writing corrections or additions to your personal information. You must give the reasons for wanting the change.

- Request in writing an accounting of certain disclosures of your personal information made by us. Your request must state the period of time desired for the accounting, which must be within the six years prior to your request.
- Request a paper copy of this notice even if you agree to receive it electronically.

**OUR ORGANIZATION**

This notice describes the privacy practices of the Defiance County Board of DD. This notice also describes the privacy practices of entities which have signed a contract with the DD Board and which are acting as business associates, and have promised to follow the same rules of confidentiality.

The Defiance DD Board includes all employees and volunteers at the DD Board. Business associates include Northwest Ohio Waiver Administration Council, Quadco, Peopleworks, Person Centered Services, We Are Limitless, Easy Living, CRSI, 2Daughters, Gentle Hearts-Helping Hands, the Defiance County Health Department, and others who are contracted by the Board to provide services.

If you want to know about the privacy practices of service providers who are not employed by the Defiance DD Board and who are not business associates, you should contact them directly.

**CONTACT US**

If you would like further information about your privacy rights, are concerned that your privacy rights have been violated, or disagree with a decision we made about access to your personal information, contact:

Defiance County CBDD, Privacy Officer  
 195 Island Park Ave  
 Defiance, OH 43512  
 (419) 782-6621  
 Email: superintendent@defiancedd.org

We will investigate all complaints and will not retaliate against you for filing a complaint. You also may file a written complaint with either:

The Secretary of the U.S. Department of Health and  
 Human Services  
 200 Independence Avenue SW  
 Washington D.C., 20201  
 1-877-696-6775

The Office for Civil Rights, U.S. Department of Health  
 and Human Services  
 200 Independence Avenue SW Room 509F, HHH  
 Building  
 Washington D.C., 20201  
 1-800-368-1019  
 Email: ocrmail@hhs.gov

*I acknowledge receipt of a copy of the Defiance County Board of Developmental Disabilities Annual Notification.*

Parent/Guardian Name (Printed): \_\_\_\_\_

Parent/Guardian Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## **INVESTIGATION OF MAJOR UNUSUAL INCIDENTS**

Recent legislation has placed a much greater responsibility on county boards of DD in the area of investigating major unusual incidents. In simplified terms, a major unusual incident may include alleged abuse, neglect, misappropriation, exploitation, death, failure to report, prohibited sexual relations, peer-to-peer, attempted suicide, missing individual, injury, medical emergency, unscheduled hospitalization, unapproved behavior support, right code violation, or incident involving law enforcement. In some instances, it may seem as though we are prying into a private matter. Please be assured that the person conducting the investigation will be as sensitive as possible to the situation while at the same time complying with the rules we must follow. For more information regarding investigation of major unusual incidents, please contact the county board case manager at (419) 782-0635. Although major unusual incidents should normally be reported to the county board within 24 hours or the following work day, it is understandable that at times a family may feel it is a conflict or that potentially the county board is involved in the allegation. If such a situation should arise; a family may call the Ohio Department of Developmental Disabilities (DODD) toll-free hotline 1 (866) 313-6733 to report the alleged major unusual incident.

## **ADMINISTRATIVE RESOLUTION OF COMPLAINTS/MEDICAID APPEAL RIGHTS**

Any person or legally appointed guardian may, upon request, receive the county board policy for Administrative Resolution of complaints. If Medicaid services are approved, denied, reduced, or terminated, you have additional hearing rights through Job & Family Services. A copy of the explanation of state hearing procedures is available upon request. A representative of the board is available to assist with the administrative resolution of complaints and state hearing rights procedures.

## **CONFIDENTIALITY**

A breach in confidentiality occurs when enrollee information is passed along to a second individual without the enrollee's or guardian's knowledge, when information can be used against the enrollee's welfare and services, when information draws undue attention to the disability, rather than normalization capabilities. An individual receiving services, or legal representative when there is a court appointed guardian has the right to inspect and review any agency record related to enrollment services. A copy of county board's policy is available upon request.

## **YOUR RIGHTS**

Ohio Revised Code Section 5123.62: Bill of Rights

The rights of individuals with developmental disabilities include, but are not limited to, the following:

- The right to be treated at all times with courtesy and respect and with full recognition of their dignity and individuality;
- The right to an appropriate, safe, and sanitary living environment that complies with local, state, and federal standards and recognizes the persons' need for privacy and independence;
- The right to food adequate to meet accepted standards of nutrition;
- The right to practice the religion of their choice or to abstain from the practice of religion;
- The right of timely access to appropriate medical or dental treatment;
- The right of access to necessary ancillary services including, but not limited to, occupational therapy, physical therapy, speech therapy, and behavior modification and other psychological services;
- The right to receive appropriate care and treatment in the least intrusive manner;
- The right to privacy, including both periods of privacy and places of privacy;
- The right to communicate freely with persons of their choice in any reasonable manner they choose;
- The right to ownership and use of personal possessions so as to maintain individuality and personal dignity;
- The right to social interaction with members of either sex;
- The right of access to opportunities that enable individuals to develop their full human potential;
- The right to pursue vocational opportunities that will promote and enhance economic independence;
- The right to be treated equally as citizens under the law;
- The right to be free from emotional, psychological, and physical abuse;

- The right to participate in appropriate programs of education, training, social development, and habilitation and in programs of reasonable recreation;
- The right to participate in decisions that affect their lives;
- The right to select a parent or advocate to act on their behalf;
- The right to manage their personal financial affairs, based on individual ability to do so;
- The right to confidential treatment of all information in their personal and medical records, except to the extent that disclosure or release of records is permitted under sections 5123.89 and 5126.044 of the Revised Code;
- The right to voice grievances and recommend changes in policies and services without restraint, interference, coercion, discrimination, or reprisal;
- The right to be free from unnecessary chemical or physical restraints;
- The right to participate in the political process;
- The right to refuse to participate in medical, psychological, or other research or experiments.

If you have questions or concerns about the rights of an individual you may call "Ohio Legal Rights Services" state-wide toll-free number at 1-800-282-9181.