

## PENFIELD CHILDREN'S CENTER - NOTICE OF PRIVACY PRACTICES

Effective Date: May 2023

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

Maintaining and protecting your information is of our utmost importance. We take pride in knowing that the maintenance of your "electronic medical record" meets both HIPAA and FERPA guidelines.

If you have any questions about this notice, please contact **HIPAA Compliance Admin, Penfield Privacy Officer at 414-344-7676.**

### WHO WILL FOLLOW THIS NOTICE

This notice describes Penfield Children's Center's (PCC) practices and that of any authorized PCC staff that enters information into your child's clinical record and any PCC volunteer while your child is at PCC. All employees, staff, and other PCC personnel, under the Individuals with Disabilities Education Act (IDEA) Part C, will comply with IDEA confidentiality requirements, the Family and Educational Rights & Privacy Act (FERPA) and the Health Insurance Portability & Accountability Act of 1996 (HIPAA). Penfield Children's Center collects, maintains, and uses personally identifiable information to provide your child's services. Penfield Children's Center, our providers and any individual or entity that provides any services in conjunction with your Individualized Family Service Plan has access to identifiable information.

### OUR PLEDGE REGARDING YOUR CHILD'S RECORDS

We understand that information about you and your child's health and education is personal, and we are committed to protecting this information. To capture the care and services your child receives at PCC, we create a record. This notice applies to all of your child's records generated by PCC, or by PCC personnel. This notice will tell you about the ways in which we may use and disclose medical and educational information about your child. We also describe your rights and certain obligations we have regarding the use and disclosure of information.

### We are required by law to:

- Make sure that medical information that identifies your child is kept private;
- Give you this notice of our legal duties and privacy practices with respect to medical information about you and your child; and
- Follow the terms of the notice that is currently in effect.

### HOW WE MAY USE AND DISCLOSE INFORMATION ABOUT YOU AND YOUR CHILD

The following categories describe different ways that we use and disclose information. For each category of uses or disclosures we will explain what we mean. Not every use or disclosure in a category will be listed. However, all of the ways we are permitted to use and disclose information will fall within one of the categories.

#### • For Treatment

We may use medical information about you and your child in the provision, coordination, or management of your child's health care. We may disclose medical information about your child to nurses, therapists, service coordinators, transportation, special education teachers, childcare teachers, counselors, social workers, and other staff involved in taking care of your child at PCC. Different departments of PCC also may share medical information about your child in order to

coordinate the various services provided by PCC i.e., kitchen staff. We also may disclose medical information about your child to people outside of PCC who may be involved in your child's medical care. [Hospitals, health care agencies, consulting physicians, primary health care providers, home health care agencies, governmental agencies, public school systems, DME vendors, third party payers, attorneys, other birth-to-three agencies, student placements, practicum, and work study students, acting custodian of the child, and transportation vendors.] For entities outside of PCC we would obtain written consent from you before providing the information.

#### • For Payment

We may use and disclose medical information about your child so that the treatment and services your child receives at PCC may be billed to, and payment may be collected from an insurance company or a third party. We may also tell your health insurance plan about a treatment your child is going to receive to obtain prior authorization or to determine whether your insurance plan will cover the treatment.

#### • For Health Care Operations

We may disclose medical information about you and your child for accreditation, certification, business planning, compliance with the law and quality assurance. We may remove information that identifies you and your child from this set of medical information so others may use it to study health care and health care delivery without learning who the specific patients are.

#### • For LEA Notification per FERPA regulations

Penfield's Birth to 3 Program, under Part C, must disclose to the Local Education Agency (LEA) where the child resides, the following personally identifiable information; the child's name, date of birth and parent contact information. This information is needed to enable the Local Education Agency, under part B, to identify all children potentially eligible for special education services. Penfield Children's Center will make every effort, prior to making the limited information disclosure described in the paragraph above, to inform parents of the intended disclosure and allow the parent a specified time period to object to the disclosure in writing. If a parent objects during the time period provided, Penfield Children's Center is not permitted to make such a disclosure.

Should a parent sign a consent to release information to the LEA, FERPA regulations require Penfield to address the elements of the signed and dated release which states written consent must:

- specify the records that may be disclosed;
- state the purpose of the disclosure; and
- identify the party or class of parties to whom the disclosure will be made.

Additionally, should you wish for your Birth to 3 providers to be present at your child's IEP, you must sign a release of information provided by your Local Education Agency.

#### • For Appointment Reminders

We may use and disclose medical information to contact you as a reminder that your child has an appointment for services provided by PCC personnel.

#### • For Worker's Compensation Purposes

We may disclose protected health information to worker's compensation insurers, State administrators, employers, and other persons or entities involved in workers' compensation system.

#### • For Treatment Alternatives

We may use and disclose medical information to tell you about or recommend possible treatment options or alternatives that may be of interest to you and your child.

#### • For Research

Under certain circumstances, we may use and disclose medical information about you and your child for research purposes. We will always ask for your specific permission if the researcher will have access to your name, address, or other information.

#### • As Required by Law

We will disclose medical information about you and your child when required to do so by Federal, State, or local law.

#### • To Avert a Serious Threat to Health or Safety

We may use and disclose medical information about your child when necessary to prevent a serious threat to your child's health and safety or the health and safety of the public or another person.

### SPECIAL SITUATIONS

#### • Public Health Risks

We may disclose medical information about your child without your written authorization for public health services. These activities generally include the following:

1. to prevent or control disease, injury or disability;
2. to report deaths;
3. to report child abuse or neglect;
4. to report reactions to medications or problems with products;
5. to notify people of recalls of products they may be using;
6. to notify a person who may have been exposed to a disease or may be at risk for contracting or spreading a disease or condition;
7. to notify the appropriate government authority if we believe a patient has been the victim of abuse, neglect, or domestic violence.

#### • Health Oversight Activities

We may disclose medical information to a health oversight agency for activities authorized by law. These oversight activities include, for example, audits, investigations, inspections, and licensure. These activities are necessary for the government to monitor the health care system, government programs, and compliance with civil rights laws.

#### • Lawsuits and Disputes

If you or your child are involved in a lawsuit or a dispute, we may disclose medical information about your child in response to a court or administrative order. We may also disclose medical information about your child in responses to a subpoena, or other lawful process by someone else involved in the dispute, but only if efforts have been made to tell you about the request or to obtain an order protecting the information requested. We may also disclose your child's information to a government authority authorized by law to receive reports of abuse, neglect or violence relating to children.

#### • Law Enforcement

We may release medical information if asked to do so by a law enforcement official:

1. in response to a court order, subpoena, warrant, summons or similar process;
2. to identify or locate a suspect, fugitive, material witness, or missing person;
3. about the victim of a crime if, under certain limited circumstances, we are unable to obtain the person's agreement;
4. about a death we believe may be the result of criminal conduct;
5. about criminal conduct at PCC; and
6. in emergency circumstances to report a crime; the location of the crime or victims; or the identity, description or location of the person who committed the crime.

- **Coroners, Medical Examiners & Funeral Directors**

We may release medical information to a coroner or medical examiner. This may be necessary, for example, to identify a deceased person or determine the cause of death. We may also release medical information about clients to funeral directors as necessary to carry out their duties.

- **National Security and Intelligence Activities**

We may release medical information about you and your child to authorized Federal officials for intelligence, counterintelligence, and other national security activities authorized by law.

To request restrictions, you must make your request in writing to: Director of Health Information, Penfield Children's Center, 833 N. 26<sup>th</sup> Street, Milwaukee, WI 53233. In your request, you must tell us (1) what information you want to limit; (2) whether you want to limit our use, disclosure, or both; (3) to whom you want the limits to apply, for example, disclosure to your spouse.

### **YOUR RIGHTS REGARDING INFORMATION ABOUT YOU AND YOUR CHILD**

You have the following rights regarding information we maintain about you and your child:

- **Right to Inspect and Copy**

You have the right to inspect and copy medical and educational information that may be used to make decisions about your child's care. This includes medical and billing records. It does not include psychotherapy notes and information compiled by PCC in reasonable anticipation of, or for use in, a civil, criminal, or administrative action or proceeding (Privacy 164.514).

To inspect and copy medical information that may be used to make decisions about your child, you must submit your request in writing to: Director of Health Information, Penfield Children's Center, 833 N. 26<sup>th</sup> Street, Milwaukee, WI 53233. If you request a copy of the information, we may charge a fee for the cost of copying, mailing or other supplies associated with your request.

We may deny your request to inspect and copy in certain very limited circumstances. If you are denied access to medical information, you may request that the denial be reviewed. Another licensed health care professional chosen by PCC will review your request and the denial. The person conducting the review will not be the person who denied your request. We will comply with the outcome of the review.

- **Right to Amend**

If you feel that medical and or educational information we have about your child is incorrect or incomplete, you may ask us to amend the information. You have the right to request an amendment for as long as the information is kept by or for PCC.

To request an amendment, your request must be made in writing and submitted to: Director of Health Information, Penfield Children's Center, 833 N. 26<sup>th</sup> Street, Milwaukee, WI 53233. In addition, you must provide a reason that supports your request.

We may deny your request for an amendment if it is not in writing or does not include a reason to support the request. In addition, we may deny your request if you ask us to amend information that:

1. Was not created by us, unless the person or the entity that created the information is no longer available to make the amendment;
2. Is not part of the medical information kept by or for PCC;
3. Is not part of the information which you would be permitted to inspect and copy; or
4. Is accurate and complete.

- **Right to an Accounting of Disclosure**

You have the right to request an "accounting of disclosures". This is a list of the disclosures we made of medical and educational information about your child.

To request this list or accounting of disclosures, you must submit your request in writing to: Director of Health Information, Penfield Children's Center, 833 N. 26<sup>th</sup> Street, Milwaukee, WI 53233. Your request must state a time period, which may not be longer than six years and may not include dates before April 14, 2003. Your request should indicate in what form you want the list (for example, on paper, electronically). The first list you request within a 12-month period will be free. For additional lists, we may charge you for the cost of providing the list. We will notify you of the cost involved and you may choose to withdraw or modify your request at that time before any costs are incurred. We are not required to agree to your request. If we do agree, we will comply with your request unless the information is needed to provide you emergency treatment.

- **Right to Request a Paper Copy of This Notice**

You have the right to a paper copy of this notice. You may ask us to give you a copy of this notice at any time. Even if you have agreed to receive this notice electronically, you are still entitled to a paper copy of this notice.

You may obtain a copy of this notice at our website, <http://www.penfieldchildren.org/privacy.htm> To obtain a paper copy of this notice call the Director of Health Information, 414-344-7676.

- **Right to receive confidential communication**

You have the right to receive confidential communication of protected health information, presuming such request is reasonable, by alternative means or at alternative locations.

- **Right to be notified of any breach**

You have the right to be notified following a breach of unsecured protected health information. Our communication to you may be by telehealth, telephone, cell phone, email, patient portal, mail, or text.

### **DESTRUCTION OF RECORDS**

Early intervention records collected, used, or maintained by Penfield Children's Center applies from the point in time when the child is referred for early intervention services until Penfield is no longer required to maintain or no longer maintains that information under applicable Federal and State Laws. Under IDEA Part C regulations, destruction means to physically destroy the record or ensure that personal identifiers are removed from a record so that the record is no longer personally identifiable. Parents are provided a copy of the clinical records & record destruction policies with request to sign their acknowledgement of receipt and understanding. This consent is compliant with Wisconsin Administrative Code DHS 90.12(3)(4) as well as applicable federal laws and FERPA. Penfield must retain the signed consent regarding the Notice of Privacy Practices, including any changes to the notice, to include the signed Authorization & Acknowledgment Form, for six years from the date of creation or the date when they were last in effect whichever is later.

### **CHANGES TO THIS NOTICE**

We reserve the right to change this notice. We reserve the right to make the revised or changed notice effective for medical and educational information we already have about you and your child, as well as any information we receive in the future. We will post a copy of the current notice in PCC. Any revised notice will be provided to you via telehealth, in-person, phone via text, email, patient portal, or mail.

### **COMPLAINTS**

If you believe your privacy rights have been violated, you may file a complaint with PCC or with the Secretary of the Department of Health and Human Services. To file a complaint with PCC, contact Compliance Officer, Penfield Children's Center, 833 N. 26<sup>th</sup> Street, Milwaukee, WI 53233 or by phone at (414) 345-6326. To file a complaint federally, contact the Secretary of the Department of Health Services, 200 Independence Avenue, S.W. Washington, DC 20201 or by phone at (202) 690-7000. All complaints must be submitted in writing. See policy *Privacy-related Complaints* for more information.

Family members or PCC staff will not be penalized for filing a complaint.

### **OTHER USES OF MEDICAL INFORMATION**

Other uses and disclosures of medical and educational information related to you and your child not covered by this notice or the laws that apply to us, will be made only with your written consent. If you provide us permission to use or disclose medical and educational information about you and your child, you may revoke that permission, in writing, at any time. If you revoke your permission, we will no longer use or disclose medical information about you and your child for the reasons covered by your written authorization. You understand that we are unable to take back any disclosures we have already made with your permission, and that we are required to retain our records of the care that we provided to your child.

### **HIPAA's MINIMUM NECESSARY RULE**

Penfield uses reasonable efforts to limit the health information to the minimum necessary to accomplish the intended purpose of the use or disclosure. The minimum necessary standard does not apply to disclosures to:

- (a) health care providers for treatment;
- (b) disclosures made to the individual;
- (c) disclosures made pursuant to an authorization;
- (d) disclosures made to DHHS;
- (e) disclosures required by law; and
- (f) disclosures required for compliance with HIPAA.

Penfield Children's Center is required to abide by the terms of this Privacy Notice currently in effect.

\*\*\*HIPAA COW: Privacy Networking Group; Based on privacy practice rules 1/25/2013; Version 3: 7/27/2020 HIPAA Collaborative of Wisconsin ("HIPAA COW") holds the Copyright © to this Provider Notice of Privacy Practices – Policy Document ("Document"). HIPAA COW retains full copyright ownership, rights and protection in all material contained.

### **G:Policies/HIPAA/Notice of Privacy Practices May 2023**