

## NOTICE OF PRIVACY PRACTICES

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.

### 1. Introduction

Dirigo Counseling Clinic, LLC (“Dirigo”), is required by law to maintain the privacy of your protected health information, to provide you with notice of its legal duties and privacy practices with respect to your protected health information, and to notify affected individuals following a breach of unsecured protected health information. Dirigo is required to comply by the terms of the Notice currently in effect. Dirigo reserves the right to change the terms of this Notice and to make any new Notice provisions effective for all protected health information that Dirigo maintains and that Dirigo created or received prior to issuing a revised Notice. Dirigo will provide clients with a revised Notice by posting it on Dirigo’s website and in Dirigo’s reception areas as well as providing free paper copies at each Dirigo location.

### 2. When Dirigo May Use and Disclose Your Information without Your Authorization

Depending on the type of protected health information involved, Dirigo may use and disclose your protected health information without your authorization for certain purposes.

#### A. Mental Health Information

Treatment: Dirigo may use mental health information for treatment purposes, such as to develop a diagnosis and treatment plan for the client, or disclose mental health information to other Dirigo providers to coordinate a client’s care and treatment.

Payment: Dirigo may use and disclose mental health information for payment purposes. For example, Dirigo may disclose mental health information to a private or governmental payer (such as MaineCare) to determine the client’s eligibility for coverage, to substantiate the client’s charges, or to obtain reimbursement for mental health services provided to the client. In circumstances where the costs of a mental health client’s care, treatment, education or support will be paid by a third party, the client may choose to pay such costs privately or out of pocket to avoid having the mental health information disclosed to a third-party payer for payment-related purposes.

Health Care Operations: Dirigo may use and disclose mental health information for Dirigo’s health care operations. For example, Dirigo may use this information to review the quality of the care provided to Dirigo clients.

Next of Kin: Dirigo may disclose information relating to the physical condition or mental status of a client in response to an inquiry from a client’s spouse or next of kin involved in the client’s care or in obtaining payment for the client’s care, so long as the client has been provided an opportunity to object to such disclosure and has not objected.

Family and Caretakers: In certain situations, a licensed mental health professional at Dirigo providing care to an adult mental health client may disclose to a family member, to another relative, to a close personal friend or caretaker of the client, or to anyone identified by the client, mental health information that is directly relevant to the person’s involvement with the client’s care.

Authorized Representatives: Dirigo may disclose mental health information to a person authorized by law to make decisions on behalf of the client, such as a health care power of attorney agent, court-appointed guardian, or health care surrogate.

Disclosures to Interpreters: Dirigo may disclose information concerning a mental health client as necessary to obtain the services of an interpreter in cases where the client does not speak English or is deaf.

Business Associates: Dirigo may disclose mental health information to a contractor of Dirigo (called a “business associate”) when such information is necessary for the contractor to perform contracted services to Dirigo and the contractor has entered into a written agreement with Dirigo to protect the privacy and security of clients’ information.

Reports of Suspected Abuse, Neglect, or Exploitation: Dirigo is required by law to report to state authorities incidents of suspected abuse, neglect, or exploitation of a child or dependent or incapacitated adult, and may disclose mental health information about a client as necessary to comply with such reporting laws and to cooperate in a protective investigation or

other protective activity.

Research: Dirigo may use and disclose information and records about a mental health client for statistical compilations and research if the research plan and research-related use or disclosure are reviewed and approved by the chief administrative officer of Dirigo's mental health program, and other legal requirements are met.

Education and Training Purposes: Dirigo may use or disclose non-identifying information about a mental health client, including recorded or transcribed diagnostic and therapeutic interviews, as part of a course of instruction or training program within an educational or training program established between Dirigo and a public hospital.

Responding to Serious and Imminent Threats: Dirigo and its licensed mental health professionals are authorized and required by law to disclose mental health information that the professional believes is necessary to avert a serious and imminent threat to health or safety when the disclosure is made to any person, including civil authorities and a target of the threat, who is reasonably able to prevent or minimize the threat.

Law Enforcement: Dirigo and its licensed mental health professionals are authorized and required by law to disclose certain mental health information about a client to a law enforcement officer for certain law enforcement purposes (e.g., when required by law, for identification and location purposes, in response to a request for information about a suspected victim of a crime, to alert law enforcement about the death of a client suspected of resulting from criminal conduct, to report evidence of criminal conduct that occurred on Dirigo's premises, or to report a crime in an emergency), if certain legal requirements are met.

Knowledge of Firearms: Dirigo and its licensed mental health professionals are authorized and required by law to notify law enforcement when the professional has reason to believe that a person committed to a Maine state mental health institute (Riverview Psychiatric Center or the Dorothea Dix Psychiatric Center) has access to firearms.

Disclosures to Maine DHHS: Dirigo may disclose information about a mental health client if necessary to carry out the statutory functions of the Maine Department of Health and Human Services, including disclosures in connection with involuntary hospitalization procedures and proceedings, or in connection with investigatory and rights protection functions of Maine's designated advocacy agency (the Maine Disability Rights Center).

Court Orders: Dirigo may disclose a client's mental health information pursuant to a valid court order that meets certain legal requirements.

Disclosures to the Maine Mental Health Homicide, Suicide and Aggravated Assault Review Board: Dirigo is authorized and required by law to disclose in response to a written request by the Maine Mental Health Homicide, Suicide and Aggravated Assault Review Board, any mental health information or records concerning a client that are necessary and relevant to a case subject to the Board's review.

Fundraising: Dirigo may use mental health information to contact a client to raise funds for Dirigo, though the client has the right to opt out of receiving such communications.

Required or Authorized by Law: Dirigo may use and disclose mental health information when otherwise required or authorized by law.

Care Management and Coordination: Dirigo may use and disclose mental health information for purposes of care management or coordination of care, if legal requirements are met.

## B. Substance Abuse Program Information

Treatment: Dirigo may use substance abuse program information for treatment purposes, such as to develop a diagnosis and treatment plan for the client, or disclose a client's substance abuse program information to other Dirigo providers to coordinate a client's care and treatment.

Health Care Operations: Dirigo may use or disclose substance abuse program information for Dirigo's health care operations, if legal requirements are met. For example, Dirigo may use this information to review the quality of the care provided to Dirigo clients.

Administration: Dirigo may disclose information about a substance abuse program client to other Dirigo personnel and to an entity that has direct administrative control over a Dirigo substance abuse program, so long as the persons receiving the

information have a need for the information in connection with their duties that arise out of the provision of diagnosis, treatment or referral for treatment of alcohol or drug abuse.

Business Associates: Dirigo may disclose substance abuse program information to a contractor of Dirigo (called a “business associate” or “qualified service organization”) when such information is necessary for the contractor to perform contracted services to Dirigo and the contractor has entered into a written agreement with Dirigo to protect the privacy and security of clients’ health information.

Reporting Crime: Dirigo may disclose substance abuse program information about a client to law enforcement officers when such information is directly related to the client’s commission of, or threat to commit, a crime on Dirigo’s premises or against Dirigo personnel.

Reporting Child Abuse and Neglect: Dirigo is required by law to report to state child protection authorities incidents of suspected child abuse and neglect, and may disclose substance abuse program information about a client as necessary to comply with such mandatory child abuse and neglect reporting laws.

Deceased Clients: Dirigo may disclose information about a deceased substance abuse program client when such information relates to the cause of death of the client and the disclosure is made under laws requiring the collection of death or other vital statistics or permitting inquiry into the cause of a client’s death. Dirigo may disclose information concerning a deceased substance abuse program client when authorized in writing by (i) an executor, administrator or other personal representative of the decedent or decedent’s estate appointed under applicable law, or (ii) if no such appointment has been made, the deceased client’s spouse or, if none, by any responsible member of the deceased client’s family.

Enrollment: Dirigo may disclose information about a substance abuse program client to a central registry or to a detoxification or maintenance treatment program for the purpose of preventing a client from enrolling in multiple programs if certain requirements are met.

Research: Dirigo may disclose information about a substance abuse program client for the purpose of conducting scientific research if certain legal requirements are met.

Medical and Other Emergencies: Dirigo may disclose information about a substance abuse program client to medical personnel to the extent necessary to meet a bona fide medical emergency in which the client’s prior informed written consent cannot be obtained. Dirigo may also disclose substance abuse program information to medical personnel of the federal Food and Drug Administration (FDA) who assert a reason to believe that the health of any individual may be threatened by an error in the manufacturing, labeling, or sale of a product under FDA jurisdiction, and that the information will be used for the exclusive purpose of notifying clients or their physicians of potential dangers.

Audit and Evaluation Activities: Dirigo may disclose information about a substance abuse program client for certain audit and evaluation activities and quality improvement activities.

Court Orders: Dirigo may disclose substance abuse program information pursuant to a valid court order that meets certain legal requirements.

Authorized Representatives: In the case of a substance abuse program client who has been adjudicated as lacking the capacity, for any reason other than insufficient age, to manage his or her own affairs, Dirigo may disclose information about the client pursuant to a written authorization given by the client’s legal guardian or other person authorized under state law (such as a health care power of attorney agent or health care surrogate) to act on the client’s behalf.

Disclosures for Payment Purposes Authorized by Dirigo’s Substance Abuse Program Director on Behalf of a Client Lacking Decisional Capacity: For any period for which Dirigo’s substance abuse program director determines that an adult substance abuse client suffers from a medical condition that prevents knowing or effective action on the client’s own behalf, Dirigo’s program director may exercise the right of the client to authorize a disclosure for the sole purpose of obtaining payment for services provided to the client from a third party payer.

Fundraising: Dirigo may contact a client to raise funds for Dirigo, though the client has the right to opt out of receiving such communications.

Required or Authorized by Law: Dirigo may use and disclose substance abuse program information when otherwise required or authorized by law.

### **3. When Dirigo Needs Your Authorization to Use and Disclose Information**

Other uses and disclosures of a client's health information not described in this Notice will be made only with a client's written authorization. You have the right to revoke an authorization to the extent that it has not already been relied upon. The revocation is accomplished by letting your treatment provider or any of the administrative staff know that you wish for the revocation. Written revocation is preferable but oral communication will be respected and the revocation will be documented in your case file.

For example, types of uses and disclosures that require a client's authorization include:

Disclosures to Providers outside Dirigo for Treatment Purposes: Dirigo will not disclose a client's mental health or substance abuse program information to a health care provider or facility outside of Dirigo, even if such provider or facility is involved in a client's care and the disclosure is for a treatment purpose, without the client's written authorization, unless such disclosure without the client's authorization is authorized or required by law.

Payment: Dirigo will not disclose substance abuse program information for payment purposes without prior written authorization, except as provided by law.

Uses and Disclosures of Psychotherapy Notes: To the extent that Dirigo maintains any psychotherapy notes for a client that are separate from a client's other Dirigo clinical records, Dirigo will not use or disclose such notes without a client's written authorization, unless such use or disclosure is authorized or required by law.

Uses and Disclosures for Marketing Purposes: Dirigo will not use or disclose a client's health information for a marketing purposes without a client's written authorization, unless such use or disclosure is authorized or required by law. Additionally, if the marketing involves any payment or remuneration to Dirigo by a third party, the client's written authorization will disclose that payment or remuneration is involved.

Sale of Health Information: Dirigo will not sell or disclose a client's health information in exchange for payment or other compensation, without the client's written authorization, unless an exception applies under applicable law (e.g., charging a client for requested copies of records). If a client authorizes a sale of the client's health information, the authorization form will disclose that the disclosure of the client's health information will result in payment or remuneration to Dirigo.

Acknowledging Presence of Clients in Dirigo Substance Abuse Programs: Dirigo will not acknowledge the presence of an identified substance abuse program client in a Dirigo facility or program without the client's written authorization, except as allowed or required by law.

Disclosures to Persons in the Criminal Justice System: Dirigo may disclose information about a substance abuse client to those persons within the criminal justice system which have made participation in a substance abuse program a condition of the disposition of any criminal proceedings against the client or of the client's parole or other release from custody if there is an authorization and certain other requirements are met.

Disclosures to Temporary Student Members of a Client's Treatment Team: Dirigo will not disclose client-identifying case record material concerning a mental health client to students who are temporary members of a Dirigo treatment team without the client's written authorization, unless the student is involved in a professional program that has a formal relationship with Dirigo.

Right to Revoke Authorization: Except as described elsewhere in this Notice, a client may revoke an authorization permitting Dirigo to use or disclose a client's health information at any time, except to the extent that Dirigo has taken action in reliance on it.

### **4. HealthInfoNet**

Dirigo participates in HealthInfoNet, the statewide health information exchange ("HIE") designated by the State of Maine. The HIE is a secure computer system for health care providers to obtain and share health information to support treatment and continuity of care. For example, if you are admitted to a hospital that participates in the HIE, Dirigo may be able to see information about your hospital admission. All information contained in the HIE is kept private and used in accordance with state and federal laws and regulations.

Dirigo does not share information it has about Dirigo clients with HealthInfoNet. Rather, Dirigo only obtains information from HealthInfoNet coming from other health care providers. Dirigo will obtain this information only for the treatment of clients and other lawful purposes.

You do not have to participate in the HIE to receive care. For more information about HealthInfoNet and your choices regarding participating, visit [www.hinfony.org](http://www.hinfony.org) or call 1-866-592-4352.

## **5. Special Rules for Minors**

### **A. Substance Abuse Treatment**

Under Maine law, a minor with decisional capacity is authorized to consent on his or own behalf to substance abuse treatment without a parent's consent. Consequently, Dirigo may not disclose information about a minor substance abuse program client to the minor's parent or guardian—including for the purpose of obtaining financial reimbursement for services provided to the minor client—without written authorization from the minor client, except that:

- Dirigo may refuse to provide treatment to a minor substance abuse program client unless or until the minor client authorizes the disclosure necessary for Dirigo to obtain reimbursement for services to be provided to the minor client; and
- Dirigo may disclose to a minor substance abuse program client's parent, guardian, or other persons authorized under Maine law to act in the minor client's behalf facts relevant to reduce a threat to the life or physical well-being of the minor client or any other individual, if Dirigo's substance abuse program director judges that (i) the minor client lacks the capacity to make a rational decision on whether to authorize the disclosure because of extreme youth or a mental or physical condition, and (ii) the minor client's situation poses a substantial threat to the life or physical well-being of the minor client or any other individual which may be reduced by the disclosure.

### **B. Mental Health Treatment**

Under Maine law, minors with decisional capacity are authorized to consent on their own behalf for certain mental health treatment for emotional and psychological problems. If you are a minor authorized by law to consent to mental health services on your own behalf, and you in fact consent to such services on your own behalf, Dirigo is required to protect the privacy of your health information with respect to health care services you have consented to on your own behalf, in the same way that Dirigo protects the privacy of an adult's mental health information, unless a special exception applies under the law. For example, Dirigo is authorized by law to notify your parent or guardian if, in the judgment of your Dirigo provider, failure to inform your parent or guardian would seriously jeopardize your health or would seriously limit the ability of your Dirigo provider to treat you. Additionally, if you are covered under a parent's health insurance plan and want Dirigo to bill your parent's insurance for services provided to you, your parent(s) will receive from their insurance company an Explanation of Benefits regarding the services provided to you by Dirigo. As a result, the fact that you received services from Dirigo will not be confidential from your parent(s). However, if you do not want your parents to know that you are receiving services from Dirigo, you must notify Dirigo of that fact at the time services are provided to you so that arrangements can be made for payment of such services privately or out-of-pocket.

## **6. Uses and Disclosures of HIV Information**

HIV information and records have extra protection under Maine law. Dirigo will not disclose a client's HIV status, HIV test results, or any client records containing HIV information without the client's written authorization, unless such disclosure is authorized under Maine's HIV confidentiality laws without the client's written authorization. Examples of permissible disclosures of HIV information that do not require a client's authorization, include:

- Disclosures to the Maine Department of Health and Human Services' Bureau of Health when necessary to carry out its statutory duties, including the duty to protect the public health and to notify individuals in at risk for the transmission of communicable diseases;
- Disclosures pursuant to a court order;
- Disclosures in proceedings held under Maine's communicable disease laws;
- Disclosures in proceedings held pursuant to Maine's Adult Protective Services Act;
- Disclosures in proceedings pursuant to Maine's child protection laws;

- Disclosures in proceedings held pursuant to Maine’s mental health laws; and
- Disclosures to utilization review committees or peer review organizations for utilization review, audits, and program evaluation purposes.

## **7. Your Rights Concerning Your Health Information and How to Exercise Them**

**Right to Request Restrictions on Uses and Disclosures:** You have the right to request restrictions on certain uses and disclosures of your health information. However, Dirigo is not required to agree to a requested restriction unless the request is to restrict disclosures to a health plan for purposes of carrying out payment or health care operations, the information is not otherwise required to be disclosed by law, and the information pertains solely to a health care item or service for which the client, or other person on behalf of the client, has paid Dirigo in full. If Dirigo agrees to a requested restriction, Dirigo will not use or disclose your information in violation of your restriction, unless the use or disclosure is needed to provide emergency treatment.

**Right to Receive Confidential Communications:** You have the right to receive confidential communications concerning your health information from Dirigo by alternative means or at an alternative location. Dirigo will accommodate reasonable requests. Dirigo may place conditions on such accommodations, for example, by asking you for information as to how payment will be handled or specification of an alternative address or other method of contact. We will not request an explanation from you as to the basis for the request.

**Right to Access, Inspect and Copy Health Information:** You have the right to access, inspect and copy your health information at any reasonable time upon request, and to obtain a paper or electronic copy or summary of your clinical and billing records within 30 days of your written request, or within 3 business days if you request access to or copies of mental health information. You may be charged a reasonable, cost-based fee for such copies or summary. You have the right to review your mental health information prior to authorizing its disclosure. In certain circumstances, you may be denied access to your health information and records. However, you may request that the decision denying you access be reviewed.

**Right to Amend, Correct or Clarify Health Information:** You have the right to submit amendments, corrections or clarifications of health information contained in your medical or billing records in order to clarify information that you believe is false, inaccurate or incomplete. If you request a change to information in your treatment record, Dirigo will place your requested amendment, correction or clarification in your record, but is not otherwise required to alter your records. Dirigo may add a response to your record, and will provide you a copy of Dirigo’s response. If you request a change in your non-treatment record, we may deny your request. If we deny a request, Dirigo will notify you in writing and provide our reasons for the denial.

**Right to Receive an Accounting of Disclosures:** You have the right to receive an accounting of certain disclosures of your health information made by Dirigo during the six years prior to the date of your request. The accounting is not required to include disclosures made directly to you, requested by you, made for treatment, payment or healthcare operations purposes, and other disclosures not required to be included by law.

**Right to Receive a Paper Copy of This Notice:** You have the right to obtain a paper copy of this Notice of Privacy Practices from Dirigo upon request, even if you have previously agreed to receive this Notice electronically.

## **8. How to File a Complaint or Obtain More Information**

You may file a complaint with Dirigo and the Secretary of the U.S. Department of Health and Human Services if you believe your privacy rights have been violated. Dirigo will not retaliate against you for filing a complaint. To file a complaint with Dirigo, to exercise any of your rights under this Notice, or if you would like more information about Dirigo’s privacy practices, your privacy rights or this Notice, contact:

ATTN: Privacy Officer  
557 Hammond Street  
Bangor, ME 04401  
Tel: 207-973-0505