



Effective: September 24, 2019

## NOTICE OF PRIVACY PRACTICES

### DRIVING UNDER THE INFLUENCE & PC1000 PROGRAMS

THIS NOTICE DESCRIBES HOW SUBSTANCE USE DISORDER INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED

PLEASE REVIEW IT CAREFULLY

If you have any questions about this notice, please contact the Driving Under the Influence Program or the PC1000 Pretrial Diversion Program ( hereafter referred to as the DUI/PC1000 Programs) where you receive(d) services or call the Kings View Privacy Officer at (559) 256-1080.

#### ❖ About This Notice of Privacy Practices

This notice describes the privacy practices of the DUI/ PC1000 Programs. These practices must be followed by all employees, students, interns, and volunteers and all other persons affiliated with the DUI/PC1000 Programs.

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.

You may obtain a copy of this notice from:

- Any Kings View DUI/PC1000 Program;
- The Kings View Privacy Officer at (559) 256-1080; or
- The Kings View Behavioral Health Systems website: [www.kingsview.org](http://www.kingsview.org)

We reserve the right to change this notice. We reserve the right to make the revised or changed notice effective for information we already have about you as well as any information we receive in the future. We will post a copy of the current notice in our facilities. The notice will contain the effective date on the top of the first page. In addition, each time you register for new services we will offer you a copy of the current notice.

#### ❖ Our Obligations

It is our ethical commitment and legal responsibility to protect your confidentiality. The DUI/PC1000 Programs will:

- Keep all individually identifiable information about you private and secure.
- Give you this Notice which explains our legal duties with respect to how we may or must use and disclose information about you.
- Tell you about our privacy practices and follow the terms of this Notice.

#### ❖ How We May Use and Disclose Your Information

All information regarding your DUI/PC 1000 Program participation and services is protected by federal law—Confidentiality of Substance Use Disorder Patient Records (42 C.F.R. Part 2). Client records are

used and disclosed only as permitted by law and may not otherwise be disclosed or used in any civil, criminal, administrative or legislative proceedings conducted by any Federal, State or local authority. Disclosures made under 42 C.F.R. Part 2 regulations are limited to that information necessary to carry out the purpose of the disclosure. (See 42 U.S.C. 290dd-3 and 42 U.S.C. 290ee-3 for Federal laws and 42 C.F.R. Part 2 for Federal regulations.)

Generally, the DUI/PC1000 Programs may not say to any person outside the Program a client attends the Program or disclose any information identifying a client as having or having had a substance use disorder with the following exceptions:

**(1) Disclosures with Client Authorization**

We may disclose information when requested by you. For example, you may authorize us to disclose your protected information to the court, probation, DMV and others. You may also authorize us to disclose your information to a family member or friend, your attorney, a consumer rights advocate, your health care provider, or anyone else you designate. We have the right to monitor and to approve such requests as allowed and permitted under the law.

Disclosures at your request require your written permission by signing a valid authorization form. Your DUI/PC1000 Program will provide you with a legal authorization form to make disclosure requests.

**(2) Used for Internal Program Communications**

DUI/PC1000 Program staff are permitted to disclose client information to other staff within the program or to an entity having direct administrative control over that program. This means those individuals who have access to client records work for or administratively direct the DUI/PC1000 Programs. These individuals may consult among themselves or otherwise share information if their work facilitating your substance use disorder services requires it. Staff members who do not have a need for information about particular clients do not have access to it.

**(3) In Medical Emergencies**

Client information may be disclosed to medical personnel only to the extent necessary to meet a bona fide medical emergency of the client or any other individual. The disclosure is allowed only if the client is incapable of providing informed consent. Client identifying information may be disclosed to medical personnel who have a need for the information for the purpose of treating a condition which poses immediate medical danger to the health of any individual and which requires immediate medical intervention. The DUI/PC1000 Programs cannot share confidential information with the police or non-medical personnel, including family members. Clients who wish the Program to notify family in the event of a medical emergency occurring at the DUI/PC1000 Program must complete an authorization form in advance authorizing the Program to notify the persons named.

**(4) Court-Ordered Disclosures**

The DUI/PC1000 Programs must disclose client information if a judge-signed court order authorizes the disclosure. Under 42 C.F.R. Part 2 a subpoena, search warrant or arrest warrant even when signed by a judge alone is not sufficient to permit the DUI/PC1000 Program to make a disclosure. Before a court can issue an order, it must first notify the client and the DUI/PC1000 Program someone is requesting the order and some opportunity to make an oral or written statement to the court. Also, before issuing an authorizing order, the court must find there is "good cause" for the disclosure. This means the court must find the need for the disclosure

outweighs any adverse effect the disclosure will have on the client, the counselor-client relationship and the effectiveness of the Program's services. The court must limit its request to only information essential to fulfill the purpose of the court order.

A court may not authorize disclosure of "confidential communications" by a client to the Program unless the disclosure is (a) necessary to protect against a threat to life or of serious bodily injury, or (b) necessary to investigate or prosecute an extremely serious crime, or (c) in connection with a proceeding where the client has already presented evidence concerning confidential communications. In all other situations, not even a court can order disclosure of your confidential communications.

**(5) To Report A Crime on Program Premises or Against Program Personnel**

When a client has committed or threatened to commit a crime on the DUI/PC1000 Program premises, we are permitted to report the crime to a law enforcement agency or to seek its assistance. Information regarding the circumstances of the incident, including the suspect's name, address, last known whereabouts, and status as a client in the DUI/PC1000 Program. We may report a suspected client to law enforcement if there are reasonable grounds to believe the person being reported did commit the crime. If a staff member is later asked to testify in a subsequent criminal proceeding against the client, the court must issue the proper order compelling the testimony as described in (4) above.

**(6) To Report Suspected Child Abuse/Neglect**

Under state law, we are mandated to report suspected child abuse and neglect to the appropriate local authorities. 42 C.F.R. Part 2 permits this disclosure without client authorization. However, after the initial report and written confirmation of that initial report is made no other client information is disclosed even if subpoenaed. Substance abuse by itself is not a condition we report as child abuse or neglect. We report only if there is some reason to suspect actual or imminent harm to the child. The law requires a balance between client confidentiality and child protection.

We are also mandated reporters of elderly and dependent adult neglect and abuse. The federal law does not permit the DUI/PC1000 Programs to make these reports without client authorization. If elderly or dependent adult abuse is suspected, we'll first seek client authorization to make the report to the appropriate authorities. If client authorization cannot be obtained, we will make the mandated report without revealing any substance use disorder client-identifying information. That is, the report is made without revealing the client is in treatment or has a substance use disorder problem.

**(7) To Comply with Program Audits and Evaluations**

Government agencies that fund or regulate the DUI/PC1000 Programs and peer review organizations that review utilization or quality control may have access to program records without client consent in order to conduct an audit or evaluation. The law requires any person or organization conducting the audit or evaluation to agree in writing it will redisclose client-identifying information only (1) back to the DUI/PC1000 Program or (2) pursuant to a court order to investigate or prosecute the Program (not a client), or (3) to a government agency overseeing a Medicare or Medi-Cal audit or evaluation.

## (8) Qualified Service Organization

We may disclose client information to individuals or agencies we contract with to assist us in the administration of the DUI/PC1000 Programs. These contractors are called Qualified Service Organizations. Examples of services we might contract for include data processing, electronic health records maintenance and laboratory analyses as well as legal, accounting, and other professional services. These agencies are called Qualified Service Organizations. In order for us to disclose client information to them, we get a written Qualified Service Organization Agreement requiring them to comply fully with 42 C.F.R. Part 2.

## (9) For Legitimate Research

Client identifying information may be disclosed to conduct scientific research IF the DUI/PC1000 Program Director determines the researcher is qualified to conduct the research. In addition, the researcher must produce a protocol showing numerous safeguards for keeping client information confidential and a protocol showing rights and the welfare of clients are adequately protected. The Director must be satisfied the benefits of the research outweigh the risks to client privacy. Although allowed by law, the DUI/PC1000 Programs have never disclosed client information for research purposes. If we do decide to participate in a research project, we will notify our clients in advance and give them the choice to opt out.

### ❖ Requesting a Progress Report

Unlike the HIPAA privacy law, 42 C.F.R. Part 2 does NOT give clients the right to access their substance use disorder records but leaves this decision to the Program. The KV DUI/PC1000 Programs do not provide copies of client records. Instead of records, upon your request, you will be provided a general Progress Report. The Progress Report typically includes attendance, cooperation with the program, violations of program rules (if any), and current status. You may request a Progress Report from your assigned counselor and will receive it no later than 10 working days from the date of your request. The report is yours to share or not as you choose.

### ❖ Your Client Rights

You have the right to:

- 1) Confidentiality as provided for by 42 C.F.R. Part 2 as described in this Notice.
- 2) Be provided clean, safe and sanitary accommodations in an alcohol- and drug-free environment.
- 3) Be free from intellectual, emotional and/or physical abuse.
- 4) Be assured of nondiscrimination on the basis of age, ethnic group, identification, mental or physical disability, race, national origin, religion, sex or sexual orientation or identity.
- 5) Be advised of the Program's:
  - rules and regulations;
  - fees assessed for the services provided and the refund policy;
  - procedures for filing a grievance; and
  - appeal process for involuntary discharge.

### ❖ How to Make A Privacy Complaint

Violation of the Federal law and its regulations by a program is a crime. Suspected violations may be reported to appropriate authorities in accordance with Federal regulations. If you believe your privacy rights have been violated, you have several ways to report a complaint. ***You will not be penalized for filing a complaint.***

- We strongly encourage (but cannot require) you to first give the DUI/PC1000 Program serving you the opportunity to resolve your concern. Many issues can be quickly and satisfactorily addressed by discussing your issue with your counselor or the Clinical Supervisor.
- To file a complaint with Kings View, Inc. or if you have comments or questions regarding our privacy practices, contact:

Kings View, Inc.  
Attention: Privacy Officer  
7170 N. Financial Drive, Suite 110  
Fresno, CA 93720  
Phone (559) 256-1080

- To file a complaint with the United States Attorney, contact:

United States Attorney's Office  
2500 Tulare Street, Suite. 4401  
Fresno, CA 93721  
Phone: (559) 497-4000  
Fax: (559) 497-4099  
<https://oag.ca.gov/contact/consumer-complaint-against-business-or-company>

- ❖ You may also contact the Department of Health and Human Services, Substance Abuse and Mental Health Services Administration at:

SAMHSA  
5600 Fishers Lane  
Rockville, MD 20857  
Phone: (240) 276-1660  
[www.samhsa.gov](http://www.samhsa.gov)

∞ END ∞

**ACKNOWLEDGEMENT OF RECEIPT  
OF  
KINGS VIEW DUI/PC1000 PROGRAM NOTICE OF PRIVACY PRACTICES**

- I hereby acknowledge receipt of the Kings View DUI/PC1000 Program Notice of Privacy Practices.
- I have been offered a copy of the Kings View DUI/PC1000 Program Notice of Privacy Practices but do not wish to receive it at this time.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_ Relationship: \_\_\_\_\_  
(if not signed by client)