

NOTICE OF PRIVACY PRACTICES

THIS NOTICE DESCRIBES HOW YOUR DUI / PC 1000 PROGRAM INFORMATION MAY BE USED AND DISCLOSED AND YOUR PRIVACY RIGHTS.

Please review carefully.

❖ Our Pledge and Responsibilities

The Kings View DUI/PC 1000 Program creates a record of the services provided to you. This record is created and maintained in order to provide you with high quality services and comply with certain legal requirements. We are strongly committed to protecting your confidential information and records as required by law.

This notice applies to all the records of your services generated by the DUI/PC1000 Program AND to any related records we receive from other individuals or entities outside the program.

We are required by law to:

- Keep your information and records private and secure.
- Let you know promptly if a breach occurs that may have compromised the privacy or security of your information.
- Give you this notice of our legal duties and privacy practices with respect to your DUI/PC1000 Program information and records..
- Follow the terms of the notice currently in effect.
- Not use or share your information other than as described in this notice unless you tell us we can in writing.

❖ Terms Used in This Notice

- **Use** means the work-related sharing and use of your information the by DUI/PC 1000 program staff and corporate staff administering the program.
- **Disclosure** is when the DUI/PC 1000 Program releases your information to others outside of the program serving you.
- **Authorization** is your written permission to disclose your DUI/PC 1000 information to other persons or agencies when authorization to disclose the information is legally required. Authorization forms must have all the legally required elements to be valid.

❖ Included In This Notice

- Section 1: How the DUI/PC 1000 Program may use and disclose your information.
- Section 2: Your legal privacy rights regarding access to the information we maintain about you.
- Section 3: How to get more information about our privacy practices or file a complaint if you believe the DUI/PC 1000 Program has violated your privacy rights.

❖ Changes to This Notice

We reserve the right to change this notice and our privacy practices at any time. Changes apply to any information we already have about your services as well as information we receive in the future. Each time you register for new services you will be offered a copy of the current notice. The current notice is posted in all our facilities, available upon request, and on our website www.kingsview.org.

Section 1: How We May Use and Disclose Your DUI / PC 1000 Program Information

All information regarding your DUI/PC 1000 Program services is protected by federal law – Confidentiality of Alcohol and Drug Abuse Patient Records (42 C.F.R. Part 2). Your records are used and disclosed only as permitted by this federal 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 without your authorization or as required by law.

Generally, the DUI/PC1000 Program may not tell anyone outside the Program you are a client or disclose any information identifying you as having or having had a substance use issue with the following limited **EXCEPTIONS**:

1. Your Authorization

- **Required Authorization:** As a condition of participation in the DUI/PC 1000 Program, you must provide written authorization permitting us to disclose information about you required by the court, your probation officer, and/or the Department of Motor Vehicles (DMV) as appropriate. Information is limited to enrollment, attendance, compliance with program rules, and completion data. Counseling information and records are not disclosed to anyone except to comply with a court order.
- **Optional Authorization:** At your request and with your authorization, we may disclose your information to a friend, family member, or other person involved in your DUI/PC 1000 Program participation. For example, you may want us to provide appointment information to someone who provides you transportation to the program. Or you may ask us to share your payment information and receive payments from another person who will pay your program fees.

2. Internal Program Communications. Only program staff directly involved in providing or facilitating your services are permitted to use and share your information without your authorization. Other program staff not needing your information to perform their jobs do not have access to it. Your records may also be disclosed to Kings View's corporate staff who administer the DUI/PC 1000 Program such as the financial, quality improvement, and compliance functions.

3. Medical Emergencies. We may disclose Information about you to medical personnel who need it to treat a serious medical condition requiring immediate attention. We disclose this information without your authorization only if you are incapable of providing it. The DUI/PC1000 Program cannot share confidential information with the police or non-medical personnel, including family members, who may be at the scene. If you want a specific person notified if you have a medical emergency while at the DUI/PC1000 Program, you must complete an authorization form *in advance* authorizing the program to notify the person(s) your name.

4. Court Order. We will disclose your service information to the court if we are served with a judge-signed court order requesting testimony and/or records. A subpoena, search warrant, or arrest warrant alone – even when signed by a judge – is not sufficient to permit us to disclose any information about you. The court order issued must meet the requirements and comply with 42 CFR Part 2 regulations.

5. Crime on Program Premises or Against Program Personnel. If a crime is threatened or committed by a client on the DUI/PC1000 Program premises or against personnel, we are permitted to report the crime to a law enforcement agency and to seek its assistance (call 911). We may disclose 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 reported committed the crime. If a staff member is later asked to testify in a criminal proceeding against the client, the court must issue the proper order compelling the testimony as described in (4) above.

6. Suspected Child, Elder and Dependent Adult Abuse or Neglect. We are legally mandated to report suspected child abuse or neglect to the appropriate local authorities. After making the initial report by telephone and the follow-up written confirmation, 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 a 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. Federal law does not permit the DUI/PC1000 Program to make these reports without your written authorization. If elderly or dependent adult abuse is suspected, we will first seek your authorization to make the report to the appropriate authorities. If authorization cannot be obtained, we will make the mandated report without revealing you are participating in the DUI/PC 1000 Program.

7. Program Audits and Evaluations. Government agencies that fund or regulate the DUI/PC1000 Program and peer review organizations that review utilization or quality control may have access to our program records without your authorization to conduct an audit or evaluation. The law requires any person or organization conducting the audit or evaluation to agree in writing it will not redisclose your information except:

- Back to us / the DUI/PC1000 Program;
- Pursuant to a court order to investigate or prosecute the DUI/PC 1000 Program (not a client); or
- To a government agency overseeing a Medicare or Medi-Cal audit or evaluation.

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

9. Legitimate Research. Your information may be disclosed to conduct scientific research IF the Kings View Chief Compliance and Privacy Officer determines the researcher is qualified to conduct the research. In addition, the researcher must produce protocols showing numerous safeguards for keeping your information confidential and that your rights and welfare are adequately protected. We will be sure the benefits of the research outweigh the risks to your privacy. If we decide to participate in a research project, we will notify you in advance and give you the choice to opt out.

Section 2: Your Privacy Rights

Regarding your information and records maintained by the DUI/PC 1000 Program, you have the right to:

- 1. A Copy of Notice of Privacy Practices.** You can ask your service provider for a paper copy of this notice at any time – even if you agreed to receive it electronically. You may also get the notice from the Kings View website: www.kingsview.org
- 2. Receive Confidential Communications.** You can ask us to contact you in a specific way – call your mobile phone only or send mail to an address other than where you live. We say “yes” to all reasonable requests.
- 3. Request a Progress Report.** At your request, we will provide you with a written Progress Report within ten working days of your request. The Progress Report includes information regarding your attendance, cooperation with the program, violations of program rules (if any), and current participation status. The Progress Report is yours to share or not as you choose. The PC/1000 Program does *not* provide copies of your DUI/PC 1000 records to anyone except in response to a court order.

Section 3: Questions and How To Report A Privacy Complaint

Please contact the Kings View Chief Compliance and Privacy Officer if you want more information or have concerns about our privacy practices.

➤ **Kings View**

Attention: Chief Compliance and Privacy Officer
1396 W. Herndon Avenue
Fresno, CA 93711
Phone: (559) 256-1080
Email: CompliancePrivacyOfficer@kingsview.org
www.kingsview.org/contact

If you feel your privacy rights have been violated, you have the right – and we encourage you – to file a complaint. Kings View honors your right to express concerns regarding your privacy. We would appreciate the opportunity to resolve your concern, but you may also file a complaint directly with the U.S. Department of Health and Human Services.

➤ **Office of Civil Rights**

U.S. Department of Health and Human Services
90 7th Street, Suite 4-100
San Francisco, CA 94103
Customer Response Center: (800) 368-1019
Fax: (202) 619-3818
TDD: (800) 537-7697
Email: OCRPrivacy@hhs.gov
www.dhhs.gov/ocr/privacy/index.html

Kings View honors your right to express your privacy concerns. You will not be punished, threatened, or penalized in any way for asking questions or for filing a complaint.



Thank you for choosing Kings View.

**ACKNOWLEDGEMENT OF RECEIPT OF
KINGS VIEW DUI / PC 1000 PROGRAM
NOTICE OF PRIVACY PRACTICES**

I acknowledge receipt of the Kings View DUI / PC 1000 Program Notice of Privacy Practices.

I have been offered a copy of the Notice of Privacy Practices but do not wish to receive it at this time.

Signed: _____ Date: _____

Print Name: _____

Relationship (if not signed by client): _____