



## *HIPAA Health Information Privacy Policy*

### **General**

Aaron's Acres provides therapeutically based recreational activities to children and young adults with disabilities between the ages of 5 and 25. It is the policy of Aaron's Acres to respect and protect the privacy of health information of our participants. Aaron's Acres will not use or disclose an Individual's Protected Health Information, except as permitted by law, and will adopt procedures and safeguards to protect the confidentiality of Individual Identifiable Health Information.

### **Definitions**

- **Covered Entity** means a health plan; a health care clearinghouse; or a health care provider who transmits any health information in electronic form in connection with the transmission of information between two parties to carry out financial or administrative activities related to health care.
- **Individual** means the person who is the subject of Protected Health Information (PHI) or his or her personal representative. A parent or guardian is the personal representative of persons under the age of eighteen, except for limited circumstances.
- **Individually Identifiable Health Information (IIHI)** means information that is a subset of health information, including demographic information collected from an individual, and; 1) is created or received by a Covered Entity or employer; and 2) relates to the past, present, or future physical or mental health or condition of an individual, the provision of health care to an individual, or the past, present, or future payment for the provision of health care to an individual; and that identifies the individual or there is a reasonable basis to believe could be used to identify an individual.
- **Notice** means the Notice of Privacy Practices
- **Protected Health Information (PHI)** means Individually Identifiable Health Information (IIHI) that is transmitted or maintained electronically or in any other form or medium. PHI excludes 1) IIHI in education records covered by the Family Educational Rights and Privacy Act, as amended, 20 U.S.C. 1232g; 2) records described in 20 U.S.C. 1232g(a)(4)(B)(iv) (related to physician, psychiatrist, psychologist and other recognized records of a student who is eighteen years of age or older or who is attending an institution of postsecondary education); and 3) employment records held by a covered entity in its role as employer.
- **Services** means all of the Services provided by or on behalf of Aaron's Acres.
- **Treatment, Payment, Health Care Operations (TPO)** means any disclosure of PHI for Treatment, Payment or Healthcare Operations.
- **Treatment** means the provision, coordination or management of Services provided by Aaron's Acres, including consultation between a Provider and Aaron's Acres with respect to an individual, or the referral of an individual to Aaron's Acres from any source.

### **Notice of Privacy Practices**

Every Individual must receive the Notice of Privacy Practices. Every individual appearing at Aaron's Acres will receive a copy of the Notice at the first in-person provision of Services at Aaron's Acres, after the effective date of this Privacy Policy. A notation that the Individual received the Notice will be placed in the Individual's record and marked conspicuously on the outside of the Individual's file. Each time an Individual enrolls in a program at Aaron's Acres, an employee will check the Individual's record to confirm that the Individual received the Notice. The Notice shall be available for review at all times, upon request. The Notice will be posted at one or more locations throughout Aaron's Acres' facility.

### **Acknowledgement**

Every Individual receiving Services at Aaron's Acres must sign an acknowledgment form indicating that they received a copy of the Notice. Every Individual must sign the acknowledgment form the first time he or she



receives Services after the effective date of this Privacy Policy. The signed acknowledgment form will be kept on file. The signed acknowledgment form will be retained for six years after the last date that Aaron's Acres provides Services to the Individual. The Individual may request, in writing, that Aaron's Acres limit the use and disclosure of PHI for TPO purposes. All such requests to limit the use and disclosure of PHI will be forwarded to the Privacy Officer for consideration. If Aaron's Acres does not agree to the Individual's request to limit disclosure, the Privacy Officer will inform the Individual in writing. If Aaron's Acres does agree to the Individual's request, it must limit the use and disclosure of PHI as requested by the Individual.

### **Employee Certification**

Every Employee of Aaron's Acres having access to IHI and/or PHI must certify that they will comply with the terms of this Privacy Policy and the Notice of Privacy Practices, and will not use or disclose IHI or PHI accept in accordance with these enumerated documents or any applicable laws or regulations.

### **Administrative Requirements**

- **Privacy Officer.** The Program Director is designated as the Privacy Officer for Aaron's Acres. The Privacy Officer shall be responsible for the following duties:
  - a. To serve as the designated contact person responsible for receiving complaints from Individuals, employees, or any other persons concerning Aaron's Acres' privacy policies, actions of employees, or the use or disclosure of PHI. If the complaint pertains to the actions of the Privacy Officer, he or she will forward the complaint to Aaron's Acres management for investigation;
  - b. To investigate complaints about the privacy practices, uses or disclosures of PHI, employee behavior with respect to this Privacy Policy, or any other matter implicated by this Privacy Policy, and to make recommendations to the management of Aaron's Acres for subsequent action;
  - c. To receive written requests related to limitations on uses and disclosures of PHI for TPO, to make determinations on those requests, and to inform the Individual of the determination;
  - d. To receive requests for the use or disclosure of PHI that are not made for TPO purposes, to make determinations on those requests, and to inform the requesting party of the determination;
  - e. To make an accounting of uses and disclosures of PHI where required;
  - f. To receive requests for access to an Individual's PHI and to make determinations on those requests;
  - g. To receive requests for amendments to PHI, to make determinations on those requests, and to notify the Individual of the determination;
  - h. To receive an Individual's statement of disagreement, to provide a rebuttal from Aaron's Acres if deemed necessary, and to assure that any request for amendment, any statement of disagreement and any rebuttal statement are appended to the Individual's PHI;
  - i. To receive requests for an accounting of the uses and disclosures of PHI, to provide such accountings to the Individual, to request accountings from any relevant business associates, and to collect reimbursements for the accountings, as may be permitted;
  - j. To document any request, complaint investigation, employee training, audit of this policy, or use or disclosure of PHI as required;
  - k. To periodically review these procedures and recommend changes as necessary;
  - l. And to periodically audit the performance of Aaron's Acres employees with respect to their responsibilities under this policy.
- **Employee Training.** All employees involved in the use of PHI will receive periodic training regarding this Privacy Policy and their responsibilities hereunder. All new employees will receive training as soon as it is practical. All training pursuant to this Privacy Policy shall be documented.



- **Safeguards.** Aaron's Acres will implement appropriate administrative, technical and physical safeguards to protect the privacy of an Individual's PHI, and to ensure that it is not used or disclosed except as allowed by law.
- **Sanctions.** If after a complaint and investigation an employee is determined to have violated the standards in this Privacy Policy or in other policies and procedures as may be adopted from time to time, the employee will be subject to disciplinary action as described in the Aaron's Acres Employee Handbook, up to and including termination.
- **Mitigation.** If Aaron's Acres receives knowledge of any impermissible use or disclosure of PHI, it will take all reasonable steps to mitigate any known harmful effect resulting from such impermissible use or disclosure. The steps taken to mitigate any harmful effect will be reasonable considering the nature of the PHI used or disclosed the person to whom the PHI was disclosed or whom used the PHI, the Individual, and the potential harmful effects caused by such use or disclosure.
- **Prohibiting Retaliation.** Aaron's Acres will not retaliate against any person, including any Individual or employee, for raising any complaint, taking part in any review or investigation, or making any request allowed by HIPAA or this Privacy Policy.
- **Prohibition against Waiver of Rights.** Aaron's Acres will not require or request that any person, including any Individual or employee, waive any rights provided by HIPAA as a condition of employment or receiving Services.