

Paradigm, Inc.

2820 East 10th Street, Suite A
Greenville, NC 27858

Disclosure and Sharing of Confidential Information

Purpose: To review in what situations confidential information may be shared and by whom.

Policy:

- Paradigm's director may disclose confidential information if in the best interest of the person served, in order to file a petition for competency/guardianship purposes.
- Paradigm/a physician/other individual responsible for evaluation, management, supervision, or treatment of persons examined or committed for outpatient treatment may request, receive, and disclose confidential information to the extent necessary to enable them to fulfill their responsibilities.
- Professionals may disclose confidential information when there is an imminent danger to the health or safety of the individual or another individual or there is a likelihood of the commission of a felony or violent misdemeanor.
- Professionals may exchange confidential information with a physician or other health care provider who is providing emergency medical services to an individual. Disclosure of the information is limited to that necessary to meet the emergency as determined by the professional.
- Paradigm may provide confidential information to the Department of Correction (DOC) when requested regarding any individual of that facility when the inmate has been determined by the DOC to be in need of treatment for mh/dd/sa concerns. The consent of the individual or inmate shall not be required in order for this information to be provided and the information shall be provided despite objection by the individual or inmate. Confidential information disclosed is restricted from further disclosure.
- Professionals may disclose advance instruction for mental health treatment or confidential information from an advance instruction to a physician, psychologist, or other QP when it is determined that disclosure is necessary to give effect to or provide treatment in accordance with the advance instruction.

- Paradigm may disclose confidential information to a provider of support services under written agreement in which the provider acknowledges that he/she will safeguard and not further disclose the information.
- Disclosure of confidential information is permitted when there is reason to believe that the individual is eligible for financial benefits through a facility in order to establish financial benefits. After receiving benefits, the consent of the individual or LRP is required for further release of confidential information.
- In Paradigm's facilities: employees, students, consultants or volunteers involved in the care of an individual, may exchange confidential information as needed for the purposes of carrying out their responsibility in serving the individual.
- Professionals may release confidential information to the referring physician or psychologist.
- Professionals shall provide the next of kin/family member/designee with notification of the individual's diagnosis, the prognosis, the medications prescribed (dosage and side effects) and the progress of the individual, provided that the individual or his or her legally responsible person has consented in writing or orally in the presence of a witness selected by the individual, prior to the release of this information. Both the individual's and/or the legally responsible party's consent and the release of this information shall be documented in the individual's service record. This consent shall be time limited and is subject to revocation by the consenting individual.
- Paradigm may disclose admission/discharge of an individual to the individual's next of kin when determined that the disclosure is in the best interest of the individual. The professional at Paradigm shall notify next of kin/family member/designee after the request of the individual, notification of admission to a facility, transfer to another facility, decision to leave the facility against medical advice, discharge, and referrals/appointments.
- In response to a written request of the next of kin/family member/designee who has a legitimate role in the therapeutic services offered, Paradigm shall:
 1. Provide the information requested based upon determination that providing this information will be to the individual's therapeutic benefit, and provided that the individual or his/her legally responsible party has consented in writing to the release of the information requested; or
 2. Refuse to provide information requested based upon the responsible professional's determination that providing this information will be detrimental to the therapeutic relationship between the individual and professional;
 3. Refuse to provide the information requested based upon the responsible professional's determination that the next of kin/family member/designee does not have a legitimate need for the information requested.
- Paradigm may disclose confidential information to persons responsible for conducting general research or clinical, financial, or administrative audits if there is a justifiable documentation need

for the information. A person receiving the information may not directly or indirectly identify any individual in any report of the research or audit or otherwise disclose an individual's identity in any way.

- Paradigm may disclose confidential information when consulting with a person's advocate
- Paradigm shall disclose confidential information of an individual to an attorney upon the request of the competent adult or the legally responsible person.
- An LME or MCO may share confidential information regarding any individual with network providers, like Paradigm, regarding treatment, payment, and healthcare operations.
- For the purposes or activities for which confidential information may be disclosed, include, but are not limited to, quality assessment and improvement activities, provider accreditation and staff credentialing, developing contracts and negotiating rates, investigating and responding to grievances and complaints lodged by individuals receiving services, evaluating practitioner and provider performance, auditing functions, on site monitoring, conducting satisfaction studies, and collecting and analyzing performance data.

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HIPPA

Policy: Confidentiality

Paradigm, Inc. will ensure that confidential information is protected in accordance with the Confidentiality Rules. Except as required or permitted by law, disclosure of confidential information to someone not authorized to receive the information is a Class (3) three misdemeanor, punishable by fine. Paradigm staff who violate the terms of this policy can and will be terminated. Upon employment and annually thereafter each employee will be trained in human rights and confidentiality and will sign a statement indicating that they have received and understand this training and that they agree to uphold the confidentiality of persons served.

In addition a "Notice of Privacy Practices" will be provided to each person served upon admission. This notice will be read and or explained to each person including in what instances their PHI may be shared without their consent, such as in seeking of emergency medical attention when the person is unable to provide this information independently. Person served and or legally responsible person will sign a document stating that they have received and understand this information and this will be kept in the persons' record.

CONFIDENTIALITY

General Provisions

- a. Paradigm, Inc. shall take affirmative measures to safeguard any and all confidential information under our control and/or for which our facility has access.
- b. Paradigm, Inc. will not release or disclose confidential information except in accordance with G.S. 122C-51 through 122C-56 and the rules in this Subchapter.
- c. Any confidential information regarding substance abusers shall be released or disclosed in accordance with the federal regulations 42 C.F.R. Part2, "Confidentiality of Alcohol and Drug Abuse Patient Records", which are adopted by reference pursuant to G. S. 150B-14(c), unless the rules in this

Subchapter are more restrictive in which case the rules in this Subchapter shall be followed.

- d. If Paradigm, Inc. has access to or control of confidential information regarding infants and toddlers receiving early intervention services who have or who are at risk for atypical development, developmental delay or developmental disability shall be released or disclosed in accordance with the federal regulations 34 C.F.R. Part 300, Subpart E, Sections 300.560 through 300.575, which are adopted by reference pursuant to G.S. 150B-14(c), unless the rules in this Subchapter are more restrictive in which case the rules in this Subchapter shall be followed.
- e. Any questions regarding interpretation of these Rules shall be directed to the Records Consultant in the Institution Management Support Section of the Division.

Liability of Persons with Access to Information

- a. Individuals employed by Paradigm, Inc will be held responsible for maintaining the confidentiality of peoples' information and shall be subject to suspension, dismissal, or disciplinary action for failure to comply with policy.
- b. Any individual, other than employees such as students and volunteers, who are agents of the Department of Human Resources who have access to confidential information at Paradigm but fail to comply with our policies concerning confidentiality shall be denied access to confidential information at this provider agency.

OWNERSHIP OF RECORDS

- a. All records at Paradigm, Inc., including those which contain confidential information generated in connection with the performance of any function of this provider agency, are the property of Paradigm, Inc.
- b. Original records may be removed from Paradigm, Inc. premises only under the following conditions:
 1. In accordance with a subpoena to produce document or object or other order of the court or when a persons' records are needed for a district court hearing held in accordance with Article 5 of Chapter 122C of the N.C. General Statues;
 2. Whenever a person's records are required for treatment/habilitation or audit purposes, records may be transported within are facilities or between state facilities;
 3. If Paradigm determines that it is not feasible or practical to copy the person's record or portions thereof, a person's record may be transported to a local health care provider but the records must remain in the custody of a delegated Paradigm employee (see "Management and Safeguarding of Records" policy);

4. If a person served shall expire at Paradigm, Inc. and an autopsy is to be performed, the person's record may be transported to the agency wherein the autopsy will be performed provided the agency complies with the rules of confidentiality as set forth in Paradigm's policies on confidentiality.
- c. Paradigm, Inc. shall make it there policy regarding fees for the reproduction of persons' records that a five dollar (\$5.00) fee will be charged for the first three pages. Fifteen (\$0.15) cents shall be charged for each additional page.
- d. Exceptions to this will exist in the following situations:
 1. When the reproduction is done as a professional courtesy as per request of physicians, psychologists, hospital or other health care providers;
 2. If our facility is going to derive direct benefits by performing the reproduction of said record;
 3. Attorneys representing the Attorney General's office and special counsel;
 4. Otherwise the decision to charge a fee for reproduction of a persons' records can be examined on a case by case basis and the final decision made by the directors of Paradigm, Inc.

Alterations in the Person's Record

Any person or person's legally responsible person shall be within their rights to contest the accuracy, completeness, or relevancy of information in the persons' record and may request alteration of such information. Alterations shall be made in the following manner:

- a. Upon the concurring of a clinical staff member that such alteration is indeed justified, Paradigm will allow the insertion of the alteration as an **addendum** to the contested portion of the persons' record. Nevertheless, the original portion of the written record may not be deleted or removed.
- b. If a clinical staff member does not agree that such alteration is justified. Paradigm, Inc. will allow a statement to be added to the contested portion of the persons' record. However the statement must be written on a separate and blank piece of paper and will not at any time be written on the original portion of the record being contested. These statements will be made in a permanent part of the persons' record and will be released/disclosed along with the contested portion of the record.

Review of Decisions

Persons, and/or a person's legally responsible person or employees may request a review of any decisions made under the rules as set forth by the State of North Carolina. This review will be conducted by utilizing the Grievance, due process procedure.

Receiving of Information from Other Agencies/Individuals

Whenever Paradigm, Inc. receives confidential information from another facility, agency or individual, this information is treated as any other information generated by the agency. Release or disclosure of such information will be governed by the policies of this agency.

Providing Information to Family/Others

Information shall be provided to next of kin/family/others in the following situations:

- a. Said individual has a legitimate role in the therapeutic services offered
- b. Consent has been signed by the person or their legally responsible person to release information to said individual.
- c. **A consent for Release form must be obtained by employees of Paradigm, Inc. prior to the release or disclosure of confidential information to any individual except for in emergency situations where the person or their legally responsible person is unable to give or withhold the consent and the information required is pertinent to allow for the maintenance of the persons' life and/or well being.**

Consent for Release

- a. When consent for release of information is obtained by Paradigm, Inc., the consent form shall cover the following information:
 1. Person's name;
 2. Name of facility releasing the information;
 3. Name of the individual or individuals, agency or agencies to whom information is being released;
 4. Information to be released;
 5. Purpose for the release;
 6. Length of time consent is valid;
 7. A statement that the consent is subject to revocation at any time except to the extent that action has been taken in reliance on the consent;
 8. Signature of the person or the person's legally responsible person; and
 9. Date consent is signed.
- b. Unless revoked sooner by the person or the person's legally responsible person, a consent for release of information shall be valid for a period not to exceed one year except under the following conditions:
 1. A consent to continue established financial benefits will be considered valid until the cessation of benefits;
 2. Any consent given by the person or person's legally responsible person, to the, Division of Motor Vehicles, the Court, and Department of Corrections

for information needed in order to reinstate a person served driving privilege shall be considered valid until reinstatement of the person's driving privileges.

- a. A consent for release of information received from an individual or agency not covered by the rules as set forth by the State of North Carolina does not have to be on a form utilized by area or state facilities. However, the content of the consent form shall substantially conform to the requirements set forth by the State of North Carolina.
- b. A copy of a release of information shall be considered as valid as the original as long as it is clear and legible.
- c. Confidential information relative to a person served with HIV infection, AIDS or AIDS related conditions shall only be released in accordance with G.S. 130A-143. Whenever authorization is required for the release of this information, the consent shall specify that the information to be released includes information related to HIV infection, AIDS, or AIDS related conditions.

Who May Sign Consents for Release of Information

- a. A competent adult;
- b. The person's legally responsible person;
- c. A minor person served under the following circumstances:
 1. Pursuant to G.S. 90-21.5 when seeking services for venereal disease and other reportable under G.S. 130A-135, pregnancy, abuse of controlled substances or alcohol, or emotional disturbances;
 2. When married or divorced;
 3. When emancipated by a decree issued by a court of competent jurisdiction;
 4. When a member of the armed forces; or
- d. Personal representative of deceased person if the estate is being settled or next of kin of deceased person served if the estate is not being settled.

Verification of Validity of Consent

If there should be a question concerning the validity of an authorization Paradigm employee shall contact the person served or their legally responsible person to confirm that the consent is valid. When validity is verified, this verification shall be documented in the persons' record.

Informed Consent

Before the obtaining of consent for release of confidential information, a delegated Paradigm employee will inform the person served or their legally

responsible person that the provision of our services is not contingent upon such consent and of the need for such release. The person served or legally responsible person shall give consent voluntarily.

Persons Able to Release Confidential Information

Any Paradigm, Inc. staff person shall be responsible for releasing confidential information as long as they have verified that a release of information has been signed by the person served or their legally responsible person for the individual/s or agency to whom the information is being released.

Documentation of Release

At Paradigm, Inc., whenever confidential information is released with consent, a delegated employee shall ensure that documentation of the release is placed in the person's record. Documentation will include the consent form and the date the information was released.

Prohibition Against Redislosure

Paradigm shall inform recipients of confidential information that redislosure is prohibited without the person's or their legally responsible persons consent. A stamp may be utilized to fulfill this requirement as may a statement to that effect placed at the end of a correspondence.

Release to Human Rights Committee

Human Rights Committee members for Paradigm may have access to confidential information only with written consent from the person served or their legally responsible person.

A Paradigm employee shall release confidential information upon written consent to the Human Rights Committee members only when these members are fulfilling their function as set forth in 10 NCAC 14G.0207, and when involved in or being consulted concerning the services and/or treatment of the person served.

Release to Board Members

Board members may have access to confidential information only upon written consent of the person served or their legally responsible person or pursuant to other exceptions to confidentiality as specified in G.S. 122C-53

through 122C-55. Area board members may have access to non-identifying information about persons served.

Release of Information by Internal Advocates or Persons Served

When requested by the Secretary, internal advocates may disclose to the Secretary or his designee confidential information obtained while fulfilling monitoring and advocacy functions.

Notice to Persons Served

- a. Paradigm, Inc. shall give written notice to the persons served or their legally responsible person at the time of admission that pertinent information may be disclosed without their consent in accordance with G.S. 122-52. Through 122C-56. This notice shall be explained to the person served or their legally responsible person as soon as possible.
- b. Paradigm shall document in the giving of such notice to the person served or legally responsible person within the person's record.

Documentation of Disclosure

- a. With the exception of disclosure of confidential information pursuant to G.S. 122C-54(b), (c), 122C-55(h), or 122C-56, a delegated employee shall ensure that documentation of the disclosure is recorded in the person's record containing the following:
 1. Name of recipient;
 2. Extent of information disclosed;
 3. Specific reasons for disclosure;
 4. Date; and
 5. Full and legible signature of the individual who disclosed the information and his title.
- b. If Paradigm makes repeated disclosures to a provider of support services concerning that same person served, Paradigm will document such disclosures one time in the person's record.
- c. Whenever the confidential information is disclosed in accordance with G.S. 122C-55(e), Paradigm shall document the reason written consent was unable to be obtained in the person's record.

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HIPPA

Utilization of Peoples Private Health Information

Paradigm Inc., is dedicated to protecting private health information. We are required by law to maintain the privacy of health information (PHI) and to provide people with a notice of our legal duties and privacy practices with respect to PHI. Paradigm, Inc. is required by law to abide by the terms of this policy.

<p>HOW PRIVATE HEALTH INFORMATION WILL BE USED AND DISCLOSED:</p>
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Paradigm may use and disclose PHI in accordance with federal and state laws for the following purposes:

Health Care Operations

- Reviewing and improving the quality, efficiency and cost of care that we provide to people and other individuals we support.
- Improving health care and lowering costs for groups of people who have similar health problems and help manage and coordinate the care for these groups of people.
- Reviewing and evaluating the skills, qualifications, and performance of Paradigm staff supporting persons served.
- Providing training programs for non-health care professionals to help them practice to improve skills (for example, billing clerks or assistants, etc.)
- Cooperating with outside organization that evaluate, certify or license health care providers, staff or facilities.
- Assisting various people who review our activities.
- Planning for our organization's future operations.

- Conducting business management and general administrative activities related to our organization and the services it provides, including providing information.
- Resolving grievances within our organization.

Appointment Reminders

- Paradigm may contact persons served and/or legally responsible person to provide appointment reminders

<p>HOW PRIVATE HEALTH INFORMATION WILL BE USED AND DISCLOSED (continued):</p>
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Treatment Information

- Paradigm may use and disclose PHI in order to provide health care treatment to persons served.
- Paradigm may use and disclose PHI in order to provide, coordinate or manage health care and related services for persons served.

Payment Services

- Paradigm may use and give private health information to others to bill and collect payment for the treatment and services.
- Paradigm may share portions of private health information to billing departments, insurance companies, and hospital departments.

Agency Directory

- Paradigm may use PHI to maintain a directory within the agency.

Disclosure to Department of Health and Human Services

- Paradigm may disclose health information when required by the United States Department of Health and Human Services as part of an investigation or determination of our compliance with relevant laws.

Family and Friends

- Unless there is an objection by the person served, Paradigm may disclose private health information to family members, other relatives or close personal friends when the health information is directly relevant to that persons involvement with the person served care.

Notification

- Unless there is an objection by the person served, Paradigm may use or disclose private health information to notify a family member, a personal representative or another person responsible for a person's care of their location, general condition or death.

<p style="text-align: center;">HOW PRIVATE HEALTH INFORMATION WILL BE USED AND DISCLOSED (continued):</p>
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Disaster Relief

- Paradigm may disclose private health information to a public or private entity, such as the American Red Cross, for the purpose of coordinating with that entity to assist in disaster relief efforts.

Health Oversight Activities

- Paradigm may use or disclose private health information for public health activities, including the reporting of disease, injury, vital events and the conduct of public health surveillance, investigation and/or intervention.

Abuse or Neglect

- Paradigm may disclose private health information when it concerns abuse, neglect, or violence to a person served in accordance with federal and state law.

Law Enforcement

- Paradigm may disclose private health information for law enforcement purposes or other specialized governmental functions.

Coroners, Medical Examiners and Funeral Directors

- Paradigm may disclose private health information to a coroner, medical examiner or a funeral director.

Organ Donation

- If the person served is an organ donor, Paradigm may disclose your health information to an organ donation and procurement organization.

<p>HOW PRIVATE HEALTH INFORMATION WILL BE USED AND DISCLOSED (continued):</p>
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Research

- Paradigm may use or disclose private health information for certain research purposes if an Institutional Review board or a privacy board has altered or waived individual authorization, the review is preparatory to research or the research is on only decedent's information.

Public Safety

- Paradigm may use or disclose private health information to prevent or lessen a serious threat to the health or safety of another person or to the public.

Worker's Compensation

- Paradigm may disclose private health information as authorized by laws related to worker's compensation or similar programs.

Business Associates

- Paradigm may disclose private health information to a business associates with whom Paradigm contracts with to provide services on our behalf. To protect private health information, Paradigm requires its business associates to appropriately safeguard the health information of persons served.

Authorization

- Paradigm will not use or disclose private health information for any other purpose without written authorization from the person served or their legally responsible person. Once authorization is obtained, a person served or their legally responsible person may revoke this authorization in writing at any time.

<p style="text-align: center;">THE RIGHTS OF PERSONS SERVED REGARDING PRIVATE HEALTH INFORMATION</p>

People have the following rights with respect to their health information:

- People may ask us to restrict certain uses and disclosures of their health information. Paradigm is not required to agree to this request, but if it is reasonable, we will honor it.
- **People have the right to receive communications from Paradigm and its staff in a confidential manner.**
- Generally, people may inspect and copy their health information. This right is subject to certain specific exceptions, such as if it is part of a legal case. People served may be charged a reasonable fee for any copies of your records.
- **People may ask Paradigm to amend their health information. Paradigm may deny this request for certain specific reason. If we deny the request, Paradigm will provide a written explanation for the denial and information regarding further rights people may have at that point.**
- People have the right to receive an accounting of the disclosures of their health information made by Paradigm, Inc. during the last six years (or following April 14, 2003), except for disclosures for treatment, payment or

healthcare operations, disclosures which were authorized and certain other specific disclosure types.

- **People may request a paper copy of this Notice of Privacy Practices for Protected Health Information.**
- People have the right to complain to Paradigm and/or to the United States Department of Health and Human Services if they believe that Paradigm has violated their privacy rights. If a person chooses to file a complaint, they will not be retaliated against in any way.

DISCLOSURE OF CONFIDENTIAL INFORMATION W/O CONSENT

While people are receiving supports and services from Paradigm there may be certain circumstances in which peoples confidential information may be shared without consent. This rarely occurs and would only occur in accordance with NC General Statue 122C-52-56, and only in unusual circumstances including:

1. Sharing information with the persons next of kin if it is determined that it is in their best interest;
2. Sharing information with advocates when it is determined that it is in the persons best interest;
3. Sharing information with law enforcement under certain circumstances and attorneys in certain court proceedings in accordance with NC General Statue 122C-54;
4. Sharing information to report child or adult abuse or neglect situations, and other situations involving abuse, neglect, or domestic violence.
5. Sharing information with the Food and Drug Administration, governmental functions (such as national security) and agencies administering public benefits;
6. Sharing information with a health oversight agency;
7. Sharing information with medical examiners, coroners, funeral directors or for organ donation purposes;
8. Sharing information in the case of imminent danger to a person served where their health or safety or the health or safety of another individual is in danger, or if there is a likelihood of a person served or someone else in their life committing a felony or violent misdemeanor;

9. Sharing information with a public health authority, a physician or other health care provider who is providing emergency medical services to a person served to the extent necessary to meet the emergency; and
10. Sharing information for certain required reporting.

In the event that Paradigm has to share confidential information about a person served without consent Paradigm will explain the action and the circumstances to the person served or to someone who is legally responsible for that person as soon as possible. Paradigm will also document it in your service record.