



POLICY # 708
POLICY TITLE: HIPAA
REFERENCE: CARF
EFFECTIVE DATE: 10-4-2023

1. Purpose:

The purpose of this policy is to ensure compliance with the Health Insurance Portability and Accountability Act (HIPAA) and 42 Code of Federal Regulations (CFR) Part 2 regulations regarding the privacy and confidentiality of substance use disorder (SUD) treatment records at New Hope Counseling and Recovery Clinics.. This policy outlines procedures for safeguarding protected health information (PHI) related to SUD treatment and ensuring that access to such information is restricted to authorized individuals for lawful purposes only.

2. Scope:

This policy applies to all employees, contractors, volunteers, and other individuals affiliated with [Substance Abuse Clinic Name] who have access to SUD treatment records covered by HIPAA and CFR 42 Part 2 regulations.

3. Definitions:

- HIPAA: Health Insurance Portability and Accountability Act, a federal law that sets standards for the protection of sensitive patient health information.
- CFR 42 Part 2: Regulations governing the confidentiality of SUD treatment records maintained by federally-assisted programs.

- Substance Use Disorder (SUD): A condition characterized by the recurrent use of alcohol or drugs that causes significant impairment or distress.
- Protected Health Information (PHI): Individually identifiable health information transmitted or maintained in any form or medium.
- Authorized Individual: An individual who has obtained lawful access to SUD treatment records for purposes permitted by HIPAA and CFR 42 Part 2 regulations.

4. Policy:

a. Confidentiality of SUD Treatment Records: All SUD treatment records maintained by New Hope Counseling and Recovery] are considered highly confidential and are protected by both HIPAA and CFR 42 Part 2 regulations. These records include, but are not limited to, assessments, treatment plans, progress notes, and discharge summaries.

b. Access to SUD Treatment Records: Access to SUD treatment records is restricted to authorized individuals who have a legitimate need for such information in the course of providing treatment, obtaining payment, conducting healthcare operations, or as otherwise permitted by law. Authorized individuals may include healthcare providers, administrative staff, and third-party contractors working on behalf of New Hope Counseling and Recovery..

c. Written Consent Requirement: Disclosure of SUD treatment records to third parties is prohibited without the written consent of the patient, except as permitted by HIPAA and CFR 42 Part 2 regulations. Patients must provide written consent specifying the purpose of the disclosure, the information to be disclosed, and the identity of the recipient.

d. Use of De-identified Information: Whenever possible, New Hope Counseling and Recovery will use de-identified information for research, quality improvement, or other purposes not requiring the disclosure of PHI. De-identified information does not contain any identifiable patient information and is exempt from HIPAA and CFR 42 Part 2 regulations.

e. Training and Education: All employees, contractors, and volunteers with access to SUD treatment records will receive training on HIPAA and CFR 42 Part 2 regulations, as well as [Substance Abuse Clinic Name]'s policies and procedures for safeguarding PHI. Training will be provided upon hire and periodically thereafter to ensure ongoing compliance.

f. Security Measures: [Substance Abuse Clinic Name] will implement appropriate administrative, technical, and physical safeguards to protect the confidentiality, integrity, and availability of SUD treatment records. Security measures may include access controls, encryption, audit trails, and disaster recovery plans.

g. Breach Notification: In the event of a breach of PHI, New Hope Counseling and Recovery will comply with HIPAA breach notification requirements and CFR 42 Part 2 regulations. This includes notifying affected individuals, the Department of Health and Human Services (HHS), and other appropriate entities within the required timeframes.

5. Enforcement:

Violations of this policy may result in disciplinary action, up to and including termination of employment or contract, in accordance with applicable laws, regulations, and New Hope Counseling and recovery's policies and procedures.

6. Revision and Review:

This policy will be reviewed annually and updated as necessary to reflect changes in HIPAA, CFR 42 Part 2 regulations, and New Hope Counseling and Recovery's practices and procedures. Any revisions to the policy will be communicated to all relevant stakeholders.

7. Contact Information:

For questions or concerns regarding this policy, please contact The Director of Compliance at 606-594-7479
