

DEPARTMENT OF HEALTH
ALCOHOL AND DRUG ABUSE DIVISION (ADAD)
NOTICE OF PRIVACY PRACTICES

THIS NOTICE DESCRIBES HOW MEDICAL AND HEALTH INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW THIS NOTICE CAREFULLY.

THIS NOTICE OF PRIVACY PRACTICES SHALL TAKE EFFECT on February 20, 2009.

Understanding Your Health Record/Information:

The Hawaii State Department of Health, Alcohol and Drug Abuse Division (ADAD) must keep information about your health care confidential. Information regarding your health care is protected by two federal laws: the Health Insurance Portability and Accountability Act of 1996 (HIPAA), 42 U.S.C. §1320d *et seq.*, 45 C.F.R. Parts 160 & 164, and the Confidentiality Law, 42 U.S.C. §290dd-2, 42 C.F.R. Part 2. Under these laws, ADAD may not tell anyone that you attend or have ever attended a substance abuse program, nor may ADAD give out any information identifying you as an alcohol or drug abuser, or give out any other health information about you without your authorization, except as described in this notice or required by law. In addition, State laws and Administrative Rules under H.R.S. §334-5 and HAR 11-175-31 may give more protection to PHI maintained by ADAD. In such situations, ADAD will follow the more stringent laws. Your health record contains your symptoms, examination and test results, diagnoses, treatment (e.g. outpatient counseling) and a plan for future care or treatment. This information serves as a:

- Basis for planning your care and treatment;
- Means of communication among the many health professionals who contribute to your care;
- Legal document describing the care you received;
- Means by which you or a third party payer can verify that services billed were actually provided;
- A tool in educating health care professionals;
- A source of data for health research;
- A source of information for public health officials charged with improving the health of the nation;
- A source of data for facility planning; and
- A tool with which your treatment provider can assess and continually work to improve the care he or she renders and the outcomes he or she achieves.

Understanding what is in your record and how your health information is used helps you to:

- Ensure its accuracy;
- Better understand who, what, when, where and why others may access your health information;
- Make more informed decisions when you agree to give information to others.

Your Health Information Rights:

ADAD collects limited information about you and does not maintain your health records. Although your health record is the physical property of the healthcare practitioner or facility that compiled it, the information belongs to you. You have the right to review your complete health information. Your health information is available from your substance abuse treatment program. You have the right to ask your treatment program to:

- Limit the use and/or disclosure of your medical information as provided by 45 C.F.R. §164.522;
- Obtain a paper copy of this notice of information practices upon request;
- Inspect and copy your health record as provided for in 45 C.F.R. §164.524;
- Amend your health record as provided in 45 C.F.R. §164.526;
- Obtain an accounting of the disclosure of your health information during the six years prior to your request as provided in 45 C.F.R. §164.528;
- Request communications of your health information by alternative means or at alternative locations;
- Revoke your authorization to use or disclose health information except to the extent that action has already been taken.

You also have the right to give permission for most uses of your health information. There are stricter Federal and State requirements for use and disclosure for some types of protected health information, for example, mental health, substance abuse, developmental disabilities, and Human Immunodeficiency Virus (HIV), Acquired Immune Deficiency Syndrome (AIDS), and AIDS - Related Complex (ARC) information. However, there are still limited circumstances in which these types of information may be used or disclosed without your authorization.

ADAD Responsibilities:

ADAD pays for substance abuse treatment using State and Federal money. ADAD is required to:

- Maintain the privacy of your health information by law;
- Provide you with a notice as to our legal duties and privacy practices with respect to information we collect and maintain about you;
- Abide by the terms of this notice.

