

Notice of Privacy Practices Client Confidential Information

This document is part of our compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA). **The law requires that we notify you of your privacy rights. This notice does not affect your care or eligibility for Ohio Employee Assistance Program (OEAP) services.**

This notice describes how confidential information about you may be used and disclosed and how you may access this information. Please review this information carefully.

Procedures

The OEAP is dedicated to protecting all confidential information that is collected when providing assistance to State of Ohio employees, their dependents, and retired State of Ohio employees. The OEAP is required by law to maintain the privacy of your personal and health information, and to provide you with this notice of its legal duties and privacy practices regarding confidential information. **The OEAP follows all requirements of the Health Insurance Portability and Accountability Act of 1996 (HIPAA).** As required by HIPAA, the OEAP follows State laws regarding confidentiality of private information when its requirements are more stringent than those of HIPAA. All employees of the OEAP are required to comply with our privacy practices and this notice.

The OEAP has established appropriate physical, administrative and technological safeguards to prevent protected information from intentionally or unintentionally being used or disclosed in violation of HIPAA requirements. Physical safeguards include the storing of all records in a secure room within file cabinets that are locked at the conclusion of the business day. Access to this file room is limited to OEAP staff only. Technological safeguards include limiting access to case information stored in OEAP's computer database.

How the OEAP may use or disclose your confidential information...

The OEAP collects information from you and stores it in a confidential computer database, as well as in a hardcopy record. This case record is the property of the OEAP. You may, however, request a complete copy or authorize use or disclosure of this record by signing a written release of information form. Unless requested in person, you will be required to have this form notarized prior to mailing it to the OEAP.

The OEAP may disclose your confidential information for the following purposes only: **Records of the identity, diagnosis, prognosis, or treatment of any persons that are maintained in connection with the OEAP are not public records under Section 149.43 of the Ohio Revised Code and shall be disclosed only under circumstances described in this Notice of Privacy Practices.**

1. Treatment Disclosures

Treatment is defined as the provision, coordination or management of health care and related services, consultation between providers relating to an individual or referral of an individual to another provider for health care. The OEAP may disclose your confidential information in order to assist in arranging services for you. For example, if you would like a referral for counseling services or substance abuse treatment services, an OEAP staff member will work with you in finding a qualified mental health or substance abuse provider or program suited to meet your needs. We will give the treating provider enough information so that appropriate services can be provided to you. The treating provider has the same responsibilities of protecting your confidential information.

The OEAP also provides compliance or non-compliance information to employers and unions in cases where the employee and employer enter into an OEAP Participation Agreement or voluntary agreement. Appropriate release of information forms must be signed along with the other forms that are part of the Participation Agreement. Neither the employer nor union will receive any confidential information. If the reason you have contacted the OEAP is the result of a positive drug test, we will not provide information to your employer on any follow-up drug test that you take on your own prior to taking a return to duty test for your employer. The OEAP may disclose your confidential information to medical personnel to the extent necessary to meet a bona fide medical emergency (Ohio Revised Code – Section 3701.041).

2. Payment Disclosure

Payment is defined as activities undertaken to obtain or provide reimbursement for health care, including determinations of eligibility or coverage, billing, collection activities, medical necessity determinations and utilization review. There is no fee associated with use of the OEAP for information provided, consultation, or referral services. While there is no fee associated with the OEAP, we may disclose your confidential information when assisting you with billing issues and eligibility of coverage issues associated with your insurance. Only the minimum amount of information necessary will be shared.

3. Health Oversight

The OEAP may share your confidential information with qualified personnel for the purposes of conducting management audits, financial audits, or program evaluation.

4. Operational Use

The OEAP may share your confidential information when necessary for administrative purposes. All OEAP staff is required to sign a confidentiality statement which addresses the confidential nature of the work performed by the OEAP. When appropriate, it may be necessary to share your confidential information when conducting or arranging legal services and other administrative functions. Only the necessary, minimum amount of information will be shared with any operations entity at the Department of Administrative Services (DAS).

5. Legal Proceedings

The Ohio Revised Code (ORC – section 3701.041) provides more stringent guidelines than HIPAA. Section 3701.041 specifically addresses OEAP records and disclosures. This section of the ORC states that your information may be disclosed if authorized by an appropriate order of a court of competent jurisdiction granted after a showing of good cause. In determining good cause, the court shall weigh the public interest and the need for disclosure against injury to the person who is the subject of the record and to the employee assistance program. Upon granting such an order, the court shall, in determining the extent to which the disclosure of all or any part of your record is necessary, impose appropriate safeguards against unauthorized disclosure.

6. Law Enforcement

Consistent with applicable federal and state laws, OEAP may disclose information if we believe that use or disclosure is necessary to prevent or lessen a serious threat to the health or safety of a person or the public. We may also disclose information if it is necessary for law enforcement authorities to identify or apprehend an individual. Additionally, the OEAP may disclose your protected health information when required by law in situations that involve threats of suicide or homicide and where abuse or neglect involving children and the elderly is suspected. The OEAP may disclose your confidential information to law enforcement officials for identifying or locating a suspect, fugitive, material witness or missing person, complying with a court order and other law enforcement purposes.

7. Military Activity and National Security

When the appropriate conditions apply, the OEAP may disclose confidential information of individuals who are members of the Armed Forces for activities deemed necessary by appropriate military command authorities. This includes, but is not limited to, disclosure of information for the purposes of determination by the Department of Veterans Affairs of eligibility for benefits, and to authorized federal officials for conducting national security and intelligence activities, including protective services to the President.

8. Your Individual Rights

Restrictions. You have the right to request reasonable restrictions on the use and disclosure of confidential information about you. The OEAP reserves the right to disagree with the requested restrictions. The OEAP will only be bound by the restrictions if you are notified in writing that the OEAP agrees with the request.

Confidentiality. You have the right to request that the OEAP use only confidential means of communicating with you with regards to information about you. You may request that information be delivered to you at a certain time or place or in a manner that keeps your information confidential. The OEAP reserves the right to disagree with the request.

Access. You have the right to see and receive a copy of information about you. Certain exceptions may apply.

Amendment. You have the right to request that the OEAP amend your confidential information that is incorrect or incomplete. The OEAP reserves the right to refuse requested amendments if the information is accurate, created by another entity or the information is not disclosable. If we deny your request, we will provide you with information about our denial.

Accounting. You have a right to receive an accounting of uses and disclosures of your personal and health information in the possession the OEAP. Certain exceptions may be applicable.

Changes to this Notice of Privacy Practices

The OEAP reserves the right to amend or change this Notice of Privacy Practices at any time retroactively or in the future without notice, and to make the new revisions effective for all information that it maintains. This includes information that was created or received prior to the date of amendment. If this Notice is revised, changes will be posted on the OEAP web-site. Changes to this notice will also be posted in the OEAP office, and copies are available upon request by calling the OEAP.

Questions

If you any questions or would like a more detailed explanation of these rights, contact our privacy officer at: the Department of Administrative Services, Mr. Eric C. Harrell, Chief Legal Counsel, 30 E. Broad, Columbus, Ohio 43215.

Complaints

The OEAP will not retaliate or take any action against you as a result of filing a complaint. Complaints about this Notice of Privacy Practices or how OEAP handles your confidential information should be directed to the Department of Administrative Services, Mr. Eric C. Harrell, Chief Legal Counsel, 30 E. Broad, Columbus, Ohio 43215.

You may also direct complaints to or if you are not satisfied with the manner in which a complaint is handled by the Department of Administrative Services; you may submit a formal complaint to the Office of Civil Rights, Department of Health and Human Services, 233 N. Michigan Ave., Suite 240, Chicago, Illinois 60601. You may contact this office via phone at (312) 886-2359 or (312) 353-5693.