



Notice of Privacy Practices (rev. 08/2023)

Please review this notice carefully. You have the right to request additional paper or electronic copies of this notice at any time. This notice describes how your protected health information may be used and disclosed and how you can get access to this information. Protected Health Information (PHI) is all individually identifiable health information that is created or received by OnPoint that relates to your past, present or future physical or behavioral health condition, the provision of services and payment for those services. Examples of identifiable health information include: your name, address, telephone number and date of birth; your diagnosis (the condition for which you are receiving treatment) and your treatment plan and goals.

OnPoint is required by federal and state law to protect the privacy of your health information and to provide you with this notice. OnPoint takes your privacy seriously and we pledge to do our best to keep your personal information private and free from errors.

The Use and Disclosure of your Protected Health Information

OnPoint may use and disclose PHI for a variety of reasons. OnPoint has a limited right to use and/or disclose your PHI without your authorization for the purpose of treatment, payment, or OnPoint's behavioral health care operations.

Other uses and disclosures require your written authorization unless the law permits or requires OnPoint to make the use or disclosure without your authorization. If OnPoint discloses your PHI to a third party for that party to perform a function on behalf of OnPoint, the third party must agree that it will extend the same degree of privacy protection to your PHI that OnPoint does.

Pursuant to the limitations of the Michigan Mental Health Code, and Title 42, Part 2 of the Code of Federal Regulations, we may use or disclose your PHI without your authorization as follows:

Treatment: OnPoint may use and disclose your PHI to health care providers under contract with OnPoint to provide and coordinate your behavioral and physical health care and related services.

Payment: OnPoint will disclose your PHI to receive or make payment for the behavioral health and/or substance use disorder treatment services provided to you.

Health Care Operations: OnPoint may use and disclose your PHI to support the business activities of this agency (operations purposes).

Fundraising and Other Communications: OnPoint may use or disclose parts of your PHI to offer you information that may be of interest to you. For example, we may use your name and address to send you newsletters or other information about activities. If we contact you to raise funds, we will inform you of our intention and your right to opt out of receiving such communications.

Business Associates and Subcontractors: OnPoint contracts with individuals and entities known as Business Associates to perform various functions or provide certain services. To perform

these functions or provide these services, Business Associates may receive, create, maintain, use and/or disclose your PHI, but only after they sign an agreement with us requiring them to implement appropriate safeguards regarding your PHI. Similarly, a Business Associate may hire a Subcontractor to assist in performing functions or providing services in connection with your services. If a Subcontractor is hired, the Business Associate may not disclose your PHI to the Subcontractor until after the Subcontractor enters into a Subcontractor Agreement with the Business Associate that also requires the Subcontractor to safeguard your PHI.

Avert a Serious Threat to Health or Safety: OnPoint may use and disclose your PHI when necessary to prevent a serious threat to your health and safety or the health and safety of the public or another person. Any disclosure, however, would only be to someone able to help prevent the threat.

Public Health: OnPoint may disclose parts of your PHI to the Public Health Department when the law requires us to do so. This disclosure would only be made for the purpose of controlling disease, injury, or disability.

Health Oversight Entities: OnPoint may disclose your PHI to agencies that are responsible for making sure our services meet quality standards. They may need your PHI for activities such as audits, investigations, and inspections. Agencies that use this information may include the Centers for Medicare and Medicaid Services, the Lakeshore Regional Entity, and the Michigan Department of Health and Human Services.

Law Enforcement: OnPoint will disclose your PHI when required to do so by federal, state, or local law.

Food and Drug Administration: OnPoint may disclose your PHI if the Food and Drug Administration requires it, for example, to report adverse events or product defects or problems; help track products; and allow product recalls.

Coroners or Medical Examiners: OnPoint may disclose PHI to a coroner or medical examiner for identification purposes, determining cause of death or for the coroner or medical examiner to perform other duties.

Research Organizations/Individuals: OnPoint may disclose your PHI to researchers only with your authorization.

Department of Health and Human Services (HHS): OnPoint must release your PHI to HHS so they can make sure OnPoint is adhering to legal requirements, laws, rules, and regulations. OnPoint is required by law to release your PHI if OnPoint suspects there may have been child or vulnerable adult abuse or neglect.

Your Rights Regarding Your Protected Health Information (PHI)

You have the following rights regarding your PHI maintained by OnPoint:

You have the right to inspect and receive a copy of your PHI.

You have the right to request access to the portion of your PHI that is contained in a designated records set for as long as we maintain the PHI. “Designated record set” means medical and billing records and any other records that this agency uses for making decisions about you. This includes the right to inspect the information as well as the right to a copy of the information. You may request that the information be sent to a third party. You must submit a request for access in writing to the OnPoint Privacy Officer. If you request a copy of the information, OnPoint may charge a reasonable fee for the costs of copying, mailing or other supplies associated with your request. OnPoint may deny your request to inspect and copy in certain circumstances. If you are denied access to medical information, you may request that the denial be reviewed by contacting OnPoint’s Privacy Officer. If OnPoint maintains your PHI electronically in a designated records set, OnPoint will provide you with access to the information in a format as agreed to by you and OnPoint.

Under federal law you may not see or copy the following that may be contained in your record: psychotherapy notes; information gathered for use in court or at hearings; PHI that is covered by a law that states you may not see it and/or information assigned or developed as part of a peer review function.

Your Right to Amend: If you feel that PHI OnPoint has about you is incorrect or incomplete, you may ask OnPoint to amend the information. You have the right to request an amendment for as long as the information is kept by or for OnPoint. To request an amendment, your request must be made in writing and submitted to the OnPoint Privacy Officer. In addition, you must provide a reason that supports your request. OnPoint may deny your request for an amendment if it is not in writing or does not include a reason to support the request. In addition, OnPoint may deny your request if you ask us to amend the following information:

- Is not part of the treatment information kept by OnPoint
- Was not created by OnPoint, unless the person or entity that created the information is no longer available to make the amendment
- Is not part of the information which you would be permitted to inspect and copy; or
- Is accurate and complete.

Your Right to Request Restrictions. You have the right to request a restriction or limitation regarding your PHI that OnPoint uses or discloses for treatment, payment, or health care operations. You also have the right to request a limit on your PHI that OnPoint discloses to someone who is involved in your care or the payment for your care, like a family member or friend. To request restrictions, you must make your request in writing to the OnPoint Privacy Officer. In your request, you must tell OnPoint what information you want to limit, whether you want to limit our use, disclosure, or both, and to whom you want the limits to apply. We are not required to agree to your request.

Your Right to Request Confidential Communications. You have the right to request that OnPoint communicates with you about your services in a certain way or at a certain location. For example, you can ask that OnPoint only contacts you at work or that OnPoint sends mail to an address other than your home address.

Right to an Accounting of Disclosures. You have the right to request an accounting of certain

disclosures of your PHI. The accounting will not include disclosures to carry out treatment, payment and health care operations, disclosures to you about your own PHI, disclosures pursuant to an individual authorization or other disclosures as set forth in HIPAA privacy policies and procedures. You may also request an accounting of uses and disclosures of your PHI maintained as an electronic health record. To request this list or accounting of disclosures, you must submit your request in writing to the OnPoint Privacy Officer.

Breach Notification Requirements. You have a right to be notified upon a breach of your unsecured PHI.

OnPoint will not sell or disclose PHI for marketing purposes or disclose PHI that contains your genetic information for underwriting purposes.

Your Written Permission is Required for Other Uses and Disclosures of Your PHI.

Uses and disclosures of psychotherapy notes other than to carry out the treatment, payment, and health care operations set forth at 45 CFR § 164.508(a)(2).

Other uses and disclosures of your PHI not covered by this notice or applicable laws will be made only with your written permission. If you provide OnPoint permission to use or disclose your PHI, you may revoke that permission, in writing, at any time. If you revoke your permission, we will no longer use or disclose your PHI for the reasons covered by your written authorization. OnPoint is unable to revoke any disclosures already made with your permission.

Changes to this Notice

OnPoint reserves the right to change this notice and to make the revised or changed notice effective for PHI already maintained by OnPoint as well as any information received in the future. A copy of the current notice will be posted in OnPoint buildings and on our website.

How to File a Complaint

If you believe your privacy rights have been violated, you may file a complaint with the OnPoint HIPAA Privacy Officer:

Privacy Officer
540 Jenner Drive
Allegan, MI 49010
Phone: (269) 673-6617 Ext. 2718
Email: cofficer@onpointallegan.org

You can also file a complaint with the federal government:

Office of Civil Rights
Dept. of Health & Human Services
200 Independence Avenue, SW
Washington DC 20201
Phone: (877) 696-6755
TTY: (886) 788-4989
E-mail: ocrprivacy@hhs.gov

OnPoint will not retaliate against you for filing a complaint.