

HIPAA & 42 CFR PART 2 Rights and Responsibilities

New Life Recovery Center will take every precaution in ensuring a client's Protected Healthcare Information treated according to Law and in the best interest of the client.

In our efforts to do so:

The client has a right to confidential treatment; 1. Information in the client's clinical record shall not be released to anyone outside of the agency without the client's written approval authorizing the release of the information in accordance with Federal statutes and rules for the Confidentiality of Alcohol and Drug Abuse Client records at 42 U.S.C 290dd-2ee-2, and 42 CFR Part 2 2.1 and the provisions of the Health Insurance Portability and Accountability Act (HIPAA) at 45 CFR Parts 160 and 164, unless the release of the information is required and permitted by law, a third party payment contract, a peer review, or the information is needed by Department Of Human Services (DHS) for statutorily authorized purposes; and 11. The program may release data about the client for studies aggregating statistics only when the client's identify is protected and masked

No client information or identifying data shall be released in writing or orally without client's written consent. Client will also be notified that he/she has the right to rescind any consent originally signed. All written consents shall specific to what information may be provided, to whom the information can be provided and what will constitute the termination of said consent. If someone calls requesting to speak to a client the agency staff cannot acknowledge that the client is or has been part of the program; or that they know the client unless there is an executed consent form on file.

The only time client information may be released without consent is:

If the client has broken the law at the agency.

If the client is deemed in jeopardy of causing harm to self or others.

An Officer of the law enters the premises with a search warrant or a subpoena with an order which includes a finding of "good cause" exists. In the case a law enforcement officer presents him/herself at the facility inquiring about a client the staff will secure the following information:

The officer's name

The Officer's badge number

The agency the officer represents

The date and time of the request

The purpose of the Officer's visit

Client discloses or it otherwise comes out that there is child or elder abuse taking place.

There is a medical emergency, and the staff must act on the client's behalf because the client is incapacitated.

For billing, state audits or accreditation surveys.

All client records will be secured electronically on a password protected computer which is in a locked office.

The client has an absolute right to review his/her clinical record, he/she can do so by requesting in writing to see said record the request will be submitted to the primary counselor or the Director of Client Services in the absence of the primary counselor. Any client request to see their records will be facilitated within 48 hours of the said request.

42 CFR is very clear that any substance abuse treatment agency is bound by law to protect and uphold client's Protected Health Information. Any violation of this law is a reportable offense in New Jersey and must be reported to the Office of Licensing. The program also will post in conspicuous areas the grievance procedure for clients for both internal grievances and the complaint hotline for the state of New Jersey, which is:

Office of Program Integrity & Accountability

Office of Licensing-Addiction Services

PO Box 707

Telephone number (877) 712-1868

State of New Jersey

Office of the Ombudsman for the Institutionalized Elderly

PO Box 808

Trenton, New Jersey, 08625-0808