COMMUNITY MENTAL HEALTH AUTHORITY

ADMINISTRATIVE POLICY AND PROCEDURES MANUAL				
Chapter **Program Quality**	**Section** **HIPAA**	**Chapter** **05**	**Section** **03**	**Subject** **02**
Subject **Notice of Privacy Practices**	**Authorization**		**Approved: 09/26/17** **Replaces: 09/30/14**	

Updated: October 2024; Reviewed/No Update: October 2025

I. PURPOSE: To establish policy and procedure regarding the Notice of Privacy Practices.

II. APPLICATION: All employees of Gogebic Community Mental Health Authority (GCMHA).

III. DEFINITIONS:

ELMER**:** Electronic Medical Record

Disclosure**:** The release, transfer, provision of, access to, or divulging in any other manner of information outside the entity holding the information.

Individually Identifiable Health Information (IIHI): Information that is a subset of health information, including demographic information collected from an individual and is created or received by a health care provider, health plan, employer, or health care clearinghouse; and relates to the past, present, or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present, or future payment for the provision of health care to an individual; and that identifies the individual; or with respect to which there is a reasonable basis to believe the information can be used to identify the individual.

Protected Health Information (PHI): Any information, whether oral or recorded in any form or medium, that is created or received by a "Covered Entity" (or a Business Associate of a Covered Entity), and relates to the past, present, or future physical or mental health or condition of any individual, the provision of health care to an individual, or the past, present, or future payment for the provision of health care to an individual.

IV. POLICY: All recipients will receive a copy of GCMHA's Notice of Privacy Practices and all Medicaid recipients will also receive a copy of NorthCare's Notice of Privacy Practices.

GCMHA personnel and providers shall preserve the confidentiality and privacy of Protected Health Information (PHI) and Individually Identifiable Health Information (IIHI) (hereinafter collectively referred to as PHI). All information in the medical record (oral, written, or electronic) or obtained in the course of providing services is confidential. In the use and disclosure of PHI, GCMHA will comply with all legal, ethical, and accreditation standards.

GCMHA personnel may use or disclose PHI to the extent that such use or disclosure is required by law and the use or disclosure complies with and is limited to the relevant requirements of such law. PHI may be used or disclosed for: treatment, payment, and healthcare operations unless it is protected under the Michigan Mental Health Code, HIPAA, and P.A. 559 or 42 C.F.R. Part 2; when it is authorized by the recipient (or

guardian, if applicable); or when it is mandatory under state of federal laws such as to adult or child protective services. GCMHA does not engage in the use of PHI for the purposes of research, marketing or fundraising. Furthermore, GCMHA will not sell PHI.

V. PROCEDURE:

A. The Notice of Privacy Practices will be posted at all GCMHA facilities in areas accessible to recipients. It will also be posted on GCMHA's website, www.gccmh.org and downloadable in PDF format.

B. Upon admission, the designated responsible staff shall provide GCMHA's Notice of Privacy Practices to each recipient or their legal representative. A Medicaid recipient will also be provided with a copy of NorthCare's Notice of Privacy Practices. In an emergency treatment situation, a copy of the Notice(s) will be provided as soon as reasonably practicable. Acknowledgement of receiving this is included on the Consent to Treatment form which the recipient or guardian signs. This document is scanned into ELMER.

C. If the recipient cannot read or understand the Notice of Privacy Practices, accommodations will be provided.

D. If the recipient does not have a current Acknowledgment (within 6 years) on file, one shall be obtained. The Notice of Privacy Practice shall be maintained on file for a minimum of six years following the date of creation or last revision date.

VI. REFERENCES AND LEGAL AUTHORITY: 45 CFR Part 164 Section 520

VII. EXHIBITS: GCMHA Notice of Privacy Practices; NorthCare Notice of Privacy Practices; Consent to Treatment