



## **MENTAL HEALTH RESOURCES NOTICE OF PRIVACY PRACTICES**

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

### **Our Pledge Regarding Your Medical Information**

Mental Health Resources, Inc. (MHR) is committed to protecting the privacy of medical information we create or obtain about you. This Notice tells you about the ways in which we may use and disclose medical information about you. It also describes your rights and certain obligations we have regarding the use and disclosure of your medical information. We are required by law to: (i) make sure your medical information is protected; (ii) give you this Notice describing our legal duties and privacy practices with respect to your medical information; and (iii) follow the terms of the Notice that is currently in effect.

### **Who Will Follow This Notice**

The privacy practices described in this Notice will be followed by all health care professionals, employees, medical staff, trainees, interns and volunteers of MHR.

### **How We May Use and Disclose Medical Information About You**

The following sections describe different ways we may use and disclose your medical information. We abide by all applicable laws related to the protection of this information. Not every use or disclosure will be listed. All of the ways we are permitted to use and disclose information, however, will fall within one of the following categories:

**Treatment.** We may use or disclose medical information about you to provide you with medical treatment or services. For example, a psychiatrist prescribing you with medication may need to know if you have diabetes because diabetes may be affected by psychiatric medications. We may also share medical information about you with other MHR personnel or non-MHR health care providers, agencies or facilities in order to provide or coordinate the different things you need, such as prescriptions, or transportation.

**Payment.** We may use and disclose medical information about you so that the treatment and services you receive at MHR may be billed to you and payment collected from you, an insurance company or another third party. For example, we may need to give information to your health insurance company about services you received at MHR so your health insurance company will pay us or reimburse us for that service.

**Health care operations.** We may use and disclose medical information about you for MHR operations. These uses and disclosures are made to enhance quality of care and for medical staff activities, and general business activities. For example, we may disclose information to MHR personnel for performance improvement and educational purposes.

**Health information exchange.** We may share information that we obtain or create about you with other health care providers or other health care entities, such as your health plan or health insurer, as permitted by law, through Health Information Exchanges (HIEs) in which we participate. For example, information about your past medical care and current medical conditions and medications can be available to us or to your non-MHR primary care physician or hospital, if they participate in the HIE as well. Exchange of health information can provide faster access, better coordination of care and assist providers and public health officials in making more informed decisions.

SYNCRONYS, is a not-for-profit organization aimed to improve healthcare for all New Mexicans. SYNCRONYS is the State of New Mexico's designated Health Information Exchange, in which we participate. We may share information about you through SYNCRONYS for treatment, payment, health care operations, or research purposes. You may opt out of SYNCRONYS and disable access to your health information available through SYNCRONYS by completing an Opt Out form, found on their website, [www.SYNCRONYS.org](http://www.SYNCRONYS.org) and faxing it to 505.938.9900.

**Additional uses and disclosures of your medical information.**

We may use or disclose your medical information without your authorization (permission) to the following individuals, or for other purposes permitted or required by law, including:

- To tell you about, or recommend, possible treatment alternatives
- To inform you of benefits or services we may provide
- As required by state and federal law
- To prevent or lessen a serious and imminent threat to your health and safety or the health and safety of the public or another person
- To coroners or medical examiners, as authorized or required by law as necessary for them to carry out their duties
  - To the military if you are a member of the armed forces and we are authorized or required to do so by law
- To governmental, licensing, auditing and accrediting agencies
- To third parties referred to as "business associates" that provide services on our behalf, such as software maintenance and legal services
- Unless you say no, to anyone involved in your care or payment for your care, such as a friend, family member, or any individual you identify
- For public health purposes
  - To courts and attorneys when we get a court order, subpoena or other lawful instructions from those courts or public bodies or to defend ourselves against a lawsuit brought against us
- To law enforcement officials as authorized or required by law

**Other uses of medical information.** Other uses and disclosures of medical information not covered by this Notice will be made only with your written authorization. Most uses and disclosures of psychotherapy notes and most uses and disclosures for marketing purposes fall within this category and require your authorization before we may use your medical information for these purposes. Additionally, with certain limited exceptions, we are not allowed to sell or receive anything of value in exchange for your medical information without your written authorization. If you provide us authorization to use or disclose medical information about you,

you may revoke (withdraw) that authorization, in writing, at any time. However, uses and disclosures made before your withdrawal are not affected by your action and we cannot take back any disclosures we may have already made with your authorization.

**De-identified Health Information.** We may use your health information to create “de-identified” information that is no longer identifiable to any individual in accordance with HIPAA. Once this information has been de-identified, it is no longer protected by law, and we may share it with third-parties for purposes consistent with the mission of MHR, including for purposes of research and improving the care of the communities we serve.

**Limited Data Set.** We may use your health information to create a “limited data set” by removing certain identifying information. We may use and disclose a limited data set only for research, public health, or health care operations purposes, and any third party who receives a limited data set must sign an agreement to protect your health information.

**Use of unsecure electronic communications.** If you choose to communicate with us or any of your MHR providers via unsecure electronic communication, such as regular email, Vsee message or text message, we may respond to you in the same manner in which the communication was received and to the same email address or account from which you sent your original communication. In addition, if you provide your email address or cell phone number to your health care provider, we may send you emails or text messages related to appointment reminders, or other general informational communications. For your convenience, these messages may be sent unencrypted.

Before using or agreeing to use of any unsecure electronic communication to communicate with us, note that there are certain risks, such as interception by others, misaddressed/misdirected messages, shared accounts, messages forwarded to others, or messages stored on unsecured, portable electronic devices. By choosing to correspond with us via unsecure electronic communication, you are acknowledging and agreeing to accept these risks.

### **Your Rights Regarding Medical Information About You**

The records of your medical information are the property of MHR. Under HIPAA and 42 CFR Part 2 you have the following rights:

**Right to inspect and copy.** With certain exceptions, you have the right to inspect and/or receive a copy of your medical and billing records or any other of our records that are used by us to make decisions about you. You have the right to request that we send a copy of your medical or billing records to a third party. We request that you submit your request in writing to the medical records department. We may charge you a reasonable fee for providing you a copy of your records. We may deny access, under certain circumstances. You may request that we designate a licensed health care professional to review the denial. We will comply with the outcome of the review.

**Right to request an amendment.** If you feel that medical information we have about you is incorrect or incomplete, you may ask us to amend the information. You have the right to request

an amendment for as long as the information is kept by or for MHR in your medical and billing records or any other of our records that are used by us to make decisions about you.

You are required to submit your request in writing to the MHR Corporate Compliance Officer as explained at the end of this Notice, with an explanation as to why the amendment is needed. If we accept your request, we will tell you we agree and we will amend your records. We cannot change what is in the record. We add the supplemental information by an addendum. With your assistance, we will notify others who have the incorrect or incomplete medical information. If we deny your request, we will give you a written explanation of why we did not make the amendment and explain your rights.

We may deny your request if the medical information (i) was not created by MHR (unless the person or entity that created the medical information is no longer available to respond to your request); (ii) is not part of the medical and billing records kept by or for MHR; (iii) is not part of the information which you would be permitted to inspect and copy; or (iv) is determined by us to be accurate and complete.

**Right to an accounting of disclosures.** You have the right to receive a list of certain disclosures we have made of your medical information in the six years prior to your request. This list will not include every disclosure made, including those disclosures made for treatment, payment and health care operations purposes, or those disclosures made directly to you or with your consent.

You are required to submit your request in writing to the MHR Corporate Compliance Officer as explained at the end of this Notice. You must state the time period for which you want to receive the accounting. The first accounting you request in a 12-month period will be free, and we may charge you for additional requests in that same period

**Right to request restrictions.** You have the right to request a restriction or limitation on the medical information we use or disclose about you for treatment, payment or health care operations.

To request a restriction, you must tell your caregivers or contact the MHR Corporate Compliance Officer using the contact information listed at the end of this Notice. In some cases, you may be asked to submit a written request. We are not required to agree to your request. If we do agree, our agreement must be in writing, and we will comply with your request unless the information is needed to provide you emergency treatment or we are required or permitted by law to disclose it. We are allowed to end the restriction if we inform you that we plan to do so. Medical information may include substance use diagnosis, and treatment progress. If you request that we not disclose certain medical information to your health insurer and that medical information relates to a health care product or service for which we, otherwise, have received payment from you or on your behalf, and in full, then we must agree to that request.

**Right to request confidential communications.** You have the right to request that we communicate with you about medical matters in a certain way or at a certain location. If you want us to communicate with you in a special way, you will need to give us details about how to contact you. You also will need to give us information as to how billing will be handled. We will



honor reasonable requests. However, if we are unable to contact you using the requested ways or locations, we may contact you using any information we have.

**Right to be notified in the event of a breach.** We will notify you if your medical information has been “breached,” which means that your medical information has been used or disclosed in a way that is inconsistent with law and results in it being compromised.

**Right to a paper copy of this Notice.** You have the right to a paper copy of this Notice. You may ask us to give you a copy of this Notice at any time. Copies of this Notice will be available throughout MHR, or you may obtain an electronic copy at the MHR website, [mhrnewmexico.com](http://mhrnewmexico.com).

### **Future Changes To MHR’s Privacy Practices and This Notice**

We reserve the right to change MHRs privacy practices and this Notice. We reserve the right to make the revised or changed Notice effective for medical information we already have about you as well as any information we receive in the future. We will post a copy of the current Notice on the MHR website, [mhrnewmexico.com](http://mhrnewmexico.com). In addition, at any time you may request a copy of the Notice currently in effect.

### **Personal Representatives, Minors and Guardians**

If you have given someone the legal authority to exercise your rights and choices about your health information, we will honor such requests once we verify their authority. This Notice also applies to minors and some disabled adults. They enjoy the same privacy protections for their medical information. However, because they usually cannot make health care decisions for themselves, a parent or a guardian can make decisions on their behalf. Parents or guardians can permit the use and release of this medical information. Parents or guardians may also hold all rights listed in this Notice including the right to inspect and copy and the right to amend.

There are, however, some situations where minors can make independent health care decisions without parental or guardian knowledge or permission. It is important to note in these situations that the minor may be the only one to permit the use and release of medical information. The minor may hold all rights listed in this Notice with respect to an independent health care decision.

### **Non-Discrimination Notice**

MHR complies with applicable Federal civil rights laws and does not discriminate on the basis of race, color, national origin, age, disability or sex.

**Questions or Complaints** If you believe that your privacy rights have not been followed as directed by applicable law or as explained in this Notice, you may file a complaint with us. Please send any complaint to Mental Health Resources, Inc. at the address provided below. You may also file a complaint with the Secretary of the U.S. Department of Health and Human Services. You will not be penalized for filing a complaint.

If you have questions or would like further information about this Notice, please contact:



Corporate Compliance Officer  
Mental Health Resources, Inc.  
1100 W. 21st Street  
Clovis, NM 88101  
Phone: 575-769-2345  
Fax: 575-769-8974