**National Council on Alcohol and Drug Dependence-New Jersey, Inc.**

**Family Violence Option**

# Notice of Privacy Practices

## Effective Date: April 14, 2003

Revised: June 24, 2017; Revised: November 1, 2017; Revised: June 22, 2020

This notice describes how your Health information may be used and disclosed and how you can get access to this information. Please review it carefully and inform us if you have any questions.

**SUMMARY**

This Notice describes the privacy practices of the National Council on Alcohol and Drug Dependence – New Jersey, Inc. (NCADD-NJ) and our employees and workforce. This Notice applies to all health care services that are provided to you by NCADD-NJ. NCADD-NJ is committed to maintaining the privacy of your ***protected health information (PHI)*** which includes health information about you, such as your medical record, assessments, treatment and care which have been provided to you, including domestic violence, alcohol and/or drug related information. We will not disclose to anyone your involvement with NCADD-NJ, including family members, unless you give us written consent to do so or unless we would be permitted to do so by law.

The Health Insurance Portability and Accountability Act (HIPAA) of 1996, as amended by the Health Information Technology for Economic and Clinical Health Act (HITECH), as well as the federal laws governing Confidentiality of Substance Use Disorder Patient Records, 42 U.S.C. 290dd-3 and 42 U.S.C. 290ee-3, and their accompanying regulations at 42 C.F.R Part 2, place certain obligations upon us with regard to your PHI and alcohol and/or drug information and records. Additionally, records pertaining to domestic violence and victim counselor privilege and privacy are protected under N.J.S.A. 2A:84A-22.13 through 2A:84A-22.16.They require that we keep confidential any health information that identifies you. Certain other state confidentiality laws and regulations also place obligations upon us with regard to your health information. We take these obligations seriously and when we need to use or disclose your PHI, including your domestic violence information, alcohol and/or drug information and records, we will comply with the full terms of this Notice and all applicable laws and regulations.

We must obtain your written consent before disclosing any of your health information, unless we would be permitted or required to do so by federal and/or state law. You may revoke this consent, in writing, at any point in time except to the extent we have already taken action in reliance on it. Anytime we are permitted to or required to share your PHI with others, we only provide the minimumamount of data necessary to respond to the need or request.

Violations of HIPAA or 42 C.F.R. Part 2 may result in civil and/or criminal liability. In particular, any violations of the laws governing Confidentiality of Substance Use Disorder Patient Records are crimes punishable by law. Any suspected violations of these laws and regulations may be reported to the proper authorities, including our Privacy Officer at 360 Corporate Blvd. Robbinsville, NJ, 08691 (609) 698-0599, and the Office of Civil Rights of the United States Department of Health and Human Services.

NCADD-NJ TREATS EACH CLIENT WITH RESPECT AND DOES ITS UTMOST TO ENSURE THAT EVERY CLIENT HAS THE RIGHT:

To be treated with consideration, dignity and respect and not to be discriminated against at any time during the assessment;

To be fully informed about all referral and recommendations for services;

To participate in the development of his/her safety plan in accordance with program policies and procedures;

To expect a response to any request for additional services and information;

To be free from medical and physical abuse and from chemical and physical restraints;

To not be deprived of any constitutional, civil and/or legal rights by reason of participation in the WFNJ FVO program.

To expect that all communications and record keeping pertaining to his/her care be treated as confidential, in keeping with the policy outlined in the this Notice.

If you have any questions about this notice, please contact the Privacy Officer, NCADD-NJ, 360 Corporate Blvd. Robbinsville, NJ 08691 (609) 698-0599.

### Who will follow this notice

This Notice applies to the National Council on Alcohol and Drug Dependence-New Jersey (NCADD-NJ), including its employees and workforce who are providing you health care services at various provider locations.

### Our pledge regarding health information

We understand that information about health is personal. We are committed to protecting health information about you. We create a record of the care and services you receive at NCADD-NJ. This is usually referred to as your “chart.” We need this record to provide you with quality care and to comply with certain legal requirements. This Notice applies to all of the records of your care **generated or maintained by NCADD-NJ**, including by our employees and workforce.

This Notice will tell you about the ways in which we may use and disclose health information about you. We also describe your rights and certain obligations we have regarding the use and disclosure of health information. We will not acknowledge your participation with NCADD-NJ to anyone, including family members and friends, unless we obtain your written consent or are otherwise required to disclose your involvement with NCADD-NJ by a court order. Anytime you give your written consent, you have the right to revoke this consent, in writing, except to the extent we may have already taken action in reliance on your previously given consent.

The law requires us to:

* Make sure that health information that identifies you is kept private;
* Give you this Notice of our legal duties and privacy practices with respect to health information about you; and
* Follow the terms of the most recent version of this Notice that is currently in effect.

### How We May Use and Disclose Health Information About You

The following categories describe different ways that we use and disclose health information. For each category of uses or disclosures, we will explain what we mean and try to give some examples. Not every use or disclosure is a category that is listed. However, all of the ways we are permitted to use and disclose information will fall within one of the categories. When we say “use,” we mean the internal communication of your health information between our employees, workforce and other staff. When we say “disclosure,” we mean the release of your health information outside of NCADD-NJ to a third-party, whether by your written consent or as permitted or required by law.

1. **For Treatment**

We may communicate health information about you to NCADD-NJ personnel who are involved in taking care of you at NCADD-NJ. For example, NCADD-NJ may need to tell a provider that you have been hospitalized so that we can effectively coordinate your care. Staff of NCADD-NJ also may share health information about you in order to coordinate the different things you need.

We also may disclose health information about you to people and organizations outside NCADD-NJ who may be involved in your care. An example is a domestic violence service provider. We may do so only after entering into specific agreements with these individuals and organizations that your health information will be safeguarded. **We will obtain your written consent before we disclose any health information to other outside individuals or organizations~~.~~** We do not need your written consent to disclose health information about you to medical personnel where you need immediate treatment for a medical emergency.

### To Comply with Requirements of our Funders

We may use and disclose health information about you to comply with requirements of our funders such as government agencies. Our major funding sources require that we provide health information on a sample of patients for monitoring purposes. **We obtain your consent for this disclosure at your first visit.**

### If you are a Work First New Jersey participant your eligibility to receive services through this program requires that we share information about your status and participation with the New Jersey Department of Human Services, Division of Family Development, the New Jersey Department of Human Services, Division of Youth and Family Services, the New Jersey Department of Health and Senior Services, Division of Addiction Services, and your county Board of Social Services. You have already been informed of this and have signed authorizations for us to do so. We will limit any information released to such agencies to that minimum necessary amount needed for your participation with such agencies.

### For access to income support, social services and other programs

We may use and disclose certain health information about you for social service, entitlements, and other programs. We will notify you about these at your initial appointment **and obtain your written consent to disclose your health information for determining your eligibility, participation in or referrals for these programs.**

### For health care operations

We may use health information about you for the internal health care operations of NCADD-NJ. This information is necessary to run NCADD-NJ and make sure that all of our clients receive quality care. For example, we may use health information to review our services and to evaluate the performance of our staff in caring for you. We may also communicate information to NCADD-NJ personnel for review and learning purposes. We will limit all information communicated to that minimum necessary amount needed for these activities. If we use an outside contractor to help us with these functions, there will be a contract in place to ensure that such contractor keeps your information confidential and secure as required by law.

### Appointment reminders

We may use and disclose health information to contact you as a reminder that you have an appointment at NCADD-NJ. **We obtain your consent for these reminders.** This means that we do not contact you unless you have informed us that it is all right to do so, and we do not leave messages from NCADD-NJ unless you have told us that it is all right to do so.

### Research

**We always obtain your consent before we use and disclose health information about you for research purposes.** Before you enroll in a research study, you will be asked to sign an informed consent, which will describe the purpose of the study, the study procedures, its potential risks and benefits, alternatives to participation in the research study, the study’s procedures for keeping your information confidential, and any compensation you might receive. You have the right to decline to participate in any research study and you have the right to withdraw at any time. If you withdraw from the study, we will stop collecting health information on you for the study; however, information collected before you withdrew will be part of the study record.

### As required by law

We will disclose health information about you when required to so by federal, state or local law but only to the extent necessary to respond to the request for such information. For example, we are required to disclose certain information regarding reports of suspected child abuse and neglect to appropriate State authorities. Unless specifically authorized by law to do so, we will obtain your written consent before disclosing any information which would identify you as an alcohol and/or drug abuser.

### Threat to Health or Safety

We may use and disclose health information about you when necessary for medical personnel to respond to an ***immediate medical emergency*** that you have. This means that information may be disclosed to a health care provider to provide emergency care or treatment appropriate to you.

1. **Special Situations**

### Military and veterans

If you are a member of the armed forces, we may release certain health information about you as required by military command authorities in specific situations. We may also release certain health information in connection with the Veterans Administration (VA). We will otherwise obtain your written consent before we disclose health information about you to the Armed Forces or VA.

### Workers’ compensation or Employee assistance

We may release health information about you for workers’ compensation or similar programs. These programs provide benefits for work-related injuries or illness. We may also release health information about you where you participate in an employee assistance program with your employer. **We will obtain your written consent before we disclose health information about you to these programs.** If you refuse to consent to these disclosures, you may be ineligible for the benefits and services these programs provide.

### Public health

We may disclose health information about you for public health activities. These activities are required by law and generally include the following:

* To report cases of CDC-defined AIDS and other reportable conditions as required by law;

* To prevent or control disease, injury or disability;

* To report births and deaths;
* To report the abuse or neglect of children, elders and dependent adults;
* To notify people of recalls of Food and Drug Administration regulated products they may be using;
* To notify a person who may have been exposed to a disease or may be at risk for contracting or spreading a disease or condition;
* To notify the appropriate government authority if we believe a patient has been the victim of abuse, neglect or domestic violence. We will only make this disclosure if you agree or when required or authorized by law.

With the exception of reporting abuse or neglect of children, notification of product recalls, or reporting deaths, we are not permitted to release any information which would identify you as an alcohol and/or drug abuser. **We will obtain your written consent where this information would be required to be released for these purposes.**

### Health oversight activities

We may disclose health information to a health oversight agency for activities authorized by law. These oversight activities include, for example, audits, investigations, inspections, and licensure. These activities are necessary for the government to monitor the health care system, government programs, and compliance with civil rights laws. We will enter into specific written agreements with these agencies prior to disclosing any of your health information to them.

### Lawsuits and disputes

If you are involved in a lawsuit or a dispute, we may only disclose health information about you in response to a lawfully issued 42 C.F.R. Part 2 court order or pursuant to your written consent. We may also disclose health information about you in response to a subpoena, discovery request, or other lawful process by someone else involved in the disputer, but only if you have consented in writing to the disclosure, or a court has ordered the release of the information through a lawfully issued 42 C.F.R. Part 2 court order. We may disclose your health information to a judge but only for purposes of determining whether a court order authorizing the release of the information is appropriate.

### Law enforcement

We may disclose limited information about you if required to do so by law enforcement officials:

* In response to a court order lawfully issued under 42 C.F.R. Part 2; and
* Where you have committed a crime at NCADD-NJ or against our personnel, or you have threatened to commit such a crime.

### Coroners, medical examiners and funeral directors

We may disclose your limited health information to coroners or officials within the offices of the State Medical Examiner or a County Medical Examiner making investigations and conducting autopsies, pursuant to N.J.S.A. 52:17B-78 et seq. or to the estate administrator/executor or next of kin indicated in your patient record. We may also release such health information about deceased patients of NCADD-NJ to funeral directors as necessary to carry out their duties.

### Inmates

If you are an inmate of a correctional institution or under the custody of a law enforcement official, we may release health information about you to the correctional institution or law enforcement official. This release would be necessary (1) for the institution to provide you with health care; (2) to protect your health and safety or the health and safety of others; or (3) for the safety and security of the correctional institution. We will obtain your written consent before we disclose any information to the correctional institution.

### Psychotherapy Notes

### We will not disclose psychotherapy notes about you without first asking you and receiving your written authorization, unless we are specifically authorized or required to do so by law.

### Marketing, Fundraising or Sale and PHI

### NCADD-NJ does not disclose your information for fundraising or marketing purposes, nor does it sell your health information to any third-party entities or individuals. In the event NCADD-NJ would engage in these activities in the future, we would always seek your written consent prior to disclosing any of your health information for such purposes. NCADD-NJ may, however, provide you with certain materials face-to-face.

### Uses and Disclosures of Health Information Protected By State Law

Certain types of health information are also protected by State law and require your specific **written consent**. If you provide us with such written consent to use or disclose such health information about you, you may revoke that consent, in writing, at any time. If you revoke your permission, this will stop any further use of disclosure of your health information for the purposes covered by your written authorization, except if we have already acted in reliance on your permission. You understand that we are unable to take back any disclosures we have already made with your permission, and that we are required to retain our records of the care that we provide to you. If you revoke your permission, you will not be denied services; however, your eligibility for certain services may be affected.

NCADD-NJ will in most cases seek your specific written consent **before** disclosing any of the following type of information about you:

1. **HIV/AIDS** related information;
2. **Sexually transmitted disease** information;
3. **Tuberculosis** information**;**
4. **Domestic Violence** information;
5. **Mental health information** created in a licensed facility or a licensed mental health professional;
6. **Drug and alcohol treatment** information, including your records created in a 42 C.F.R Part 2 program or facility and state licensed treatment centers;
7. **Genetic** information;
8. Information related to **emancipated treatment specifically sought by you as a minor;**

Under certain circumstances, we may be permitted to disclose the information without your consent, but only to the extent expressly permitted or required by state and federal law.

#### Your Rights Regarding Health information About You

You have the following rights regarding health information we maintain about you:

### 1. Rights to inspect and copy

You have the right to inspect and copy health information that may be used to make decisions about recommendations for your waiver(s)/services. Usually, this includes a risk assessment.

To inspect and/or copy health information that may be used to make decisions about you, you may submit your request in writing to the Privacy Officer, NCADD-NJ, 360 Corporate Blvd, Robbinsville, NJ 08691. For certain information we may maintain electronically, we may provide you with a copy of your information in a reasonable electronic format upon your request. If you request a copy of the information, we may charge a reasonable fee for certain costs associated with your request and incurred in supplying you with a copy of your records in paper or an electronic format.

We may deny your request to inspect and/or copy in certain very limited circumstances. A reason for the denial will be provided to you. If you are denied access to health information, you may request that the denial be reviewed. Another licensed health care professional chosen by NCADD-NJ will review your request and the denial. The person conducting the review will not be the person who denied your request. We will comply with the outcome of the review.

### 2. Right to amend

If you feel that health 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 NCADD-NJ.

To request an amendment, your request must be made in writing and submitted to the Privacy Officer, NCADD-NJ, 360 Corporate Blvd, Robbinsville, NJ 08691, in addition, you must provide a reason that supports your request.

We may deny your request if you ask us to amend information that:

* Was not created by us;
* Is not part of the health information kept by or for NCADD-NJ;
* Is not part of information in a designated record set, which you would be permitted to inspect, copy and amend; or
* We reasonably believe is accurate and complete.

Even if we deny your request for amendment, you have the right to submit a written addendum, not to exceed 250 words, with respect to any item or statement in your record you believe is incomplete or incorrect. If you indicate in writing that you want the addendum to be made part of your medical record we will attach it to your records and include it whenever we make a disclosure of the item of statement you believe to be incomplete or incorrect.

### 3. Right to an accounting of disclosures

You have the right to request an “accounting of disclosures.” This is a list of certain disclosures we made of health information about you other than our own and other disclosures not required to be accounted for pursuant to federal law.

To request this accounting of disclosures, you must submit your request in writing to the Privacy Officer, NCADD-NJ, 360 Corporate Blvd., Robbinsville, NJ 08691. Your request must state a time period, which may not be longer than six (6) years. Your request should indicate in what form you want the list (for example, on paper, electronically). The first list you request within a 12-month period will be free. For additional lists, we may charge you for the reasonable costs of providing the list. We will notify you of the cost involved and you may choose to withdraw or modify your request at that time before any costs are incurred.

### 4. Right to request restrictions

You may have the right to request a restriction or limitation on the health information we use or disclose. You also have the right to request a limit on the health information we disclose about you to someone like a family member or friend. For example, you could ask that we not use or disclose information about a surgery you had.

If your request for a restriction relates solely to the disclosure of your health information to a health plan or other payor for the sole purpose of payment or health care operations of a health care item or service that you or your representative have paid us for in full and out of your own pocket, then we are required and will comply with your request. Otherwise, we are not required to agree to your request for a restriction and in some cases, the restriction you request may not be permitted under law. If we do agree, we will comply with your request unless the information is needed to provide you emergency treatment or comply with the law. Once we have agreed to the restriction, you have the right to revoke the restriction at any time. Under some circumstances, we will also have the right to revoke the restriction as long as we notify you before doing so; in other cases we will need your permission before we can revoke the restrictions.

To request restrictions you should inform your provider. You may also make your request in writing to your provider, or to the Privacy Officer, NCADD-NJ, 360 Corporate Blvd, Robbinsville, NJ 08691. In your request, you must tell us (1) what information you want to limit; (2) whether you want to limit our use, disclosure or both and (3) to whom you want to limits to apply, for example, disclosures to your spouse.

### 5. 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. For example, you can ask that we only contact you by mail.

To request confidential communications, you may inform your provider or Make your request in writing to the Privacy Officer, NCADD-NJ, 360 Corporate Blvd, Robbinsville, NJ 08691. We will not ask you the reason for your request. We will make an effort to accommodate all reasonable requests. Please specify in your request how or where you wish to be contacted.

### 6. Right to notice of Breach.

### We take very seriously the confidentiality of our patients’ information, and we are required by law to protect the privacy and security of your health information through appropriate safeguards. We will notify you in the event a breach occurs involving or potentially involving your unsecured information and inform you of what steps you may need to take to protect yourself.

### 7. Right to 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. Even if you have agreed to receive this notice electronically, you are still entitled to a paper copy of this notice.

### 8. Right to review this notice of privacy

You have the right to carefully review this Notice before signing any forms or consents.We will provide you with a copy of this Notice. **If you misplace or lose this Notice, you may obtain a copy of this notice at:**

Our website: [www.NCADDNJ.org](http://www.NCADD-NJ.org).

To obtain a paper copy of this notice, ask your provider or contact the Privacy Officer, NCADD-NJ, 360 Corporate Blvd, Robbinsville, NJ 08691.

### changes to this notice

We reserve the right to change this notice. We reserve the right to make the revised or changed notice effective for health 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 in all our offices and on our website, [www.NCADDNJ.org](http://www.NCADDNJ.org). The notice will contain on the first page, in the top right-hand corner, the effective date. In addition, copies of the notice in effect will be available at the front desk and you have the right to request a current notice at any time.

### complaints

If you believe your privacy rights have been violated, you may file a complaint with NCADD-NJ or with the Secretary of the Department of Health and Human Services. Violations of 42 C.F.R. Part 2 are crimes punishable by law and you may report any suspected violations regarding your alcohol and/or drug information to the appropriate authorities.

To file a complaint with NCADD-NJ, contact the Privacy Officer, NCADD-NJ, 360 Corporate Blvd, Robbinsville, NJ 08691. NCADD-NJ AND ITS WORFORCE WILL NOT RETALIATE OR TAKE ANY ACTION AGAINST YOU IF YOU FILE A COMPLAINT. To contact the Secretary of the Department of Health and Human Services, you can contact the Department of Health and Human Services Office of Civil Rights at 26 Federal Plaza- Suite 3313, New York, NY 10278 (212) 264-3313; (212) 264 3039 (fax).

Violations of the Federal law and regulations by a program is a crime. Suspected violations may be reported to:

United States Attorney

Room 700

970 Broad St.

Newark, NJ 07102 973-645-2700

**DISCRIMINATION IS AGAINST THE LAW**

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

or treat them differently because of race, color, national origin, age, disability, or sex.

NCADD-NJ:

* Provides free aids and services to people with disabilities to communicate effectively with us, such as:

* + Qualified sign language interpreters
  + Written information in other formats (large print, audio, accessible electronic formats, other formats)
* Provides free language services to people whose primary language is not English, such as:

* + Qualified interpreters
  + Information written in other languages

If you need these services, please contact NCADD-NJ’s Civil Rights Coordinator.

If you believe that NCADD-NJ has failed to provide these services or discriminated in another way on the basis of race, color, national origin, age, disability, or sex, you can file a grievance with: NCADD-NJ’s Civil Rights Coordinator, NCADD-NJ, 360 Corporate Blvd, Robbinsville, NJ 08691, or by telephone at 1-609-689-0599 or fax at 1-609-689-0595. You can file a grievance in person or by mail, fax, or email at info@ncaddnj.org. If you need help filing a grievance, NCADD-NJ’s Civil Rights Coordinator is available to help you.

You can also file a civil rights complaint with the U.S. Department of Health and Human Services, Office for Civil Rights, electronically through the Office for Civil Rights Complaint Portal, available at https://ocrportal.hhs.gov/ocr/portal/lobby.jsf, or by mail or phone at:

U.S. Department of Health and Human Services

200 Independence Avenue, SW

Room 509F, HHH Building

Washington, D.C. 20201

1-800-368-1019, 800-537-7697 (TDD)

Complaint forms are available at <http://www.hhs.gov/ocr/office/file/index.html>.

**ATTENTION:**

**If you speak English, language assistance services, free of charge, are available to you.**

**Call 1-609-689-0599**

(Spanish)

ATENCIÓN: Si habla español, tiene a su disposición servicios gratuitos de asistencia lingüística. Llame al 1-609-689-0599.

(Chinese)

注意：

如果您使用繁體中文，您可以免費獲得語言援助服務。

請致電 1-609-689-0599

(Korean)

주의: 한국어를 사용하시는 경우, 언어 지원 서비스를 무료로 이용하실 수 있습니다. 1-609-689-0599 번으로 전화해 주십시오.

(Portuguese)

ATENÇÃO: Se fala português, encontram-se disponíveis serviços linguísticos, grátis.

Ligue para 1-609-689-0599.

(Polish)

UWAGA: Jeżeli mówisz po polsku, możesz skorzystać z bezpłatnej pomocy językowej. Zadzwoń pod numer ) 1-609-689-0599.

(Italian)

ATTENZIONE: In caso la lingua parlata sia l'italiano, sono disponibili servizi di assistenza linguistica gratuiti. Chiamare il numero 1-609-689-0599.

(Arabic)

ملحوظة: إذا كنت تتحدث اذكر اللغة، فإن خدمات المساعدة اللغوية تتوافر لك بالمجان. اتصل برقم (رقم هاتف الصم والبكم: 1-609-689-0599

(Tagalog)

PAUNAWA: Kung nagsasalita ka ng Tagalog, maaari kang gumamit ng mga serbisyo ng tulong sa wika nang walang bayad. Tumawag sa 1-609-689-0599

(Russian)

ВНИМАНИЕ: Если вы говорите на русском языке, то вам доступны бесплатные услуги перевода. Звоните 1-609-689-0599.

French Creole (Haitian Creole)

ATANSYON: Si w pale Kreyòl Ayisyen, gen sèvis èd pou lang ki disponib gratis pou ou. Rele 1-609-689-0599.

(Hindi)

ध्यान दें: यदि आप हिंदी बोलते हैं तो आपके लिए मुफ्त में भाषा सहायता सेवाएं उपलब्ध हैं। 1-609-689-0599

पर कॉल करें।

(Vietnamese)

CHÚ Ý: Nếu bạn nói Tiếng Việt, có các dịch vụ hỗ trợ ngôn ngữ miễn phí dành cho bạn. Gọi số 1-609-689-0599.

(French)

ATTENTION : Si vous parlez français, des services d'aide linguistique vous sont proposés gratuitement. Appelez le 1-609-689-0599.

(Urdu)

خبردار: اگر آپ اردو بولتے ہیں، تو آپ کو زبان کی مدد کی خدمات مفت میں دستیاب ہیں ۔ کال کریں 1-609-689-0599.