



SANTA BARBARA COUNTY  
DEPARTMENT OF  
**Behavioral Wellness**  
A System of Care and Recovery

## **SANTA BARBARA COUNTY DEPARTMENT BEHAVIORAL WELLNESS NOTICE OF PRIVACY PRACTICES**

**Effective: September 27, 2013 / Revision: November 19, 2018**

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**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.**

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If you have any questions about this notice, please contact:

Santa Barbara County Behavioral Wellness  
PRIVACY OFFICER  
500 West Foster Road  
Santa Maria, CA 93455  
Tel: 805-934-6344  
Fax: 805-934-6333

Santa Barbara County Department of Behavioral Wellness is committed to protecting information about your mental health treatment and related health care services (mental health information). This Notice tells you about the ways in which Santa Barbara County Behavioral Wellness (referred to as "we" or "Behavioral Wellness") may use and disclose mental health information about you.

### **WHO WILL FOLLOW THIS NOTICE**

This notice describes Behavioral Wellness's practices and that of:

- Any health care professional authorized to enter information into your medical chart;
- Any member of a volunteer group we allow to help you while you are receiving Behavioral Wellness care;
- All employees, staff and other Behavioral Wellness personnel;

All these entities and individuals follow the terms of this notice. In addition, they may share medical information with each other for treatment, payment or health care operations purposes described in this notice.

### **OUR PLEDGE REGARDING MENTAL HEALTH INFORMATION**

We understand that information about your mental health information is personal. We are committed to protecting mental health information about you. We create a record of the care and services you

receive at Behavioral Wellness. We need this record to provide you with quality care and to comply with certain legal requirements. This notice applies to your mental health information generated by Behavioral Wellness.

This notice will tell you about the ways in which we may use and disclose mental health information about you. We also describe your rights and certain obligations we have regarding the use and disclosure of your mental health information.

We are required by law to:

- Make sure that mental health information that identifies you is kept confidential (with certain exceptions);
- Give you this notice of our legal duties and privacy practices with respect to mental health information about you; and
- Follow the terms of the notice that is currently in effect.

## **HOW WE MAY USE AND DISCLOSE MENTAL HEALTH INFORMATION ABOUT YOU**

The following categories describe different ways that we use and disclose mental 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 in a category will be listed. However, all of the ways we are permitted to use and disclose information will fall within one of the categories.

### ***DISCLOSURE AT YOUR REQUEST***

We may disclose information when requested by you. This disclosure at your request may require a written authorization by you.

### ***FOR TREATMENT***

We may use mental health information about you to provide you with medical or mental health treatment or services. We may disclose mental health information about you to doctors, nurses, technicians, health care students, or other Behavioral Wellness personnel who are involved in taking care of you at Behavioral Wellness. For example, a doctor treating you for a mental health condition may need to know what medication you are currently taking, because the medications may affect what other medications may be prescribed for you. In addition, the doctor may need to tell Behavioral Wellness's food service if you are taking certain medications so that we can arrange for appropriate meals that will not interfere or improperly interact with your medication. Different divisions of Behavioral Wellness also may share mental health information about you in order to coordinate the different things you need, such as prescriptions, lab work and x-rays. We also may disclose mental health information about you to people outside Behavioral Wellness who may be involved in your medical or mental health treatment after you leave Behavioral Wellness, such as skilled nursing facilities, home health agencies and physicians or other practitioners. For example, we may give your physician access to your health information to assist your physician in treating you.

### ***FOR PAYMENT***

We may use and disclose mental health information about you so that the treatment and services you receive at Behavioral Wellness may be billed to and payment may be collected from you, an insurance company or a third party. For example, we may need to give your health plan information about treatment you received at the Behavioral Wellness so your health plan will pay us or reimburse you for

the treatment. We may also tell your health plan about a treatment you are going to receive to obtain prior approval or to determine whether your plan will cover the treatment.

### ***FOR HEALTH CARE OPERATIONS***

We may use and disclose mental health information about you for health care operations. These uses and disclosures are necessary to run Behavioral Wellness and make sure that all of our patients receive quality care. For example, we may use mental health information to review our treatment and services and to evaluate the performance of our staff in caring for you. We may also combine mental health information about many Behavioral Wellness patients to decide what additional services Behavioral Wellness should offer, what services are not needed, and whether certain new treatments are effective. We may also disclose information to doctors, nurses, technicians, health care students, and other Behavioral Wellness personnel for review and learning purposes. We may also combine the mental health information we have with mental health information from other healthcare providers to compare how we are doing and see where we can make improvements in the care and services we offer. We may remove information that identifies you from this set of mental health information so others may use it to study health care and health care delivery without learning who the specific patients are.

### ***APPOINTMENT REMINDERS***

We may use and disclose mental health information to contact you as a reminder that you have an appointment for treatment or care at Behavioral Wellness.

### ***TREATMENT ALTERNATIVES***

We may use and disclose mental health information to tell you about or recommend possible treatment options or alternatives that may be of interest to you.

### ***HEALTH-RELATED PRODUCTS AND SERVICES***

We may use and disclose mental health information to tell you about our health-related products or services that may be of interest to you.

### ***FAMILY MEMBERS OR OTHERS YOU DESIGNATE***

Upon request of a family member and with your consent, we may give the family member notification of your diagnosis, prognosis, medications prescribed and their side effects and progress. If a request for information is made by your spouse, parent, child, or sibling and you are unable to authorize the release of this information, we are required to give the requesting person notification of your presence in an Behavioral Wellness inpatient facility, except to the extent prohibited by federal law. Upon your admission to an Behavioral Wellness inpatient facility; we must make reasonable attempts to notify your next of kin or any other person designated by you, of your admission, unless you request that this information not be provided. Unless you request that this information not be provided we must make reasonable attempts to notify your next of kin or any other person designated by you, of your release, transfer, serious illness, injury, or death only upon request of the family member.

### ***RESEARCH***

Under certain circumstances, we may use and disclose mental health information about you for research purposes. For example, a research project may involve comparing the health and recovery of all patients who received one medication to those who received another, for the same condition. All

research projects, however, are subject to a special approval process. This process evaluates a proposed research project and its use of mental health information, trying to balance the research needs with patients' need for privacy of their mental health information. Before we use or disclose mental health information for research, the project will have been approved through this research approval process, but we may, however, disclose mental health information about you to people preparing to conduct a research project, for example, to help them look for patients with specific mental health needs, as long as the mental health information they review does not leave Behavioral Wellness.

### ***AS REQUIRED BY LAW***

We will disclose mental health information about you when required to do so by federal, state or local law.

### ***TO AVERT A SERIOUS THREAT TO HEALTH OR SAFETY***

We may use and disclose mental health information about you 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.

### **SPECIAL SITUATIONS**

#### ***ORGAN AND TISSUE DONATION***

We may release mental health information to organizations that handle organ procurement or organ, eye or tissue transplantation or to an organ donation bank, as necessary to facilitate organ or tissue donation and transplantation.

#### ***PUBLIC HEALTH ACTIVITIES***

We may disclose mental health information about you for public health activities. These activities may include, without limitation, the following:

- To prevent or control disease, injury or disability;
- To report births and deaths;
- To report regarding the abuse or neglect of children; elders and dependent adults;
- To report reactions to medications or problems with products;
- To notify people of recalls of 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;
- To notify emergency response employees regarding possible exposure to HIV/AIDS, to the extent necessary to comply with state and federal laws.

#### ***HEALTH OVERSIGHT ACTIVITIES***

We may disclose mental 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.

### ***LAWSUITS AND DISPUTES***

If you are involved in a lawsuit or a dispute, we may disclose mental health information about you in response to a court or administrative order. We may also disclose mental health information about you in response to a subpoena, discovery request, or other lawful process by someone else involved in the dispute, but only if efforts have been made to tell you about the request (which may include written notice to you) or to obtain an order protecting the information requested. We may disclose mental health information to courts, attorneys and court employees in the course of conservatorship, and certain other judicial or administrative proceedings.

### ***LAW ENFORCEMENT***

We may release mental health information if asked to do so by a law enforcement official;

- In response to a court order, subpoena, warrant, summons;
- To identify or locate a suspect, fugitive, material witness, certain escapes and certain missing persons;
- About death we believe may be the result of criminal conduct;
- About criminal conduct at Behavioral Wellness;
- When requested by an officer who lodges a warrant with the facility; and
- When requested at the time of a patient's involuntary hospitalization.

### ***CORONERS AND MEDICAL EXAMINERS***

We may be required by law to report the death of a patient to a coroner or medical examiner.

### ***PROTECTION OF ELECTIVE CONSTITUTIONAL OFFICERS***

We may disclose mental health information about you to government law enforcement agencies as needed for the protection of federal and state elective constitutional officers and their families.

### ***INMATES***

If you are an inmate of a correctional institution or under the custody of a law enforcement official, we may release mental health information about you to the correctional institution or law enforcement official. Disclosure may be made when required, as necessary to the administration of justice.

### ***ADVOCACY GROUPS***

We may release mental health information to the statewide protection and advocacy organization if it has a patient or patient representative's authorization, or for the purposes of certain investigations. We may release mental health information to the County Patients' Rights Office if it has a patient or patient representative's authorization, or for investigations resulting from reports required by law to be submitted to the Director of Mental Health.

### ***DEPARTMENT OF JUSTICE***

We may disclose limited information to the California Department of Justice for movement and identification purposes about certain criminal patients, or regarding persons who may not purchase, possess or control a firearm or deadly weapon.

## ***MULTIDISCIPLINARY PERSONNEL TEAMS***

We may disclose mental health information to a multidisciplinary personnel team relevant to the prevention, identification, management, or treatment of an abused child, the child's parents, or an abused elder or dependent adult.

## ***SENATE AND ASSEMBLY RULES COMMITTEES***

We may disclose your mental health information to the Senate or Assembly Rules Committee for purpose of legislative investigation.

## **SPECIAL CATEGORIES OF INFORMATION**

### ***SUBSTANCE ABUSE INFORMATION***

Although the federal Privacy Rule does not make a distinction between medical and substance abuse information, other federal statutes and California state laws do provide statutory restrictions for the release of information developed or obtained in the course of providing substance abuse treatment in federally funded substance abuse programs. Substance abuse information obtained in the course of general medical treatment is not subject to these provisions. Therefore, substance abuse information may be shared among Behavioral Wellness providers and to its contracted providers without authorization of the patient for patient care purposes. For example, substance abuse information may be shared from the General Medical Clinic to Behavioral Wellness Mental Health Services or to a substance abuse program. However, the contracted substance abuse treatment program must obtain the patient's authorization to share information back to the General Medical Clinic or Behavioral Wellness Mental Health Services. All other uses and disclosures require specific substance abuse authorization from the patient.

Information pertaining to substance abuse patients is subject to special protection under federal statute 42 U.S.C. Section 290dd-2 and under federal regulations found in the "Confidentiality of Alcohol and Drug Abuse Patient Records," 42 C.F.R. part 2. Additionally, California Health and Safety Code Section 11977 provides special protections to information of certain drug abuse programs. The LPS Act may also apply if the patient receives services such as involuntary evaluation and treatment because the patient is gravely disabled or dangerous to self or others as a result of abuse of alcohol, narcotics, or other dangerous drugs.

These federal and state statutes require written authorization for disclosure of substance abuse information in certain circumstances and other special protections for substance abuse information. In these situations, the state law must be followed. Questions regarding the use or disclosure of substance abuse information should be referred to the Behavioral Wellness Privacy Officer.

### ***OTHER SPECIAL CATEGORIES OF INFORMATION***

Special legal requirements may apply to the use or disclosure of certain categories of information e.g., tests for the human immunodeficiency virus (HIV) or treatment and services for alcohol and drug abuse. In addition, somewhat different rules may apply to the use and disclosure of medical information related to any general medical (non-mental health) care you receive.

### ***PSYCHOTHERAPY NOTES***

Psychotherapy notes means notes recorded (in any medium) by a health care provider who is a mental health professional documenting or analyzing the contents of conversation during a private counseling

session or a group, joint, or family counseling session and that are separated from the rest of the individual's medical record. Psychotherapy notes excludes medication prescription and monitoring, counseling session start and stop times, the modalities and frequencies of treatment furnished, results of clinical tests, and any summary of the following items: diagnosis, functional status, the treatment plan, symptoms, prognosis, and progress to date. We may use or disclose your psychotherapy notes, as required by law, or:

- For use by the originator of the notes;
- In supervised mental health training programs for students, trainees, or practitioners;
- By the covered entity to defend a legal action or other proceeding brought by the individual;
- To prevent or lessen a serious and imminent threat to the health or safety of a person or the public;
- For the health oversight of the originator of the psychotherapy notes;
- For use or disclosure to coroner or medical examiner to report a patient's death;
- For use or disclosure necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the public; and
- For use or disclosure to the Secretary of DHHS in the course of an investigation. Unless we obtain your written permission, we will never use or disclose Psychotherapy Notes for any other purpose.

## **YOU'RE RIGHTS REGARDING MENTAL HEALTH INFORMATION ABOUT YOU**

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

### ***RIGHT TO INSPECT AND COPY***

You have the right to request access to inspect and copy mental health information that may be used to make decisions about your care. Usually, this includes mental health and billing records, but may not include some mental health information. To inspect and copy mental health information that may be used to make decisions about you, you must submit your request in writing to:

Behavioral Wellness – MEDICAL RECORDS  
315 Camino Del Remedio  
Santa Barbara, CA 93110  
Tel: 805-681-5328  
Fax: 805-681-5294

If you request a copy of the information, we may charge a fee for the costs of copying, mailing or other supplies associated with your request. We may deny your request to inspect and copy in certain very limited circumstances. If you are denied access to mental health information, you may request that the denial be reviewed. Another licensed health care professional chosen by Behavioral Wellness 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.

### ***RIGHT TO AMEND***

If you feel that mental 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 Behavioral Wellness.

To request an amendment, your request must be made in writing and submitted to:

Behavioral Wellness – MEDICAL RECORDS  
315 Camino Del Remedio  
Santa Barbara, CA 93110  
Tel: 805-681-5328  
Fax: 805-681-5294

In addition, you must provide a reason that supports your request. We 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, we may deny your request if you ask us to amend information that:

- Was not created by us, unless the person or entity that created the information is no longer available to make the amendment;
- Is not part of the mental health information kept by or for Behavioral Wellness;
- Is not part of the information which you would be permitted to inspect and copy; or
- 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 clearly indicate in writing that you want the addendum to be made part of your mental health record we will attach it to your records and include it whenever we make a disclosure of the item or statement you believe to be incomplete or incorrect.

### ***RIGHT TO AN ACCOUNTING OF DISCLOSURES***

You have the right to request an "accounting of disclosures." This is a list of the disclosures we made of mental health information about you other than our own uses for treatment, payment and health care operations (as those functions are described above) and with other exceptions pursuant to the law.

To request this list or accounting of disclosures, you must submit your request in writing to:

Behavioral Wellness – MEDICAL RECORDS  
315 Camino Del Remedio  
Santa Barbara, CA 93110  
Tel: 805-681-5328  
Fax: 805-681-5294

Your request must state a time period which may not be longer than six years and may not include dates before April 14, 2003. 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 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.

In addition, we will notify you as required by law if your health information is unlawfully accessed or disclosed.

Once Behavioral Wellness has fully converted to maintaining mental health information as an Electronic Health Record (EHR), then it will also give patients, upon written request, an accounting of disclosures made through an EHR for treatment, payment and healthcare operations. This accounting will be made for a period of up to three years prior to the date the accounting is requested, and will

include disclosures by business associates, or a list of all business associates with their contact information.

### ***RIGHT TO REQUEST RESTRICTIONS***

You have the right to request a restriction or limitation on the mental health information we use or disclose about you for treatment, payment or health care operations. You also have the right to request a limit on the mental health information we disclose about you to someone who is involved in your care or the payment for your care, like a family member or friend. For example, you could ask that we not use or disclose information about a type of therapy you had.

*We are not required to agree to your request unless it is for a restriction on disclosures to health plans for services you paid in full. If we do agree, we will comply with your request unless the information is needed to provide you emergency treatment.*

To request restrictions, you must make your request in writing to:

Behavioral Wellness – MEDICAL RECORDS  
315 Camino Del Remedio  
Santa Barbara, CA 93110  
Tel: 805-681-5328  
Fax: 805-681-5294

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 the limits to apply, for example, disclosures to your spouse.

### ***RIGHT TO REQUEST CONFIDENTIAL COMMUNICATIONS***

You have the right to request that we communicate with you about mental health matters in a certain way or at a certain location. For example, you can ask that we only contact you at work or by mail.

To request confidential communications, you must make your request in writing to:

Behavioral Wellness – MEDICAL RECORDS  
315 Camino Del Remedio  
Santa Barbara, CA 93110  
Tel: 805-681-5328  
Fax: 805-681-5294

We will not ask you the reason for your request. We will accommodate all reasonable requests. Your request must specify how or where you wish to be contacted.

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

Using Internet Explorer or another web browser, go to this web page:

<http://www.countyofsb.org/behavioral-wellness>

Then click on "For Individuals and Families," then on "Forms for Clients," and then on "HIPAA."

You will need to have Adobe Acrobat Reader installed on your computer in order to view the Notice of Privacy Practices. If your computer does not have Adobe Acrobat Reader installed, you may obtain and install a copy here: <http://get.adobe.com/reader/>

The Notice is available in both English and Spanish. Click on the version you would like, and the Notice will appear in a new window. If you want, you can save or print a copy of the form using the menus on Adobe Acrobat Reader.

## **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 mental 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 at Behavioral Wellness. The notice will contain the effective date on the first page, in the top right-hand corner. In addition, each time you register at Behavioral Wellness or receive treatment or health care services as an inpatient or outpatient, you may request a copy of the current notice in effect.

## **COMPLAINTS**

If you believe your privacy rights have been violated, you may file a complaint with Behavioral Wellness or with the Secretary of the U.S. Department of Health and Human Services. To file a complaint with Behavioral Wellness, contact:

Behavioral Wellness – PRIVACY OFFICE  
HIPAA Privacy Officer  
Tel: 805-934-6344

**OR**

Behavioral Wellness Quality Care Management  
Beneficiary Concerns  
Tel: 805-934-6542

All complaints must be submitted in writing.

*You will not be penalized for filing a complaint.*

## **OTHER USES OF MENTAL HEALTH INFORMATION**

Unless we obtain your written permission, we will never use or disclose your Mental Health Medical Information for:

- Marketing purposes; or
- Sale of your information

Other uses and disclosures of mental health information not covered by this notice or the laws that apply to us will be made only with your written permission. If you provide us permission to use or disclose mental health information about you, you may revoke that permission, in writing, at any time. If you revoke your permission, this will stop any further use or disclosure of your mental 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 provided to you.