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Owner: Heidi Ciske-Schmidt:
 12008018-Manager-
 Quality Assurance
Policy Area: Wraparound (REACH,
 O'YEAH)-Administration

References:

#047 - Privacy Practices

POLICY

It is the Policy of Wraparound Milwaukee to maintain and distribute a Statement of Privacy Practices to all clients enrolled in Wraparound Milwaukee. As part of Wraparound Milwaukee's Privacy Practice, Wraparound will designate a Privacy Officer who will be responsible for oversight of Privacy Practices for Wraparound Milwaukee and the Children's Mobile Crisis Team.

PROCEDURE

A. Notice of Privacy Practices - Privacy Statement

Wraparound Milwaukee and the Children's Mobile Crisis Team will maintain the WRAPAROUND MILWAUKEE PRIVACY NOTICE statement (*Attachment 1*) that complies with the Health Insurance Portability and Accountability Act (HIPAA) Part 164.520 "Notice of Privacy Practices for Protected Health Information". The Privacy Statement will be given to all clients or their parent or guardian at the time of enrollment or at the first contact following enrollment and every 3 years thereafter. The Privacy Notice will describe:

- how protected health information (PHI) may be used or disclosed.
- includes examples of types of uses and disclosures.
- an individual's right to request restrictions related to the use and disclosure of protected health information.
- the right to receive confidential communication related to protected health information.
- the right to inspect and copy protected health information.
- the right to request an amendment of protected health information.
- Wraparound Milwaukee/Children's Mobile Crisis Team responsibilities to maintain the privacy of protected health information.
- that an individual may file a complaint with Wraparound Milwaukee or the Secretary of the Department of Health and Human Services.

The client/legal guardian will be asked to sign a written statement acknowledging receipt of the Privacy Statement at the time of enrollment. Refusal to sign the acknowledgement will be documented on the signature form. Acknowledgement forms are maintained as part of the client record.

A copy of the Wraparound Milwaukee and Children's Mobile Crisis Team Privacy Statements will be available on the Milwaukee County Web site.

B. Disclosure of Protected Health Information (PHI)

Client related Protected Health Information may be released by Wraparound Milwaukee as outlined in the Wraparound Milwaukee Confidentiality / Exchange of Information and Minimum Necessary Access to Client Protected Health Information Policies or as required by State or Federal law(s).

C. Accounting for Disclosure of Protected Health Information (PHI)

Wraparound Milwaukee (including Children's Mobile Crisis Team Staff) shall document each instance in which written information is disclosed from the Designated Record Set (see the Wraparound Milwaukee Client Records Policy and Procedure for a description of the "Designated Record Set") and all oral disclosures of protected health information for which there is NO signed Authorization to release the information.

1. Documentation of these disclosures may be made using the electronic progress notes feature of the Wraparound Milwaukee computer application known as Synthesis.

a. Documentation Using Electronic Progress Notes in Synthesis

An entry may be made using the "Progress Note" feature in Synthesis to log release of protected health information pertaining to a specific client.

The **Note Type** selection for the progress note entry is "Release of Info". A progress note entry regarding disclosed information must contain the following detailed information:

- the date the information was released.
- the name of the agency and/or individual receiving the information – including their address or phone number.
- the purpose of the disclosure.
- the information/documents that were released.
- the name of the individual releasing the information/document(s).

Detailed information related to the release of protected health information to more than one agency or individual may be contained in a single progress note entry.

- 2. Administrative Disclosure Accounting at Disenrollment**

At the time of disenrollment from Wraparound Milwaukee, an administrative report identifying written documents released in conjunction with Wraparound Milwaukee Administrative Care Management Operations will be generated and placed in the client record.

The administrative report will document detailed information related to the release of documents containing protected health information used to:

- establish eligibility for and/or obtain payment for services.
- report changes in eligibility for payment of services.
- reporting changes of placement.

D. Requests for Accounting of Disclosure

Wraparound Milwaukee will process written request for an accounting of disclosures as outlined in the HIPAA regulations. Upon receipt of a written request from a client or the client's legal guardian for an

accounting of disclosure of confidential information, Wraparound Milwaukee will provide a client specific report of disclosures occurring up to six years prior to the date of the request including disclosures to and by business associates of Wraparound Milwaukee.

Accounting for disclosure of information is to include the following:

- the date of the disclosure.
- the name of the entity or person who received the protected health information.
- the address of the entity or person at the time of the disclosure (if known).
- a brief description of the protected health information disclosed.
- a brief statement of the purpose of the disclosure or in lieu of such statement, a copy of the request for disclosure.
- for multiple disclosures to the same entity, an accounting of the frequency, periodicity or number of the disclosures made during the accounting period and the date of the last disclosure in the accounting period

A response to a request for an accounting of disclosure of protected health information will be generated no more than 60 days from the date of receipt of the request. In the event that the request cannot be complied within the 60 day limit, Wraparound Milwaukee will submit a written statement of the reason for a delay to the individual making the request identifying the reason for the delay and the date that the accounting will be provided (such date being no more than 90 days from the date the of receipt of the request).

E. Documentation of Complaints

Clients presenting complaints about the management of protected health information will be encouraged to submit the complaints in writing. Written complaints will be forwarded to staff in the Wraparound Milwaukee Quality Assurance office for review. Wraparound Milwaukee will attempt to mediate written complaints. The Wraparound Quality Assurance office will maintain a written or electronic log of each complaint and the outcome of the complaint.

F. Request to Review Client Records

Requests by clients or their legal guardian to review the client record must be in writing and are to be forwarded to the Wraparound Quality Assurance office for review and processing. The client/legal guardian must include the reason for record review as part of the written request.

Upon determination that the request to review the client record is valid, a copy of that portion of the record (see Wraparound Client Chart Policy and Procedure for documents defined as contained in the client record) that the client or their legal guardian has requested to review will be made available for review by the client/legal guardian. A staff member will be designated to review the copy of the requested record with the client/legal guardian and answer any questions that may arise.

Clients can request for a copy of their electronic medical record in an electronic form.

A record of all requests to review records will be maintained by the Quality Assurance office (in the Complaint database) including detailed information about the date, time and staff who reviewed the records with the client/legal guardian.

Written requests by the client or legal guardian to review a client record will be processed within 30 days unless Wraparound Milwaukee notifies the client/legal guardian in writing that a 30 day extension is being enacted. When written notice of a 30 day extension is enacted, requests to review the client record will be processed no later than 60 days from the day of receipt of the request.

G. Denial of Request to Review Client Record

Wraparound may employ the right to decline requests by a client or legal guardian to review the client record if the request meets any of the following conditions:

- the request is to compile information regarding an actual or anticipated legal proceeding.
- the information requested was obtained in confidence from a non-provider and access to the information may reveal the source of the information.
- the requested information contains psychotherapy notes.
- release of the information is deemed "likely to endanger" the client by a qualified health care professional.

H. Requests to Amend Client Records

It is the policy of Wraparound Milwaukee that entries made as part of the client record (defined in Wraparound Client Chart Policy and Procedure) NOT be changed or altered.

Entries made in error may be amended by the addition of an addendum made by the originator or other appropriate staff member.

Written requests to amend the client records that are received by Wraparound Milwaukee will be processed. However, it is the policy of Wraparound Milwaukee that existing entries in the client records will not be altered. An amendment in the form of an addendum or a written statement from the client/legal guardian disputing the information may be added to the record. In these cases, any subsequent releases of the disputed entry will include the addendum or written statement disputing the information as presented by the client/legal guardian.

I. Requests for Confidential Communication

The client and his/her caregiver may request "confidential communication" as outlined in the HIPAA regulations. Requests must be submitted in writing. Written requests for confidential communication must include a statement requesting communication in an alternative manner than usually employed by Wraparound Milwaukee staff, identify the alternative means and location for the communication.

Requests for "confidential communication" are to be submitted to the Wraparound Milwaukee Quality Assurance Office for administrative review. Following the administrative review, a written response will be submitted to the client or caregiver as to the outcome of the review. In those cases where Wraparound Milwaukee agrees to the request for "confidential communication" all subsequent communication with the client/care giver must conform to the agreed upon standard for the communication.

Wraparound Milwaukee will accommodate requests for "confidential communication" where the individual indicates that disclosure of the information may endanger the individual. Other requests will be administratively reviewed with accommodation made on a case-by-case basis following a finding that the request is considered to be "reasonable".

J. Staff Training on (HIPAA) Privacy Regulations

All Wraparound Milwaukee staff are required to participate in training on the HIPAA regulations. Training

will be provided as part of Milwaukee County – Behavioral Health Division Orientation, and New Care Coordination training. Provider billing staff and care coordination clerical support staff will be given an overview of the HIPAA regulations as part of training on the use of the Wraparound Milwaukee Synthesis application.

Wraparound Milwaukee Privacy Officer:

Heidi Ciske-Schmidt, HIPAA Privacy Officer

(414) 257-6024

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Attachments:

[1. Wraparound Milwaukee Privacy Practices](#)

Approval Signatures

Step Description	Approver	Date
	Michael Lappen: 11008000-BHD Administrator	1/30/2018
	Brian McBride: 12010012-Mngr-Int Srvs CCS, Interim WRAP Director	1/30/2018
	Pamela Erdman: 12008005-Placement Resources Manager	1/30/2018
	Heidi Ciske-Schmidt: 12008018-Manager- Quality Assurance	1/30/2018

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