



**Client Rights,
Responsibilities,
and
Confidentiality
Information**

Privacy Notice

Thank you for selecting Children & Families First (CFF) to provide services and supports to you and/or your family. CFF is committed to ensuring that the rights and dignity of clients are respected throughout the organization.

This booklet is designed to describe your rights, responsibilities, and privacy as you work with CFF.

YOUR RIGHTS

You have the right to:

Receive fair and equitable treatment;

- Access programs and services that are free of discrimination on the basis of race, creed, color, religion, sex or gender, sexual orientation, marital status, national origin, citizenship, age, physical or mental health or disability, genetic information or any other characteristic protected by law;
- The consistent enforcement of program rules and expectations;
- Receive services that are respectful of, and responsive to, cultural and linguistic differences;
- Have your information kept confidential to the fullest extent allowable, and to be informed about circumstances when it may be legally or ethically permitted or required to release such information without their consent;
- Express and resolve grievances;
- Receive services in the least restrictive environment possible;
- Receive services within an agency culture and structure that promotes respect, healing, and positive behavior and prevents the need for restrictive behavior management interventions;
- Participate in treatment or services that are designed to address your particular set of circumstances;
- Participate in a periodic review of your treatment plan or goals;
- Freely express and practice religious and spiritual beliefs;
- Receive services provided by competent staff who are adequately supervised and qualified to perform their job;
- Exercise self-determination by participating in making decisions about your situation and in planning for the services you are receiving in a manner that is not coercive;
- Refuse services including services mandated by law or court order, and to be informed of the possible consequences of your refusal;
- Be informed of your rights in a manner that you understand.
- Review information in your record, including information CFF has received directly from you, in the presence of the Children & Families First staff person working with you or their supervisor;
- Disagree with information in your record, and to include written disagreements in your record;

- Request an accounting of what information has been released from your record.

YOUR RESPONSIBILITIES

You have the responsibility to:

- Provide any and all relevant information as a basis for receiving services and participating in service decisions.
- Participate in the program by keeping appointments or attending group sessions, depending on the program, and canceling appointments at least 24 hours in advance.
- Participate actively in planning for my treatment or services and to follow the recommendations of the treatment or service program.
- Give accurate information about your situation as appropriate to the program, including financial information for programs where there is a fee.
- Express any concerns about the program to the person you are working with or to the supervisor.
- Treat agency staff and other program participants with dignity and respect
- Respect the confidentiality of other consumers.
- Respect the agency's Tobacco, Drug, Alcohol and Violence free policy:
 - **Tobacco:** Smoking and tobacco use of any kind is prohibited. Those who choose to use tobacco products must do so off agency property or in a personal vehicle. No ash trays or containers are permitted.
 - **Illegal Drugs:** The possession or use of illegal drugs (defined as any drug or drug-like substance whose sale, use or possession is unlawful) is prohibited. Accordingly no one shall use or have in his or her possession illegal drugs while on agency property or business at any time. Additionally no one shall appear for services while under the influence of illegal drugs.
 - **Alcoholic Beverages:** The use of alcoholic beverages is prohibited. Accordingly no one shall use or have in his or her possession alcoholic beverages while on agency property or business at any time. No one shall appear for services under the influence of alcoholic beverages.
 - **Violence and Weapons:** Children & Families First does not tolerate any type of violence committed by or against employees, consumers or other visitors to the agency. This includes: causing physical harm to another person, making

threatening remarks, aggressive or hostile behavior that creates a reasonable fear or injury to another person or subjects another individual to emotional distress, intentionally damaging property, possession of a weapon, committing acts motivated by or related to sexual harassment or domestic violence.

Could I be subject to retaliation?

Children & Families First shall not retaliate in any manner against anyone who exercises his/her rights afforded by this policy, or who reports a violation of this policy. The agency reserves the right to take appropriate action against others who violate this policy up to and including, termination of the relationship. Any disputes involving this policy should be handled through the agency's established procedures for resolving other consumer-related problems. If the problem persists, you may contact the Chief Strategy Officer at 302-658-5177.

What are CFF's practices in the event of crisis or behavioral escalation?

Children & Families First supports the use of non-restrictive behavior management techniques (i.e. prevention and de-escalation) as the primary methods of intervention in crisis/escalation situations. Children & Families First prohibits the use of locked seclusion, mechanical restraint, chemical restraint, corporal punishment, aversive stimuli, interventions that involve withholding food or water or that inflict physical or psychological pain, cancellation of visits as a disciplinary action, forced physical exercise, punitive work assignments, and punishment by peers. CFF permits therapeutic holds **at Seaford House only**, in emergency or crisis situations where there is a threat of physical harm to the youth and/or staff or peers, when less-restrictive measures have proven ineffective. Children & Families First prohibits the use of therapeutic holds by service recipients, peers, resource parents, or any person other than trained, qualified staff at Seaford House.

What if my child is receiving services or treatment?

- Families of minor children (under the age of 18) usually have the right to participate in treatment planning and it is very important for families to participate in treatment.
- Children over the age of 12 years have the right to participate in planning for services for themselves.
- In some cases, children ages 12 and over can access services without parental consent. For more information about this, please contact our Privacy Coordinator at (302) 658-5177.

Will you keep records about me and my services?

Children & Families First maintains written and electronic information about your participation in our programs. We collect and keep the information we need to plan and provide you with services. We are also required to keep certain information by the Council on Accreditation (who accredits our agency) as well as by our funding sources. By participating in our programs, you agree to our keeping records. It is very important to us that we maintain information about you in as confidential a manner as possible, and that only those with a need to know have access to it. For additional information about privacy, see the Privacy Notice section.

Where and how is this information stored?

All written information is stored in locked files or storage areas when not in use. Electronic information is protected by established computer access and security procedures

How will this information be kept confidential?

All Children & Families First staff sign a Non-Disclosure and Confidentiality Agreement that describes their duty to protect the privacy of client information. Your records are protected under federal and state confidentiality regulations. We may not disclose to any person outside the Agency that a program participant is or has been seen for services, or disclose any identifying information unless you give written consent to such a release or it is covered by circumstances spelled out in the *Privacy Notice*. For example, information may be shared when:

- Legally required (for example, ordered by a judge)
- Needed to respond to a medical emergency
- Child abuse or neglect is suspected and must be reported to state authorities
- Necessary to protect you or someone else from serious harm or illness
- Necessary for auditing or program evaluation

Do I have a right to see information that is kept about me?

- You have the right to review information we have received directly from you, in the presence of the Children & Families First staff person working with you or supervisor.
- You have a right to disagree with information in your file. If you put your disagreement in writing, we will include your statement in your file.
- If you wish to review information in the record that was provided by a third party, you must direct the request to that agency or organization.
- You have the right to request an accounting of what information has been released.

What if I have additional questions or concerns about confidentiality?

- If you have other questions about what is or will be placed in our files, please contact the staff person working with you.
- Upon request, we will provide you with a copy of the Agency's Confidentiality Policy. The *Privacy Notice* also contains additional information.
- For additional questions, please contact the Privacy Coordinator at (302) 658-5177.

What if I have a complaint or grievance?

- We make every effort to act in your best interest. If you have a concern, a complaint or want to appeal a decision, the Complaint and Appeal Procedure (also known as **Grievance Procedure**) is as follows:
- You are encouraged to express any feedback about the service directly to your worker.
- If you and your worker are unable to resolve the complaint, or you wish to bypass the worker for some reason, you may submit your grievance/complaint in writing to your worker's supervisor, program manager or director.
- Once the written complaint is received by the worker's supervisor, program manager or director, they will respond in writing in a timely manner, no more than 15 days from receipt of the written complaint.
- If the matter still remains unresolved, you may request further review by the Chief Executive Officer (CEO). The CEO will review the complaint and make a final determination in writing within 15 days from receipt.
- If your services are paid for by another organization, you may also have the right to appeal through that organization. The agency will inform you of the name and contact information of the other organization that paid for the services if you wish to appeal through the other organization.

NOTE: Any complaint/grievance above the direct worker level will be reported to the Performance and Quality Improvement (PQI) coordinator with the PQI quarterly report.

Hours of Service

Normal office hours are Monday through Friday 9 a.m. to 5 p.m. with some evening hours. Some programs are required to provide after-hours coverage. If the program in which you participate is required to provide after-hours coverage, the worker will provide you with the telephone number to call in the event of an after-hours emergency.

Main Office: 809 N. Washington St., Wilmington, DE 19801; Phone: (302) 658-5177

PRIVACY NOTICE

Effective Date: April 14, 2003; Reviewed April 2010; Reviewed March 2013, September 2013, January 2014, August 2018

THIS NOTICE DESCRIBES HOW YOUR MEDICAL INFORMATION MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THAT INFORMATION.

Children & Families First, as used throughout this notice, means Children & Families First as a whole and/or an individual program. In this notice, “you” refers to you, your child, and/or your family.

Children & Families First understands that medical information about your health is personal. We are committed to maintaining the privacy of your protected health information, which includes your medical and/or mental health condition and the care and treatment you receive from Children & Families First. It may include family protected health information as well. We create a record of the care and services you receive at Children & Families First. We need this record to provide you with quality care and to comply with certain legal requirements. This Notice details how the protected health information included in your record may be used and disclosed to third parties to carry out treatment, payment for your treatment, day-to-day business activities (health care operations as defined below) of Children & Families First, and for other purposes permitted or required by law. This Notice also details your rights regarding your protected health information.

We are required to provide you with notice of our legal duties and privacy practices with respect to protected health information. We are required to abide by the terms of this Notice of Privacy Practices. We may change the terms of our notice at any time. The new notice will be effective for all protected health information that we maintain at that time. We will provide you a copy of the revised notice by posting a copy on our website or upon your request, we will provide you with a paper copy of any revised Notice of Privacy Practices.

USE OR DISCLOSURE OF PROTECTED HEALTH INFORMATION

Children & Families First may use and/or share your protected health information for treatment, payment for your treatment, and health care operations of Children & Families First. Your protected health information may be used and shared by Children & Families First staff and others outside of our agency that are involved in your care and treatment for the purpose of providing health care services to you.

The following are examples of the types of uses of and/or ways of sharing your information that may occur. As Children & Families First complies with Federal

Guidelines for the Confidentiality of Drug and Alcohol Patient Records, your signed informed consent will be obtained as required. The following are examples and not meant to include all possible types of use and/or disclosure:

Treatment – In order to provide, arrange and manage your health care, Children & Families First may provide your information to other health care providers directly involved in your care. For example, a mental health provider treating your child for a condition such as depression may need to know what medications have been prescribed for your child by other health care providers in Children & Families First and/or in the community.

Payment – Your information will be used, as needed, to obtain payment for services provided to you. Children & Families First will provide your information to billing services, to appropriate third party payers, as required. For example, Children & Families First may need to provide Medicaid with information about the services you received from Children & Families First so Children & Families First can be paid.

Operations – We may use or share, as needed, your information in order to support the activities and operations of Children & Families First, as required, by law and funder requirements as well as continuing the quality care to you. These activities include, but are not limited to, quality assessment activities, performance evaluations of Children & Families First's employees, training of student interns, licensing, and conducting or arranging for other business activities.

YOUR RIGHTS

- On your written consent to release/receive information you may request restrictions on certain use and/or sharing of your information as provided by law. On your written consent, you must inform Children & Families First of:
 - What information you want to limit;
 - Whether you want to limit Children & Families First's use or disclosure, or both; and
 - To whom you want the limits to apply.
- We may not use or disclose your information in violation of that restriction unless it is needed to provide emergency treatment
- You have the right to cancel any authorization, in writing, at any time.
- In order to protect your confidentiality, you may request to receive communications from us, you can ask that we only contact you at a certain location or by certain means.
- You have the right to review and copy your protected health information as provided by law. To review and copy your information,

you must submit a written request to your Children & Families First staff or to Children & Families First's Privacy Officer. Children & Families First may charge you a fee for the cost of copying, mailing or other supplies associated with your request. In certain situations that are defined by law, Children & Families First may deny your request, but you will have the right to have the denial reviewed as set forth more fully in the written denial notice.

- You have the right to correct your protected health information as provided by law. To request a correction, you must submit a written request to Children & Families First's Privacy Officer.
- You have the right to receive an accounting of the disclosure of your information, with whom it has been shared, what was shared and when. This right applies to those purposes other than treatment, payment or business activities as described in this Notice of Privacy Practices. It does not include those times information was shared with you for notification purposes.
- You have the right to receive specific information regarding these disclosures that occurred after April 14, 2003. To request an accounting, you must submit a written request to Children & Families First's Privacy Officer. The request must state a time period which may not be longer than six (6) years and may not include dates before April 14, 2003. There will be no charge for the first list you request within a twelve (12) month period, but Children & Families First may charge you for the cost of additional requests. Children & Families First will notify you of the costs involved and you can decide to withdraw or modify your request before any costs are incurred.
- You may be contacted to raise funds and have the right to opt out of receiving such communications.
- Most uses of and disclosures of protected health information for marketing purposes and sales of protected health information require your authorization.
- When psychotherapy notes are maintained by the agency, most uses and disclosures of such notes require your authorization.
- Uses and disclosures not described in the Privacy Notice will be made only with the authorization from the individual.
- You have the right to restrict certain disclosures of PHI to a health plan when you or any person other than the health plan pays for treatment at issue out of pocket in full.
- You have the right to be notified of a breach, in the event that Children & Families First (or one of our Business Associates) discovers a breach of

unsecured protected health information involving your medical information.

- You have the right to complain to Children & Families first or to the U. S. Department of Health and Human Services Office of Civil Rights, HIPAA Privacy Rule complaint, if you believe your privacy rights have been violated. To file a complaint with Children & Families First, you must contact Children & Families First's Privacy Officer.

AUTHORIZATION NOT REQUIRED

Children & Families First may use and/or share your information, without a written authorization from you, in the following instances:

De-identified Information – Children & Families First reports summary data on persons served; it does not contain identifying information such as your name and/or address.

Business Associate – To a business associate, someone with whom Children & Families First has contracts to provide you with services, pay us for your treatment, conduct our operations (e.g. billing, transcription, etc.), or conduct research, audit, or program evaluation activities. We will obtain written assurance, in accordance with applicable law, that the business associate will protect your information.

Personal Representative – To a person who, under law, has the authority to represent you in making health care decisions.

Public Health Activities - Disclosure to a public health authority, as authorized by law, to prevent or control disease, injury or disability.

Federal Drug Administration (FDA) - As required by the FDA to report adverse events, product defects, to track products, to enable product recalls, repairs or replacements, or to conduct post marketing surveillance.

Abuse, Neglect or Duty to Warn – Children & Families First is required by law to report suspected child abuse or neglect. Children & Families First also has a duty to warn if you or someone else is in imminent danger. Any such disclosure will be made in accordance with the requirements of law.

Health Oversight Activities - These activities may include: criminal investigations, audits, disciplinary actions, or general oversight activities relating to the community's health care system.

Court and Administrative Proceeding - Children & Families First may be required to share your information in response to a court order or subpoena.

Law Enforcement Purposes - Your information may be shared with law enforcement. Law enforcement purposes may include:

- Information for identification and location purposes (e.g., suspect or missing person);
- Information regarding a person who is or is suspected to be a crime victim;
- In situations where the death of an individual may have resulted from criminal conduct;
- In the event of a crime occurring on or off the premises of Children & Families First;
- A medical emergency occurring on or off Children & Families First's premises.
- Sharing with a coroner or medical examiner for the purpose of identifying you or determining your cause of death, or to a funeral director as permitted by law and as necessary to carry out its duties.

Specialized Government Functions - Children & Families First may use information of individuals who are Armed Forces personnel: (1) for activities deemed necessary by appropriate military command authorities; (2) for the purpose of a determination by the Department of Veteran Affairs of eligibility for benefits; or (3) to a foreign military authority if you are a member of that foreign military service. Children & Families First may also share your information with authorized federal officials for conducting national security and intelligence activities including the provision of protective services to the President or others legally authorized.

Inmates - Children & Families First may share your information with a correctional institution or a law enforcement official if you are an inmate of that correctional facility and your information is necessary to provide care and treatment to you or is necessary for the health and safety of other individual or inmates.

Required by Law - As required by law, but such use or disclosure will be made in compliance with the law and limited to the requirements of the law.

Emergencies - We may use or share your information in an emergency treatment situation. If treatment is required by law and the health care provider has attempted to obtain your consent but is unable to, they may still use or share your information for treatment.

Communication Barriers - We may use and share your information if Children & Families First staff tries to communicate with you for treatment purposes but is unable to do so due to communication barriers (e.g. language or hearing) and staff determines, using professional judgment that you intend to authorize the use or share under the circumstances.

Sign in Sheets - Children & Families First may use a sign-in-sheet at the registration desk. Children & Families First may also call your name in the waiting room when your counselor or worker is ready to see you.

Appointment Reminders - Children & Families First may, from time to time, contact you to provide appointment reminders.

Treatment Alternatives/Benefits - Children & Families First may, from time to time, contact you about treatment alternatives, or other health benefits or services that may be of interest to you.

Authorization - Uses and/or disclosures, other than those described above, will be made only with your written authorization. You may cancel the authorization, at any time, in writing, except to the extent that Children & Families First has taken an action in reliance on the use or disclosure indicated in the authorization.

Marketing and Fundraising -Your prior written authorization is required in order for Children & Families First to use or disclose your protected health information for marketing activities.

Family and/or Friends - Confidentiality laws require that Children & Families First will neither confirm nor deny if someone is a current or past consumer.

Children & Families First's Requirements

Children & Families First:

- Is required by law to maintain the privacy of your protected health information and to provide you with this Privacy Notice of Children & Families First's legal duties and privacy practices with respect to your information.
- Is required to abide by the terms of this Privacy Notice.
- Reserves the right to change the terms of this Privacy Notice and to make the new Privacy Notice provisions effective for all of your protected health information that we maintain.
- Will not retaliate against you for making a complaint.
- Will maintain your records for a period of time that complies with legal and accreditation requirements as well as professional guidelines.

Ref: 42 USC 4582, Alcohol Patient Records and 21 USC 1175, Drug Patient Records; HIPAA.

Children & Families First Offices

809 N. Washington Street,
Wilmington, DE 19801,
(302) 479-1651

1213 Old Lancaster Pike
Hockessin, DE 19707
(302) 235-5544

91 Wolf Creek Boulevard, Ste. 1
Dover, DE 19901
(302) 674-8384

410 S. Bedford Street,
Georgetown, DE 19947
(302) 856-2388

Seaford House Therapeutic Residence
400 N. Market Street Extension,
Seaford, DE 19973
(302) 629-6996

www.cffde.org

Revised 10/18

NOTES:

