



San Mateo County Health System
Behavioral Health and Recovery Services

NOTICE OF PRIVACY PRACTICES

SUMMARY

Updated 12/28/2021

**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.**

If you have any questions about this notice, please contact the Office of Consumer and Family Affairs at 1-800-388-5189.

Behavioral Health and Recovery Services values your privacy and will protect behavioral health information about you or your child.

The complete **Notice of Privacy Practices** tells you in detail about how we safeguard your behavioral health information to make sure only the minimum amount of information is used or disclosed to individuals with a legal right to access or read your behavioral health information. PLEASE REVIEW IT CAREFULLY.

“Use” means the sharing and using of information by behavioral health staff.

“Disclosure” is the release of information by us to others outside of Behavioral Health Services.

“Authorization” is you giving us written permission to release your information to you or to other persons.

“SUDS” substance use disorder treatment and “AOD” alcohol and other drugs treatment are used interchangeably in San Mateo County.



We invite you to go to one of the links below to help you understand your rights and what specific services are provided by BHRS, including:

- Guide to Medi-Cal Services
- Consumer Rights and Problem Resolution Brochure
- List of BHRS Providers

For ***Mental Health Services***:

<https://www.smchealth.org/new-client-information-english>

For ***Substance Use Services***:

English: https://www.smchealth.org/sites/main/files/file-attachments/dmc-ods_member_handbook_072018.pdf

Spanish: <https://www.smchealth.org/sites/main/files/file-attachments/dmc-ods-member-handbook-spanish.pdf>

By law, you have the legal right to:

- Be given this written notice explaining how Behavioral Health and Recovery Services will use and disclose your information.
- See your records and get a copy of them, with a few exceptions.
- Ask to correct or add information to your behavioral health records.
- Find out, in writing, where we disclosed your health information.
- Authorize the release of your own health information; Behavioral Health may release information needed for mental health treatment, mental health payment or our own business operations without your authorization, in many cases. SUDS treatment requires your authorization to release your information for treatment and for payment, in most cases.

The Notice will tell you:

- How to ask Behavioral Health and Recovery Services about seeing your chart, getting a copy, making changes or releasing your information.
- How we will respond to any of your requests.



- How to make a complaint about the use or disclosure of your Protected Health Information. It will tell you that you may complain to Behavioral Health and that you may also complain to the Secretary of Health and Human Services.

San Mateo Behavioral Health and Recovery Services pledges that we will follow this Notice. It will be posted at all Behavioral Health sites, and if any part of it changes, new notices will be available.

If you have any questions about your privacy rights, please contact:

Office of Consumer and Family Affairs at 1-800-388-5189

WHO WILL FOLLOW THIS NOTICE

This notice describes the practices of San Mateo County Behavioral Health and Recovery Services and that of:

- Any health care professional authorized to provide treatment and to enter information into your behavioral health record.
- All teams and services of San Mateo County Behavioral Health and Recovery Services.
- Any volunteer or student who provides services to you.
- All employees, contract staff and other behavioral health personnel.

All Behavioral Health and Recovery Services' providers, teams and clinics follow the terms of this notice. In addition, these providers, teams and clinics may share behavioral health information with each other for treatment, payment or medical operations purposes described in this notice.

OUR PLEDGE REGARDING MEDICAL INFORMATION

We understand that behavioral health information about you is personal. We are committed to protecting behavioral health information about you. We create a record of the care and services you receive from San Mateo County Behavioral Health and Recovery Services. 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 by County Behavioral Health and Recovery Services, whether made by your personal therapist, doctor, treatment team or other personnel. In addition, for services provided at County Medical Clinics or at San Mateo County Health Center,



there may be other policies or notices regarding the use and disclosure of your medical information created in those locations.

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

We are required by law to:

- Make sure that behavioral health information that identifies you is kept private.
- Give you this notice of our legal duties and privacy practices with respect to behavioral health information about you.
- Follow the terms of the notice that is currently in effect.

HOW WE MAY USE AND DISCLOSE MEDICAL INFORMATION ABOUT YOU

The following categories describe different ways that we use and disclose behavioral 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 the ways we are permitted to use and disclose information will fall within one of the following categories.

- **For MENTAL HEALTH Treatment:** We may use medical information about you to provide you with behavioral health treatment or services. We may disclose behavioral health information about you to your doctors, nurses, other therapists, case managers, students, or other behavioral health personnel who are involved in taking care of you. We may also disclose information about your treatment to other medical professionals caring for you. For example, a doctor treating you for diabetes may need to know what medications your psychiatrist has prescribed to be sure they work together. In addition, your case manager may need to know if you have diabetes so that we can help you with an appropriate diet. Different behavioral health teams also may share medical information about you in order to coordinate the different things you need, such as prescriptions, lab work, referrals and case management. We also may disclose behavioral health information about you to people outside the County system who may be involved in



your behavioral health or medical care, such as your other case managers or, with your consent, family members, clergy or others who may be providing services that are part of your care.

- **For MENTAL HEALTH Payment:** We may use and disclose behavioral health information about you so that the treatment and services you receive from San Mateo County Behavioral Health and Recovery Services 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 therapy you received at a behavioral health clinic so your health plan will pay us or reimburse you for these services. 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, BOTH SUDS AND MENTAL HEALTH:** We may use and disclose behavioral health information about you for Behavioral Health and Recovery Service's operations. These uses and disclosures are necessary to run our system and make sure that all of our clients receive quality care. For example, we may use medical information to review our treatment and services and to evaluate the performance of our staff in caring for you. We may also combine medical information about many behavioral health clients to decide what additional services Behavioral Health and Recovery Services should offer, what services are not needed, and whether certain new treatments are effective. We may also disclose information to doctors, nurses, therapists, students, and other behavioral health personnel for review and learning purposes. We may also combine the behavioral health information we have with behavioral health information from other counties 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 medical information so others may use it to study health care and health care delivery without learning who the specific clients are.
- **Appointment Reminders, BOTH SUDS AND MENTAL HEALTH:** We may use and disclose medical information to contact you as a reminder that you have an appointment for assessment or treatment at Behavioral Health and Recovery Services.
- **Email and Text, BOTH SUDS AND MENTAL HEALTH:** If you provide BHRS with your email address **and/or cell phone number**, we may



email or text you information about your services, send you resources, or reminders. There is a level of risk involved in emailing or texting confidential information. Please talk with your provider about potential risks and benefits to emailing or texting.

- **Health-Related Benefits and Services, BOTH SUDS AND MENTAL HEALTH:** We may use and disclose behavioral health information to tell you about health-related benefits or services that may be of interest to you.
- **Individuals Involved in Your Care or Payment for Your Care, BOTH SUDS AND MENTAL HEALTH:** We may release behavioral health information about you, with your consent, to a friend or family member who is involved in your medical care. We may also give information to someone who helps pay for your care, in many cases. If you are admitted into a hospital, we may release medical information to a family member or others involved in your care so that they can know where you are. In addition, we may disclose medical information about you to an entity assisting in a disaster relief effort so that your family can be notified about your condition, status and location.
- **Audits, BOTH SUDS AND MENTAL HEALTH:** We may use and disclose behavioral health information about you to auditors and evaluators.
- **Research, BOTH SUDS AND MENTAL HEALTH:** Under certain circumstances, we may use and disclose behavioral health information about you for research purposes. For example, a research project may involve comparing the health and recovery of all clients 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 medical information, trying to balance the research needs with clients' need for privacy of their behavioral health information. Before we use or disclose behavioral health information for research, the project will have been approved through this research approval process. We may, however, disclose medical information about you to people preparing to conduct a research project, for example, to help them look for clients with specific behavioral health needs, so long as the information they review does not leave Behavioral Health and Recovery Services. We will almost always ask for your specific permission if the researcher will have access to your name, address or



other information that reveals who you are, or will be involved in your care.

- **As Required by Law, BOTH SUDS AND MENTAL HEALTH:** We will disclose behavioral health information about you when required to do so by federal, state, or local law, for example:
 - To report suspected child or elder abuse or neglect; and
 - To report a crime or a threat to commit a crime on program premises or against program personnel.
- **To Avert a Serious Threat to Health or Safety, BOTH SUDS AND MENTAL HEALTH:** We may use and disclose behavioral 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. We may use and disclose behavioral health information about you in a medical emergency.
- **QSO, BOTH SUDS AND MENTAL HEALTH:** BHRS may disclose your information to a qualified service organizations or business associates who provide services to the program's treatment, payment, or health care operations.
- **OTHER SPECIAL CATEGORIES OF INFORMATION, BOTH SUDS AND MENTAL HEALTH:** 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 use. 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.
- Other disclosures not listed above will be made only with the patient's consent/authorization unless there is a legal exception.

SUBSTANCE USE INFORMATION

The San Mateo BHRS Substance Use Treatment Team is comprised of multiple programs within in our Electronic Medical Record. However, it is considered one large SUDS treatment team that may share your information as needed during your care.

Although the federal Privacy Rule does not make a distinction between medical and substance use 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 use treatment in federally-funded substance use programs. Substance use information obtained during general medical/ or mental health treatment is not subject to these provisions. Therefore, substance use information may be shared among Behavioral Health providers and to its contracted providers without authorization of the patient for patient care purposes. For example, substance use information may be shared from the General Medical Clinic to Behavioral Health Mental Health Services or to a substance use treatment program. However, the substance use treatment program must obtain the patient's authorization to share information back to the General Medical Clinic or Behavioral Health Mental Health Services. All other uses and disclosures require specific substance use authorization from the patient. Information pertaining to substance use treatment 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 use programs. The Petris and Alan Short (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 use of alcohol, narcotics, or other dangerous drugs. These federal and state statutes require written authorization for disclosure of substance use information in certain circumstances and other special protections for substance use information. In these situations, the state law must be followed.

SPECIAL SITUATIONS

- **Military and Veterans.** If you are a member of the armed forces, we may release behavioral health information about you as required by military command authorities.
- **Workers' Compensation.** We may release behavioral health information about you for Workers' Compensation or similar programs. These programs provide benefits for work-related injuries or illness.



- **Public Health Risks.** We may disclose behavioral health information about you for public health activities. These activities generally include the following:
 - 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 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.
- **Health Oversight Activities.** We may disclose behavioral 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 behavioral health information about you in response to a court or administrative order. We may also disclose behavioral health information about you in response to a subpoena, discovery request, or other lawful process to 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.
- **Law Enforcement.** We may release behavioral health information if asked to do so by a law enforcement official:
 - In response to a court order, warrant, summons or similar process.
 - To identify or locate a suspect, fugitive, material witness, or missing person.
 - About the victim of a crime if, under certain limited circumstances, we are unable to obtain the person's agreement.
 - About a death we believe may be the result of criminal conduct.
 - About criminal conduct at behavioral health locations.
 - In emergency circumstances to report a crime, the location of the crime or victims, or the identity, description or location of the person who committed the crime.



- **Coroners, Medical Examiners and Funeral Directors.** We may release behavioral health information to a coroner or medical examiner. This may be necessary, for example, to identify a deceased person or determine the cause of death.
- **National Security and Intelligence Activities.** We may release behavioral health information about you to authorized federal officials so they may provide protection to the President, other authorized persons or foreign heads of state, or conduct special investigations.
- **Inmates.** If you are an inmate of a correctional institution or under the custody of a law enforcement official, we may release behavioral 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) the safety and security of the correctional institution.
- **HIE.** Your information will be shared in the SMC Connected Care Health Information Exchange (HIE) database. The HIE allows your current San Mateo County providers access to important information to improve your care, such as your current medications and diagnosis. You may opt-out of the HIE. SUDS information will only be available to other providers from the HIE in the case of an emergency, which is considered a “break the glass” situation allowing them to see your information due to your health emergency. Please note that opting out only means your information will not be included in the SMC Connected Care HIE database. Providers may still have access to your San Mateo County medical records, as appropriate.
 - **This is the Opt-Out Form:**
https://www.smchealth.org/sites/main/files/smc_connected_care_opt_out_form_2.pdf

YOUR RIGHTS REGARDING YOUR BEHAVIORAL HEALTH INFORMATION

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

- **Right to Inspect and Copy.** You have the right to inspect and copy behavioral health information that may be used to make decisions about your care. Usually, this includes behavioral health



therapy/services information and billing records, but certain behavioral health information may not be included. To inspect and copy behavioral health information that may be used to make decisions about you, you must submit your request in writing to the clinic where you are receiving treatment, OR to San Mateo County Behavioral Health and Recovery Services, 1950 Alameda de las Pulgas, San Mateo, CA 94403. 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 behavioral health information, you may request that the denial be reviewed. Another licensed health care professional chosen by us 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 any behavioral 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 is for Behavioral Health and Recovery Services.

To request an amendment, your request must be made in writing and submitted to the clinic where you are/were treated, OR to San Mateo County Behavioral Health and Recovery Services, 1950 Alameda de las Pulgas, San Mateo, CA 94403. 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 behavioral health information kept by or for Behavioral Health and Recovery Services.
- Is not part of the information which you would be permitted to inspect and copy.
- Is accurate and complete.



- **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 behavioral health information about you other than those you authorized or those made for our own uses for treatment, payment and health care operations. These functions are described above.

To request this list of accounting of disclosures, you must submit your request in writing to the clinic where you are receiving treatment, OR to San Mateo County Behavioral Health and Recovery Services, 1950 Alameda de las Pulgas, San Mateo, CA 94403. Your request must state a time period. Your request should indicate in what form you want the list (for example, on paper or 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.

- **Right to Request Restrictions.** You have the right to request a restriction or limitation on the behavioral 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 behavioral 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 surgery you had.

We are not required to agree to your request. If we do agree, we will comply with your request unless the information is needed to provide you with emergency treatment.

To request restrictions, you must make your request in writing to the clinic where you are receiving treatment, OR to San Mateo County Behavioral Health and Recovery Services, 1950 Alameda de las Pulgas, San Mateo, CA 94403. In your request, you must tell us (1) what information you want to limit; and (2) 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 behavioral 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 the clinic where you are receiving treatment, OR to San Mateo County Behavioral Health and Recovery Services, 1950 Alameda de las Pulgas, San Mateo, CA 94403. 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.

You may obtain a copy of this notice at our website,
<https://www.smchealth.org/new-client-information-english>

To obtain a paper copy of this notice, you may ask for one at the clinic where you are receiving treatment, OR to San Mateo County Behavioral Health and Recovery Services, 1950 Alameda de las Pulgas, San Mateo, CA 94403.

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 behavioral 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 all behavioral health clinics. The notice will contain, on the first page in the top right-hand corner, the effective date. If the notice has changed, you will be notified and offered a revised copy at your next behavioral health visit.

COMPLAINTS

If you believe your privacy rights have been violated, you may file a complaint with Behavioral Health and Recovery Services or with the Secretary of the Department of Health and Human Services. To file a complaint with San Mateo County Behavioral Health and Recovery Services, contact the Office of Consumer and Family Affairs at 1-800-388-5189. Complaints may be submitted verbally or in writing. Complaints regarding violations of privacy will



be reported by Behavioral Health and Recovery Services to the County Privacy Officer.

You will not be penalized for filing a complaint.

OTHER USES OF MEDICAL INFORMATION

Other uses and disclosures of behavioral 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 disclose behavioral health information about you, you may revoke that permission, in writing, at any time. If you revoke your permission, we will no longer disclose medical information about you for the reasons covered by your written authorization. You understand that we are not able 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.