

In the course of delivering its services and programs, Alpha Care Medical collects personal information from its patients. Personal information means any information that could be used on its own, or with other information, to establish the identity of a patient, the patient's service provider or the patient's substitute decision maker.

Personal information also includes any other information about a patient including information that is contained in a patient record.

Alpha Care Medical collects, uses and shares patient's personal information for the following purposes:

- Providing quality programs and services to patients
- Providing information to other people or organizations with patient consent (for example, making a referral for service)
- Contacting patients, donors and members to evaluate Alpha Care Medical service and work
- Conducting research to understand the kinds of issues our patients are facing
- Contacting individuals about our fundraising and membership activities
- Reviewing patient files to ensure high quality of service and documentation

Alpha Care Medical may also collect, use and share personal information with consent or as permitted or required by law.

Alpha Care Medical is committed to protecting the privacy of its patients and ensuring that:

- the personal information it receives from patients is kept safe, secure, confidential, accurate and up to date
- patients understand why their personal information is collected by Alpha Care Medical
- Alpha Care Medical obtains patient consent before collecting, using, sharing or releasing patient information, except as set out in this policy or permitted or required by law
- only the personal information necessary for the purposes listed above is collected from patients, unless otherwise consented to by the patient or permitted or required by law
- access to patient information is limited to the Alpha Care Medical employees, volunteers and students involved in delivering services to patients
- any external agents to whom Alpha Care Medical releases information have a need to know and only use and disclose patient information for the purposes for which it was originally provided
- patients are able to withdraw their consent at any time to the collection, use and disclosure of their personal information
- patients have access to their record, except where Alpha Care Medical is entitled to refuse an access request, and are able to copy or correct their record and ask questions about Alpha Care Medical privacy policies and procedures
- complaints about Alpha Care Medical privacy policies and procedures are handled efficiently and effectively
- all legal and regulatory requirements regarding patient information are met and maintained

Only a person who provides a provincially funded health resource to an individual may require the individual to produce his or her health card. Alpha Care Medical personnel may ask patients to

voluntarily provide their health card number in order to facilitate referrals to provincially funded health resources.

Personal Health Records consist of the patient's personal health information provided to and obtained by Alpha Care Medical. If such records are used to make health care related decisions, provide care services, or document observations, actions or instructions, then the records will be considered part of the Designated Record Set.

The following are excluded from the Designated Record Set: Administrative data, such as audit trails, appointment schedules and practice guidelines that do not imbed PHI. Also excluded are quality assurance data, vital certificate worksheets, and derived data such as accreditation reports, anonymous patient data for research purposes, public health records and statistical reports. The Designated Record Set is to be retained according to state and federal regulations and following Facility or company retention procedures.

Disclosure of PHI will only be allowed with a properly completed and signed authorization except:

- When required or allowed by law
- For continuing care (treatment)
- To obtain payment for services (payment)
- For the day-to-day operations of the practice and the care given to the patients (health care operations)

Disclosure of PHI will be handled through Alpha Care Medical management staff and carried out in accordance with all applicable legal requirements and in accordance with company policy. Each office will be responsible for researching and abiding by applicable state laws and regulations. Original Medical Records will not be removed from the premises, except when ordered by subpoena or by other court order.

The following procedures are to ensure the appropriate use of the email system when transmitting Protected Health Information (PHI):

1. E-mail users will be set up with a unique identity complete with unique password and file access controls.
2. E-mail users may not intercept, disclose or assist in intercepting and disclosing e-mail communications.
3. Resident specific information regarding highly sensitive health information must not be sent via e-mail, even within the internal email system (i.e. information relating to AIDS/HIV, drug and alcohol abuse and psychotherapy notes).
4. Users will restrict their use of email for communicating normal business information such as information about general care and treatment of residents, operational and administrative matters, such as billing.
5. Users should verify the accuracy of the email address before sending any PHI and, if possible, use email addresses loaded in the system address book.
6. PHI may be sent unprotected via e-mail within a properly secured, internal network of the organization. When sending PHI outside of this network, such as over the Internet, every effort should

be made to secure the confidentiality and privacy of the information. Sample security measures include password protecting the document(s) being sent or encrypting the message.

7. All e-mail containing PHI will contain a confidentiality statement (see sample below).

8. Users should exercise extreme caution when forwarding messages. Sensitive information, including resident information, must not be forwarded to any party outside the organization without using the same security safeguards as specified above.

9. Users should periodically purge e-mail messages that are no longer needed for business purposes, per the organization's records retention policy.

10. Employee e-mail access privileges will be removed promptly following their departure from the organization.

11. Email messages, regardless of content, should not be considered secure and private. The amount of information in any email will be limited to the minimum necessary to meet the needs of the recipient.

12. Employees should immediately report any violations of this guideline to their supervisor, Administrator or Facility Privacy Official.

Sample Confidentiality Statement

The information contained in this e-mail is legally privileged and confidential information intended only for the use of the individual or entity to whom it is addressed. If the reader of this message is not the intended recipient, you are hereby notified that any viewing, dissemination, distribution, or copy of this e-mail message is strictly prohibited. If you have received and/or are viewing this e-mail in error, please immediately notify the sender by reply e-mail, and delete this e-mail from your system. Thank you.

Protected Health Information may be disclosed pursuant to judicial or administrative process without the written authorization of the patient, or the opportunity for the patient to agree or object, subject to certain conditions.

Alpha Care Medical will disclose PHI in the course of judicial or administrative process in response to a court or administrative tribunal order. Alpha Care Medical will disclose PHI in response to a subpoena, discovery request, or other lawful process that is not accompanied by a court order, subject to the conditions set forth in this procedure. In either case, Alpha Care Medical will disclose only that PHI expressly authorized by the subpoena, discovery request, other lawful process, or court order. (Alpha Care Medical may contact its legal counsel to review and verify the legality of a subpoena requesting PHI served.)

PROCEDURES

1. Obtaining Consent

- a. As Alpha Care Medical services often involve collaboration and consultation among employees, Alpha Care Medical employees will discuss the following with new patients:
 - i. the nature and extent of consultation and collaboration in the Alpha Care Medical program or service which the new patient is accessing
 - ii. the personal information that Alpha Care Medical may collect
 - iii. the purposes for which Alpha Care Medical collects, uses and shares personal information, as listed above

- b. Patient's rights and responsibilities including rights related to keeping patient's personal information private will be reviewed with all new patients at their first appointment following intake
 - c. Patients will be asked to use a form indicating that the organization's privacy policies have been discussed and that the patient consents to the collection use and sharing of personal information for the purposes listed in this policy.
 - d. The signed forms will be maintained by the program (e.g., in the patient's paper record, filed centrally within the program). A note will be made in the patient's electronic record that the form has been signed.
 - e. In cases where it is not possible or practicable to obtain the patient's written acknowledgment (e.g., telephone only service), verbal acknowledgment that the organization's privacy practices have been explained to, and accepted by, the patient will be recorded in an activity note in the patient's record.
 - f. Consent will be that of the individual and must be knowledgeable, relate to the personal information and not be obtained through deception or coercion. A consent to the collection, use or sharing of personal health information about an individual is knowledgeable if it is reasonable in the circumstances to believe that the individual knows, (a) the purposes of the collection, use and/or disclosure, as the case may be; and (b) that the individual may give or withhold consent.
 - g. In the event that employees are concerned that a patient does not have the capacity to consent to the collection, use and disclosure of his or her personal information, employees should:
 - i. Consider whether the patient understands the decision they are being asked to make
 - ii. Question whether the person understands the reasonably foreseeable consequences of the decision or lack of decision
 - iii. Consult with their supervisor
2. Patient Withholding, Limiting or Withdrawing Consent
- a. Patients have the right to stipulate who will have access to their personal information. This means that they can withhold, limit or withdraw their consent to the collection, use or disclosure of personal information. The request may cover all or a specific part of a patient's record. When this happens, staff will implement the following "lock-box" procedure.
 - b. Electronic records: The Alpha Care Medical employee receiving the patient's request to withhold, limit or withdraw their consent will:
 - i. Record the verbal instructions by the patient in an activity note in the patient's electronic record
 - ii. Scan any written instructions by the patient into the patient's electronic record
 - iii. Notify the Information Technology (IT) Department of the patient's instructions and the IT Department will limit access to the electronic record in compliance with the patient's request (e.g., closing access to the record; limiting access to the individuals specified by the patient to be allowed access).
 - c. Paper records: If the patient also has a paper file:

how to respond. Alpha Care Medical employees, students or volunteers should follow the same procedure in response to requests by police officers for patient information.

- c. In general, where an order, summons, warrant, subpoena or other requirement to produce documents has been served on Alpha Care Medical, Alpha Care Medical will:
 - i. Make every attempt to respond in a way that is respectful of the order or other requirement, while at the same time taking steps to preserve the patient's right to confidentiality
 - ii. Make an exact copy of the file to remain at Alpha Care Medical and deliver the documents to the court or other proceeding in a sealed enveloped marked "private and confidential".
 - d. Where Alpha Care Medical discloses personal information without the patient's consent, the patient will be notified of such disclosure as soon as reasonable, practical, safe and/or legally possible in the circumstances.
5. Release of Information with Patient Consent
- a. Subject to Section 4, personal information, whether all or part of a patient record, will not be released to third parties without the written consent of the patient or the patient's substitute decision maker, where applicable.
 - b. Patients are required to complete the Alpha Care Medical Authorization to Request or Release Information Form, depending on the nature of the request.
 - c. Consents provided on these forms are valid for one year, unless otherwise limited or withdrawn by the patient in advance of that date.
 - d. Alpha Care Medical may disclose a patient's personal information, provided that the disclosure, to the best of Alpha Care Medical knowledge, is for a lawful purpose.
 - e. Reports from third parties contained in a patient record may not be released without the written consent of the third party. Patients will be encouraged to pursue access to this information directly with the third party.
 - f. In exceptional circumstances, where written consent is not possible, the oral consent of the patient to the release of personal information will be accepted and will be recorded in the patient's file.
 - g. In response to requests to release information to third parties, the Alpha Care Medical service provider will ensure that the patient understands the purpose for which the information is being released and to whom the information is being released. The Alpha Care Medical service provider will also explain that Alpha Care Medical cannot guarantee the confidentiality of the information once it has been released.
6. Safeguarding of Personal Information
- a. Patient information stored electronically is protected by password. Access to the Alpha Care Medical electronic database is limited on a need to know basis for added security.
 - b. Patient information collected in hard copy form is stored in locked cabinets accessible only by the counsellors or other Alpha Care Medical employees, students and volunteers providing service to the patient, and the relevant program managers.
 - c. Access to patient information will be limited to those who need to know the information for the purposes set out in the patient's consent or as otherwise permitted or required by law.

- d. Alpha Care Medical employees will never leave patient personal information, in paper or electronic form, unattended or exposed to anyone other than the patient.
 - e. Alpha Care Medical will not send confidential personal information to patients by email without the patient's prior consent. Personal information sent to patients or about patients will employ secure email. (Note that secure e-mail ensures messages are encrypted.)
 - f. Telemedicine will use an encrypted website to protect patient privacy and confidentiality.
 - g. Alpha Care Medical requires external agents, such as third-party auditors, to maintain the confidentiality of patient information and to refrain from using patient information for any purpose other than the purposes for which consent was provided by the patient. Where appropriate and necessary, Alpha Care Medical will obtain the consent of the patient to disclosure of information to external agents. (External agents are persons or companies with which Alpha Care Medical has contracts and that may come into contact with personal information.)
 - h. When disposal is permitted or required, records of patient personal information will be disposed of in a secure manner such that reconstruction of the records is not reasonably foreseeable in the circumstances.
7. Notice to Patients of Theft, Loss, Unauthorized Access, Use or Disclosure of Personal Information
- a. Employees are required to report to their supervisor and to the Alpha Care Medical Privacy Officer any theft, loss, unauthorized access, use or disclosure of personal information of Alpha Care Medical patients.
 - b. In programs where funders require it, managers will file a serious occurrence report in this situation.
 - c. In the event of such theft, loss, unauthorized access, use or disclosure of personal information of a Alpha Care Medical patient, Alpha Care Medical will notify the patient as soon as possible.
 - d. Oral contact with the patients will be logged in the patient record and will be followed up by a letter, which will be included in the patient record.
 - e. In the case of former patients, contact will be made orally, if possible, and also in writing, at the last known address for the patient recorded in Alpha Care Medical database.
8. Patient Access to and Correction of Personal Information
- a. Patients wishing to review their records should contact the Alpha Care Medical service provider, relevant program manager or Privacy Officer.
 - b. Within 30 days of any such request, an appointment will be made for the patient to review his/her personal information in a confidential manner on Alpha Care Medical premises, in the presence of an Alpha Care Medical employee, unless Alpha Care Medical is entitled to refuse the request, in which case written notice will be given. Patients may bring a support person to this appointment if they wish. Up to 60 days may be required in the case of complex searches for records. In exceptional circumstances (e.g., a patient is unable to come to the Alpha Care Medical office due to health issues), a copy of the record may be sent to the individual with consent.

- c. Alpha Care Medical is required to retain patient personal information that is the subject of a request for access for as long as necessary to allow the patient to exhaust any recourse under the Personal Health Information Protection Act, 2004 that he or she may have with respect to the request. This may require Alpha Care Medical to maintain the record for longer than the typical patient record retention period.
 - d. Patients who wish an explanation of their records may contact their Alpha Care Medical service provider, the relevant program manager or the Alpha Care Medical Privacy Officer.
 - e. Patients will not be permitted to access third party records without the consent of the third party. In such cases, the Alpha Care Medical service provider will direct the patient to obtain the requested information directly from the third party.
 - f. Patients wishing to correct information in their file shall provide the correction in writing to Alpha Care Medical. The written correction will be included in the patient's record and, within three weeks of receipt, Alpha Care Medical will notify the patient of its response to the correction.
9. Appointment of Privacy Officer
- a. The Privacy Officer for Alpha Care Medical is Tricia Wingate
 - b. Tricia Wingate may be reached at triciawingate@alphacaremedical.net or (302) 595-9328
 - c. The duties of the Privacy Officer include:
 - i. Maintaining knowledge of privacy legislation and regulations
 - ii. Ensuring that all employees and volunteers have training on the privacy policy
 - iii. Monitoring employee compliance with Alpha Care Medical privacy policy
 - iv. Responding to privacy-related complaints and concerns
 - v. Responding to requests for access and correction
 - vi. Responding to inquiries from the public about Alpha Care Medical privacy practices
 - vii. Liaising with other organizations, the public and government, as necessary, on privacy-related issues
10. Inquiries and Complaints
- a. Questions, comments or complaints about the Alpha Care Medical privacy policies and procedures or about the collection, use or disclosure of personal information will be directed to the Privacy Officer.
 - b. The Privacy Officer will follow the procedures set out in the Service User and Community Member Complaints policy in responding to, resolving and recording privacy-related complaints.
 - c. If the patient is not satisfied with the response provided by the Privacy Officer, the patient may contact the Office of the Information and Privacy Commissioner, in writing, at Alpha Care Medical 1340 Middleford Road, Suite #401, Seaford, DE 19973.