

NOTICE OF PRIVACY PRACTICES β

Confidentiality is a fundamental aspect of the counselor-client relationship, and it is especially important for individuals seeking help for an issue related to addiction or mental health. The Oglala Lakota Division of Behavioral Health, its facilities and subsidiaries, and all associates are committed to delivering the highest quality services guided by science and anchored in traditional Lakota culture, philosophy, and worldview to promote behavioral health on the Pine Ridge Reservation. An important part of our commitment to promoting quality care is our protection of client health information. This Notice of Privacy Practices describes client rights and agency responsibilities under Federal Law.

Client records and personal information are protected health information in accordance with federal regulations governing Confidentiality of Alcohol and Drug Abuse Patient Records, 42 CFR Part 2, as well as the Health Information Portability and Accountability Act (HIPPA). Client information/data may not be shared with a third party without written consent with the exception of specific requirements required by law. Protected Health Information (PHI) refers to individually identifiable information relating to the past, present, or future physical or mental health condition of an individual; the provision of health care to an individual, or the past, present or future payment for health care provided to an individual. PHI does not include individually identifiable health information in any of the following:

- ⇒ Education records subject to the Family Educational Rights and Privacy Act (FERPA).
- ⇒ Employment records held by a covered entity in its role as employer.
- ⇒ Regarding a person who has been deceased for more than 50 years.

I. Protect Clients and Staff from Potential Risks

The Oglala Lakota Division of Behavioral Health is required by law to: 1. Maintain the privacy of client PHI; 2. Provide clients with notice of agency legal duties and privacy practices with respect to PHI; and 3. Notify the client following a breach of unsecured PHI. The Oglala Lakota Division of Behavioral Health is required to abide by the terms of this Notice of Privacy Practices. This Notice of Privacy Practices will remain in effect until it is revised. The Oglala Lakota Division of Behavioral Health is required to modify this Notice of Privacy Practices when there are material changes to client rights, agency responsibilities, or other practices contained herein.

The Oglala Lakota Division of Behavioral Health reserves the right to change agency privacy policy and practices and the terms of this Notice of Privacy Practices, consistent with applicable law and our current business processes, at any time. Any new Notice of Privacy Practices will be effective for all PHI that we maintain at that time. Notification of revisions of this Notice of Privacy Practices will be provided as follows:

- ⇒ Upon request.
- ⇒ Electronically via our website or other electronic means.
- ⇒ As posted in our place of business.

In addition to the above, the Oglala Lakota Division of Behavioral Health has a duty to respond to client requests (e.g. those corresponding to client rights) in a timely and appropriate manner. The Oglala Lakota Division of Behavioral Health supports and values the rights of clients to privacy and is committed to maintaining reasonable and appropriate safeguards for PHI.



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Confidentiality of Client Records

The confidentiality of client records and other PHI maintained by the Oglala Lakota Division of Behavioral Health is protected by Federal law and regulations. Generally, the Oglala Lakota Division of Behavioral Health may not disclose to a person outside of our agency system that an individual is a client of the treatment centers, or disclose any information identifying the individual unless:

- ⇒ Client consents to information sharing in writing (Limited Information Disclosure Form - Part 2).
- ⇒ Client records and other PHI disclosure is ordered by a court.
- ⇒ The Oglala Lakota Division of Behavioral Health is required by law to report all previously unreported or unresolved disclosures of child abuse and neglect.
- ⇒ Disclosure is made to medical personnel in a medical emergency or to qualified personnel for audit or program evaluation.

The Limited Information Disclosure Form - Part 2 is included in the client registration packet and shall be used by all agency employees, contractors, and volunteers to confirm a client's consent to disclose specific health-related or other personal information. Employees, contractors, and volunteers with access to client PHI are expected to update the Limited Information Disclosure Form - Part 2 as requested by the client. Clients are encouraged to update who may access PHI using the Limited Information Disclosure Form - Part 2 at any time during normal office hours.

Uses and Disclosures of PHI for Treatment, Payment, and Social Support Coordination

Below are examples of how the Oglala Lakota Division of Behavioral Health makes use of Protected Health Information (PHI) after obtaining a client's written consent. These examples are not exhaustive but describe the common uses and disclosures that may be made.

- ⇒ Treatment – With client authorization, PHI may be used and disclosed by an agency physician, counselor, and/or program staff involved in client care for to provide, coordinate, or manage client healthcare treatment and any related services.

Example: Client care may require coordination or management from a third party, consultation with other health care providers, or referral to another provider for health care treatment. Additionally, we may disclose PHI to another physician, counselor, or program staff who becomes involved in client care.

- ⇒ Payment – With client authorization, the Oglala Lakota Division of Behavioral Health may use and disclose PHI to receive payment for the treatment and services provided to the client from insurance or other payor sources.

Example: The Oglala Lakota Division of Behavioral Health may give information about the client to a health insurance agency, so it will pay for client services.

- ⇒ Social Support Coordination – With client authorization, the Oglala Lakota Division of Behavioral Health may use and share PHI to improve care and allow approved family members to be a part of treatment care coordination.

Example: The Oglala Lakota Division of Behavioral Health may reach out to the individual the client listed as “the contact person” to contact or reinitiate connect with the client. Upon the client's request, the Oglala Division of Behavioral Health will discuss treatment arrangements with any friend or family member listed



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on the Limited Information Disclosure Form - Part 2.

Physical, Medical, Psychological, Social and Legal Risks to the Client

Unfortunately, because of the legal and social ramifications associated with addiction, clients may be reluctant to share information related to alcohol and substance abuse or consent to disclosure of information for fear of prosecution. This is an unfortunate aspect of the stigma that surrounds this disease, and it exacerbates the addiction treatment gap that exists within health systems. Mental health issues also carry stigma that can potentially discourage individuals from seeking help.

To address this issue, the federal government has implemented 42 CFR Part 2, regulations that protect the confidentiality of addiction treatment records of any person who has sought treatment for or been diagnosed with addiction at a federally assisted program. 42 CFR Part 2 aims to encourage people to seek treatment without fear of legal or social consequences. Improper sharing of a patient's addiction treatment information can lead to: negative perceptions and discrimination; criminal legal consequences, such as probation or jail time; and civil legal consequences, such as loss of child custody, employment or housing.

The Oglala Lakota Division of Behavioral Health appreciates the need for rigorous confidentiality protections of a client's addiction treatment records as well as the need for complete and accurate medical information to be shared among a client's treatment team.

II. Fair Selection of Participants

The Oglala Lakota Division of Behavioral Health provides comprehensive services throughout the continuum of behavioral health and is charged with mediating addiction and mental health conditions within the boundaries of the Pine Ridge Reservation. Pine Ridge covers a vast geographical area in southwestern South Dakota. Pine Ridge is the fourth largest reservation in the United States, consisting of 3.5 thousand square miles, more than twice the size of Rhode Island. Individuals of both American Indian and non-Indian ancestry reside within reservation land boundaries and estimates of the total reservation population are believed to be > 30,000.

All individuals ≥ 12 years old presenting to one of the Oglala Lakota Division of Behavioral Health's counseling centers requesting assistance for a mental health or addiction related issue will receive appropriate screening. When required, the Oglala Lakota Division of Behavioral Health will provide a crisis intervention triage to increase the likelihood that an individual in need of emergency assistance is connected to an appropriate level of care.

The Oglala Lakota Division of Behavioral Health Offers early intervention services for both youth and adults ≥ 12 years old. Early intervention services aim to curb at risk behavior (i.e. binge drinking) that has not yet become a disorder (i.e. alcohol use disorder). Early Intervention services are delivered in groups or one-on-one with clients. Early Intervention services for youth (12 to 17) most frequently occur as an after-school program or in-school alternative to disciplinary action as a result of breaking the school's alcohol and drug policy. Early intention for adults (>18) is primarily DUI/DWI education for individuals charged and/or convicted with a DUI I.

The Oglala Lakota Division of Behavioral Health offers outpatient treatment services to youth and adults. Outpatient treatment aims to provide intervention for individuals and families burdened with mental health or alcohol and



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substance abuse disorders. Outpatient Treatment services provide diagnostic services, group and individual counseling, and education. Medication assisted treatment (MAT) services are coordinated through the Outpatient department and are available to youth and adults as deemed appropriate by the agency's medical providers. When implemented in a group setting, Outpatient Treatment works toward creating an environment of positive peer culture where clients learn from each other's experiences and work together to develop solutions to common problems. Outpatient Treatment is tied to each client's individual treatment/success plan, which facilitates the development of new life skills necessary to eliminate alcoholism, substance abuse, and other destructive behavior.

The Oglala Lakota Division of Behavioral Health offers recovery support services to men and women (>18). Recovery support services aim to assist clients in recovery maintenance. The Oglala Lakota Division of Behavioral Health's recovery support services includes formal aftercare programs, wellbriety and traditional pathways, and talking circles. Clients may have had their primary treatment experience within the Division, or they may arrive at the program in to solely take advantage of formal and informal recovery support services. Recovery support services build on the progress achieved in primary treatment assisting the client to maintain a commitment to sobriety by encouraging a continuous self and environmental reflection. Recovery support services help the client continue to develop their problem-solving skills and individual and family healing.

Service Inclusion Criteria

The Oglala Lakota Division of Behavioral Health will provide prevention, treatment, and recovery support services to youth and adults ≥ 12 years of age. The Division does not discriminate based on race, class, sexual orientation, political affiliation, religion, or creed. As a result of the Division's funding mechanisms, clients who are beneficiaries of the Indian Health Service are not charged for services. This means that Indian Health Service beneficiaries will not pay out-of-pocket expenses for the great majority of services provided by the Oglala Lakota Division of Behavioral Health.

Pregnant women, individuals transferred from the Oglala Sioux Tribe's Adult Offender's facility, and individuals with HIV/AIDS are eligible to receive mental health and addiction treatment services.

Eligibility for Free Services

Funding for prevention, treatment, and recovery support services is available for applicants who are ≥ 12 years of age and meet the requirements established to be an Indian Health Service beneficiary. A copy of an official tribal enrollment certificate or card will satisfy this eligibility requirement. Clients are requested to submit a copy of their tribal enrollment card or certificate at the time of registration. Applicants ≥ 12 years old who are not eligible to be covered by the Indian Health Service can choose an alternative method of payment. These individuals are encouraged to contact the Oglala Lakota Division of Behavioral Health administrative staff to discuss payment options. Costs for all services are posted in all Oglala Lakota Division of Behavioral Health counseling centers.

Client Selection Process

In most cases clients are placed into an appropriate level of care using DSM-5 and ASAM placement criteria. After the level of care is determined, clients are admitted into an appropriate level of care on a first come-first serve basis by a treatment coordinator, case manager, or program facilitator.



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Service Promotion

The Oglala Lakota Division of Behavioral Health promotes its services on its website, social media, and public schedule of services. The Agency's public schedule of services is updated once per quarter.

III. Absence of Coercion

The Oglala Lakota Division of Behavioral Health is a voluntary program. Clients voluntarily participate in all services in which they enroll. Clients are never held against their will. Client's rights and responsibilities are explained at the time of registration. Client's rights and responsibilities are reviewed again as they enroll in specific services such as mental health counseling, outpatient group, etc. Clients are never compensated for any service provided by the Oglala Lakota Division of Behavioral Health.

An estimated 85% of clients presenting to the Oglala Lakota Division of Behavioral Health have been referred by a court system. The majority of these individuals receive an assessment which provides a recommendation based on clinical diagnostics and feedback from the client. Individuals who do not comply with clinical recommendations maybe at risk for defaulting on their court ordered stipulations. In addition, clients who consent to information disclosure with a parole and/or probation officers who do not comply with clinical recommendations or fail to show for scheduled services may be at risk for legal sanction. This risk is explained at the time of registration when the client provides his/her consent to disclose information to a court or court service employee.

Voluntary Participation in Evaluation

Clients must complete the registration process in full to receive services from the Oglala Lakota Division of Behavioral Health. However, a client's receipt of service is not contingent upon the completion of a programmatic or agency evaluation.

IV. Data Collection

The Oglala Lakota Division of Behavioral Health is committed to the implementation of a rigorous evaluation plan to: 1. Describe the program's unique approach to delivering behavioral health services; 2. Utilize data to inform the continuous quality improvement; and 3. Quantify the specific benefits that high quality services can yield within the target population over time. The Division's evaluation plan takes advantage of process and outcome evaluation models to assess both the reach and effectiveness of the outcomes and outputs.

The Oglala Lakota Division of Behavioral Health utilizes data collected at client intake and follow-up to measure progress toward its outcome objectives. Clients are provided follow-up contact 90 days and 1 year post initial registration. The Participant Level Instrument (PLI) is currently used to guide the client interview during follow-up. The PLI captures data related to alcohol and substance abuse and self-reported quality of life. The PLI is an adaptation of an assessment instrument used to evaluate client-level success within SAMHSA funded programs and can: 1. Identify clients that continue to struggle with addiction; 2. Motivate clients to return to the agency for additional treatment or support services; and 3. Assess agency impact on the client population or client sub-populations.



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V. Privacy and Confidentiality

PLI data collected at client intake is directly entered by the client into a secure cloud-based database. Only members of the evaluation/epidemiology team have access to this system. Follow up PLI data are collected by client navigators who enter client data directly into a cloud-based database or onto a paper and pencil survey which is later entered by the navigator, the data manager, and/or file clerks.

VI. Adequate Consent Procedures

When a new client presents to the Oglala Lakota Division of Behavioral Health for any type of service they are assigned a unique identification number for the purposes of confidential record labeling. A single hardcopy hanging file folder and electronic health record (EHR) are used to contain all the records for that particular client. The hanging folder is labeled with the client's identification number. All information in the client's hard copy folder is entered or uploaded in the EHR, which is indexed using the numerical client identification code. The EHR is a HIPAA-complaint cloud-based system that allows the Division to control the staff member's access to client information.

Each client file contains four sub-file folders:

- ⇒ Registration Information: client registration forms, information releases, attestation forms, and other general information regarding the client.
- ⇒ Funding Eligibility/Payment: verification of IHS funding eligibility, proof of payment.
- ⇒ Progress Notes: progress notes to be completed at each client encounter.
- ⇒ Assessments: Any assessment/clinical evaluation performed in collaboration with the client (this would include assessments conducted by external agencies disclosed to the Oglala Lakota Division of Behavioral Health.)

At the time of registration, the client provides their consent to treatment by signing the Client Consent to Treatment/Attestation form and is provided with a copy of the Oglala Lakota Division of Behavioral Health's Notice of Privacy Practices and Travel Assistance Policy. Minors between the ages of 12 to 17 are required to have written parental/guardian permission at the point of client registration. Minors are also requested to assent to receiving services from the Oglala Lakota Division of Behavioral Health. When enrolling in a behavioral health service, clients are provided with the client manual outlining their rights and responsibilities. Participation in all services supported by the Division is voluntary and no client shall ever be forced to receive or participate in a service against their will. Clients are not asked to waive legal rights or release the Oglala Division of Behavioral Health from liability for negligence.

The Lakota language is a predominant language spoken by older adults on the Pine Ridge Reservation. In the rare instances where the client is more comfortable speaking Lakota than English bilingual staff members will explain agency processes in Lakota and will do their best to acclimate the client to the agency environment. However, treatment and recovery support services are primarily facilitated in English.



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VII. Risk/Benefit Discussion

Unmitigated mental health conditions are a serious concern to public health. The Oglala Lakota Division of Behavioral Health has documented increases in suicide ideation and suicide attempts among several age cohorts residing on the Pine Ridge Reservation. As a result, the OST President has declared a state of emergency requesting external resources to effectively address the issue. Comprehensive mental health services integrated across multiple agencies are critically needed and far outweigh the risk of this category of services.

Alcohol and substance abuse remains one of the most costly health problems in the United States. The National Institute on Drug Abuse (NIDA) reports the abuse of commercial tobacco, alcohol, and illicit drugs exacts more than 740 billion annually in costs related to crime, lost work productivity, and health care. Data from national and regional health surveillance reveal that alcohol and substance abuse are among the most significant public health concerns facing American Indian communities, which are frequently experienced very differently when compared to other populations within the shared and surrounding geographic regions. OST's epidemiological data has demonstrated that alcohol, commercial tobacco, and other drug (ATOD) abuse is epidemic on the Pine Ridge Reservation, constituting a very real public health crisis. The Oglala Lakota Division of Behavioral Health strives to do its best to mitigate ATOD abuse by providing a wide variety of prevention, treatment, and recovery support services. The Oglala Lakota Division of Behavioral Health will affect the population of individuals struggling to maintain long-term sobriety and to that end the potential benefit of participating in prevention, treatment, and recovery support services far outweighs the risk.

Signing below indicates that you have read and understand the Division's Notice of Privacy Practices

Applicant Signature

Date:

DOB:

Parent/Guardian Signature

Date:

