



September 5, 2003

Re: **Confidentiality of the OAAP**

Dear Oregon Lawyers:

Most of you are already familiar with the extensive statutes and policies that protect the confidentiality of your participation in the OAAP. Since the Health Insurance Portability and Accountability Act of 1996 (HIPAA) requires health care providers to provide their participants with information about how the provider will protect the participants' privacy, we have inserted a HIPAA notice into this issue of *In Sight*. Although HIPAA does not apply to most of the assistance we provide, some of the services the OAAP provides are those of a "health care provider" and occasionally the OAAP may transmit information in a way that is governed by HIPAA. The insert to *In Sight* is provided to comply with the Act.

The OAAP has been a confidential program since its inception, using federal and state regulations on confidentiality of alcohol and chemical dependency programs as a basis for all OAAP guidelines and procedures. In October 1999 additional confidentiality protections were provided through the enactment of ORS 9.568, OSB Bylaw Article 16, and PLF Policies 6.100, 6.200, and 6.300. A summary of these protections is also in the notice inserted into this issue of *In Sight*. The notice reflects the approach to confidentiality that we have been taking since our program began and is not a change in our program policy or approach.

As a general rule, the OAAP does not open or maintain individual files on program participants. One possible exception is when we assist you in obtaining chemical dependency or mental health treatment from a treatment provider. In that instance, the OAAP will ask you for written authorization to request records and exchange information with your other health care providers in order to help provide you with the services that you request. We return this information to you or destroy the information when our services are no longer needed.

We would also like to take this opportunity to thank all of you who took the time to return our Confidential OAAP Satisfaction Questionnaire. Your responses gave us important feedback on how we can improve our program and great ideas for additional ways that we can serve you.

Please give us a call if you have any questions.

Sincerely,

Barbara S. Fishleder
OAAP Executive Director
503-684-7435
feedback@oaap.org

Sincerely,

Michael J. Sweeney
OAAP Assistant Director/Privacy Officer
503-226-1057, ext. 12
michaels@oaap.org

Oregon Attorney Assistance Program

A free, non-profit, confidential program for Oregon lawyers.

520 SW Yamhill • Suite 1050 • Portland, Oregon 97204 • 503-226-1057 • To page: 1-800-321-OAAP

OREGON ATTORNEY ASSISTANCE PROGRAM NOTICE OF PRIVACY PRACTICES

The Oregon Attorney Assistance Program (OAAP) provides completely confidential assistance, advice, and training to attorneys to encourage them to seek the assistance they need.

The confidentiality of the OAAP is protected by ORS 9.568; DR 1-103(E)(3); OSB Bylaw Article 16; and PLF Policies 6.150, 6.200, and 6.300. Pursuant to these rules:

- Information provided to, or obtained by, the OAAP is confidential;
- Information provided to, or obtained by, the OAAP is not discoverable or admissible in any civil proceeding without the consent of the attorney to whom the information pertains;
- Information provided to, or obtained by, the OAAP is not discoverable or admissible in any disciplinary proceeding except to the extent of the rules of procedure adopted pursuant to ORS 9.542 and OSB BR 5.9 (attorney advises disciplinary counsel of intention to admit testimony of OAAP participation in disciplinary proceedings);
- Neither the PLF Board of Directors or the Oregon State Bar Board of Governors will request or require disclosure of the names of participants in the OAAP;
- No information learned about or provided by an attorney shall be disclosed to the Oregon State Bar (including its disciplinary staff); and
- Attorneys who learn about ethical violations of another attorney at a support group or other OAAP program are exempt from reporting the attorney to the Oregon State Bar.

Generally, the OAAP does not maintain individual files on your participation in the OAAP unless you authorize the OAAP to:

1. Secure or obtain information about your health plan coverage for services that we refer you to or
2. Coordinate our services with other providers of your healthcare.

In those instances, the OAAP will ask for your written authorization to request records and exchange information to provide the services you request. The information we receive in response to these requests may include: your health insurance policy; information relating to your past, present, or future physical or mental health; treatment records for past or present physical or mental health treatment; and how past, present, or future healthcare has or will be paid for. The temporary file that we have may include these items and other information pertaining to your care. The information will be destroyed or returned to you when our services are no longer needed.

The OAAP is required by law to maintain the privacy of protected health information and to provide individuals with notice of its legal duties and privacy practices with respect to protected health information. The OAAP is required to abide by the terms of its current privacy notice.

THIS NOTICE DESCRIBES HOW THE MEDICAL INFORMATION YOU HAVE AUTHORIZED US TO HAVE MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO IT. PLEASE REVIEW IT CAREFULLY.

The OAAP will not use or disclose any information that identifies you unless you allow us to do so by written authorization. The exceptions are as follows:

1. To avert a serious, imminent threat to your health or safety or that of another person.
2. To comply with legal obligations such as a duty to report child or elder abuse (ORS 419B.010, ORS 124.060) or to comply with other legal obligations required by state or federal law.

You are entitled to the following rights, so long as you put your request in writing:

1. The right to revoke written authorization provided to us.
2. The right to inspect and copy health information we have about you.
3. The right to amend any information we have about you.
4. The right to request that we communicate with you at a certain location or in a certain way, such as by phone, email, or mail. (Please be sure to discuss this matter directly with your OAAP attorney counselor.)
5. The right to receive an accounting of disclosures.
6. The right to contact our privacy officer about your concerns and to file written complaints with the Director, Office of Civil Rights, U.S. Department of Health and Human Services. Upon request, the privacy officer will provide you with the address for the director. The OAAP will not retaliate against any person who files a complaint.
7. The right to receive a paper copy of this notice upon request.

These rights must be exercised in conformance with state and federal law.

This notice is provided pursuant to the Health Insurance Portability and Accountability Act of 1996. The OAAP has the legal right to change the terms of this notice. If we do change this notice, the new notice terms will be effective for all information that we maintain. We will post a new notice in our office and it will be available from our privacy officer.

Michael J. Sweeney,
OAAP Assistant Director/Privacy Officer
520 SW Yamhill, Ste. 1050
Portland, OR 97204
503-226-1057 or 1-800-321-OAAP

This notice is effective on October 1, 2003.