

America World Adoption Association
PRIVACY NOTICE

NOTE: PLEASE REVIEW CAREFULLY. This notice describes how your medical information may be used and disclosed and your rights regarding this information. Our policies on this matter were approved by the America World Board of Directors on 8/31/04 and are effective upon receiving this notice. The title “America World” or “we” refers to all our staff (contract and overseas), programs, and sites that directly serve clients. The terms “you” and “your” refers to you the adoptive family and/or extended family or friends whose medical information is submitted into our care.

America World understands and respects that medical information is personal and should receive extra care and special treatment. We uphold the value of confidentiality and are committed to maintaining the privacy of your protected health information (PHI), which includes your medical and/or mental health status that is recorded and submitted to America World on items like physical exams, home study and post placement reports, applications, and travel documents (as well as reported to our staff verbally or by other means). In order to provide quality care and abide by international adoption laws, we keep PHI information in our physical files and electronically in our database. The purpose of this notice is to explain how the PHI is used for service delivery, to whom it is generally disclosed, and your rights regarding the PHI. In all cases, the minimum amount deemed necessary of PHI will be used and disclosed by America World staff.

We commit to abide by the terms of this Privacy Notice, however we retain the right to change the terms of our notice at any time. Any future changes will be reflected in future Privacy Notices and will be distributed to all clients whose PHI we are maintaining at that time. Upon your request, we can provide you with a current copy of the Privacy Notice via e-mail, mail, or fax by calling our office or simply asking for one at the time of your next office appointment.

USE OR DISCLOSURE OF PHI

Since America World does not provide direct health care for any of its clients, we will not be using your PHI for treatment, payment of treatment, or health care operation purposes. America World Staff (including contract social workers and overseas facilitators) may only use and/or share your PHI to conduct daily operations involving your international adoption process. Your PHI may be used and shared by America World Staff for the following reasons and to the following entities:

1.) International Adoption Government Agencies and translation services - In order to approve you for an international adoption and identify a child/children legally available for adoption you must submit PHI to specific international government agencies and their accepted translation services. This information is submitted to us by you and then to the foreign country with the knowledge that this government entity will have full control of this information to do with what they want. America World and US legislation

have no control over the PHI given to the China Center for Adoption Affairs (CCAA), Bridge of Love (BLAS), the Russian courts, the National Adoption Center (NAC) in the Ukraine, or any foreign translation services mandated by the foreign governments. Regardless of the outcome of your adoption process, you may or may not be able to get back your dossier and PHI information.

2.) **Bureau of Citizenship and Immigration Services (BCIS)** - In order to bring a foreign born child into the United States the BCIS must grant you approval in the form of a 171H or _____. A complete home study report must be submitted by yourself or your social worker in order to get this approval. If this approval is delayed in some way your social worker or family coordinator may get involved and disclose necessary PHI to the BCIS staff.

3.) **State Governments** - If a married person travels without their spouse, they may need extra documentation in order for the US Consulate to process the child's citizenship papers. In order to obtain these documents a complete home study and medical information of the adopted child/children will need to be turned in to the proper state government authority. Additionally, in order for America World to hold a Child Placing License, we must abide by state laws and allow designated government workers to review our files on a regular basis.

4.) **Council on Accreditation (COA)** - In order to complete the COA process and retain accreditation, America World must undergo a site visit and subsequent site visits in which files will be reviewed. America World and COA have a signed business associate agreement that will help to protect your PHI.

5.) **Travel Arrangements** - Occasionally America World staff must share PHI with a travel agency, airline, or hotel in order to accommodate a special health need during the trip to the foreign country.

6.) **Physicians and Medical Staff** – America World staff will sometimes assist families in obtaining test results and correcting health forms, this requires the use and disclosure of PHI to whomever the client is using to complete their physical exams. Additionally, America World staff may consult with medical staff concerning referred children's medical conditions. In both of these situations the family is aware or has requested that the coordinator get involved and has approved the medical professional.

7.) **America World Families** - It is America World policy not to give out PHI or contact information of our clients to inquiring persons or to confirm/deny a specific family is a client without first getting permission from that specific family. Additionally, America World clients are not allowed to view electronic or paper files of other families. However, in order to help facilitate support systems, your name and e-mail address may be given to other America World families who are in your "Group" (those that turned in dossiers the same time as you did) and to other America World families who are in your "Travel Group", traveling with you to the foreign country). If you do not wish for us to give out this information, please contact your family coordinator. Given the size and

nature of our agency, it is possible for other families to deduce PHI details (e.g., A family may learn of another child's special need in their travel group), however we do our best to protect the privacy of all our clients. In cases where a health concern may present a threat to others in your travel group, PHI information may be shared in order for the other members to protect themselves and their families (ex. All travel group members will be notified if a child in their travel group is currently infected with chicken pox)

8.) **Events and Activities** – America World may use your demographic information to contact families to inform them of special events and activities that we think would be of interest to them according to their specific PHI (i.e., reunions, seminars, training, fundraising events, forums, support groups). If you do not wish to be contacted for special (non-required) events and activities, please inform your family coordinator.

NOTE: America World may sponsor events in which families may take photographs or videotapes of their children at these events. It is possible they may capture your family in these photographs and videotapes as well and these images will remain their property. However, America World does require a separate signed image release form for any images used for agency purposes.

The above detail the most common uses and disclosures for PHI in order to provide our service of international adoption and is usually used and disclosed with the knowledge and request of the client. They do not include every circumstance but the most common ones. If use and disclosure of PHI is needed outside the realm of international adoption services, an authorization form signed by the person involved is required.

AUTHORIZATIONS NOT REQUIRED

America World may use/or disclose your PHI outside of normal service operations, without a signed Consent to Exchange Information Form, in the following circumstances and to the following entities:

- 1.) **De-identified Information** – Information is adapted and omitted so that it cannot identify you. This may be done for research purposes.
- 2.) **Business Associates** – A business associate is someone America World contracts with to provide you or us with services and/or pays us for our business activities (e.g. COA, billing services, partner home study agencies and transcription services). America World has written assurances from these entities that they will protect your PHI according to applicable law.
- 3.) **Personal Representative** – A person who, under law, has the authority to represent you in making health care decisions.
- 4.) **Public Health Activities** – Such activities may be, information collected by a public health authority, as authorized by law, to prevent or control disease, injury or disability. This includes child abuse or neglect.

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

6.) **Abuse, Neglect, or Domestic Violence** – America World is required by law to make such disclosures to the proper government authority. Any disclosures of this type will be made in accordance with the requirements of the law, which may also involve notice to you of the disclosure.

7.) **Health Oversight Activities** – Activities, required by law, by oversight government agencies that relate to the health care system, government benefits programs, government regulatory programs, and civil rights law. For example, criminal investigations, audits, disciplinary actions, or general oversight activities relating to the community's health care system.

8.) **Court Administrative Proceedings** – America World may be required to share PHI in response to a court order or subpoena. In the case of mental health records (as defined by HIPAA law) your authorization if required to release this information.

9.) **Law Enforcement Purposes** – In certain instances, your information may have to be shared with law enforcement for law enforcement/emergency purposes. Law enforcement purposes include:

- Complying with a legal process (e.g. subpoena) or as required by law;
- 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 the premises of America World;
- A medical emergency (not on America World property) has occurred, and it appears that a crime has occurred;
- A medical emergency occurring on America World's premises (e.g. accident/injury);
- To a coroner or medical examiner for the purposes 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.

10.) **Avert a Threat to Health or Safety** – America World may share your PHI if it believes that sharing the information is necessary to prevent or lessen a serious and probable threat to the health or safety of a person or the public and the disclosure is to an individual who is reasonably able to prevent or lessen the threat.

11.) **Specialized Government Functions** – America World may use PHI of individuals what are Armed Forces for personnel; (1) for activities deemed necessary by the

appropriate military command authorities; (2) for the purpose of determination by the Department of Veteran Affairs of eligibility for benefits; or (3) to a foreign military authority of you are a member of the foreign military service.

12.) **Correctional Facilities** – America World may share your PHI to a correctional institution of 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 individuals or inmates.

13.) **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.

14.) **Emergencies** – We may use or share your PHI 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.

15.) **Communication Barriers** – We may use and share your PHI if your service planner or another America World staff tries to communicate for daily operations purposes, but is unable to do so due to a communication barrier, and assistance from someone else outside the agency is needed (e.g. language barriers or hearing impairments)

AUTHORIZATIONS REQUIRED

Uses and disclosures of PHI, other than those described above, will be made only with your written authorization. You may cancel the authorization, at any time, in writing. Once cancelled, the PHI will be protected from further use and disclosure without additional authorizations. The following are examples of PHI use and disclosures in which signed Consent to Exchange Information Forms are needed:

1.) **Social Service Agencies** - If a client has used a former agency to conduct social service activities and wishes America World to use information submitted to this agency, America World will request this information using a proper authorization form. In the same way, if a client has used America World for social service activities and wishes us to share information submitted to us, they will need to present us with a proper authorization form before we will disclose information.

2.) **Marketing and Fund Raising** - America World may only use and/or disclose your PHI for marketing activities if we obtain from you a prior signed authorization form. “Marketing” activities include communications to you that encourage you to purchase or use a product or service, and the communication is not made for international adoption purposes. Marketing does not include sending out our newsletter or other agency sponsored materials.

YOUR RIGHTS

You (the America World client) have the right to:

A.) Cancel any signed authorization, in writing, at any time. To request a cancellation, you must submit a written request to your family coordinator.

B.) Request restrictions on certain use and disclosure of your PHI as provided by law. To request restrictions, you must submit a written request to your family coordinator and it must detail the following items:

- What PHI information you want to limit;
- Whether you want to limit PHI use or disclosure, or both;
- To whom you want the limits to apply;
- What format you want PHI communication restricted in (i.e., phone, e-mail, fax)

America World is not required to agree to a requested restriction, but we will take it into consideration. If we believe it is in your best interest to permit use and disclosure of your PHI, your PHI will not be restricted. If we do agree to the requested restrictions, we may not use or disclose PHI in violation of that restriction unless it is needed in an emergency situation.

C.) Have confidential communications or information by alternative means or at alternative locations. You can request that we contact you at alternate locations, by e-mail, by phone, or by fax. All requests must be put in writing to your family coordinator and any reasonable request will be accommodated by America World.

D.) Review and copy your PHI as provided by law. To review and copy your information, you must submit a written request to your family coordinator. America World can charge you a fee for the cost of copying, mailing, and other supplies associated with your request. If the family coordinator feels that it may be harmful for a person to review their own file, they will seek guidance from the executive director and legal counsel on how to proceed.

E.) Correct your PHI as provided by law. To request a correction, you must submit a written request to your family coordinator. You must provide a reason that supports your request. America World may deny your request if:

- It is not in writing;
- If you do not provide a substantial reason in your request;
- If the information to be amended was not created by America World (unless the original creator of information is not available)
- If the information is not part of PHI maintained by America World
- If the information is already accurate and complete

If you disagree with a denial for a correction of PHI, you must file a grievance report form.

F.) Receive an accounting of who your information has been shared with, what was shared and when. This right applies to those purposes other than for international adoption services (listed in the beginning of this document under **USE OR**

DISCLOSURE OF PHI). It does not include those times information was shared with you for notification purposes and it only applies to information shared after April 14, 2003. To request an accounting you must submit a written request to your family coordinator. The request must state:

- A time period with may not be longer than six (6) years and may not include dates before April 14, 2003.
- The request should indicate in what form you want the list (hard copy or electronic)

There will be no charge for the first list you request within a twelve (12) month period, but America World may charge you for the cost of providing additional lists. America World will notify you of the costs involved and you can decide to withdraw or modify your request before any costs are incurred.

G.) Receive a paper copy of this Privacy Notice from America World upon request to your family coordinator.

H.) Complain to America World or to the Secretary of Health and Human Services if you believe your privacy rights have been violated. To file a complaint, submit a filled out grievance form to America World.

I.) To obtain more information or have your questions answered about privacy rights. Contact the Executive Director, Susan Maines at the office phone number or by e-mail (susan.maines@awaa.org).

AMERICA WORLD'S REQUIREMENTS

America World:

A.) Is required by law to maintain the privacy of your PHI and to provide you with this Privacy Notice of America World's legal duties and privacy practices with respect to your PHI.

B.) Is required by law to abide by the terms of this Privacy Notice.

C.) Reserves the right to change the terms of the Privacy Notice and to make the new Privacy Notice provisions effective for your entire PHI that we maintain.

D.) Will not retaliate against you for making a complaint.

E.) Although not required by law since America World does not provide health services, a good faith effort to obtain for you an acknowledgement of receipt of this Notice will be made.

America World Adoption Association
6723 Whittier Ave., Suite 406
McLean, VA 12737

America World includes all of its programs and sites where services are provided to individuals, children and families.

PRIVACY NOTICE
EFFECTIVE UPON RECEIVAL

ACKNOWLEDGEMENT OF RECEIPT

I acknowledge that I have received a copy of the America World Privacy Notice.

Name of Prospective Father: _____

Signature of Prospective

Father: _____ Date: _____

Name of Prospective Mother: _____

Signature of Prospective

Mother: _____ Date: _____

