

NOTICE OF PRIVACY PRACTICES FOR MASS GENERAL BRIGHAM SUBSTANCE USE DISORDER PROGRAMS (“PROGRAMS”)

This notice describes:

- How health information about you may be used and disclosed
- Your rights with respect to your health information
- How to file a complaint concerning a violation of the privacy or security of your health information, or your rights concerning your information

YOU HAVE A RIGHT TO A COPY OF THIS NOTICE (IN PAPER OR ELECTRONIC FORM) AND TO DISCUSS IT WITH THE MASS GENERAL BRIGHAM PRIVACY OFFICE AT 833-726-1300 or Privacyoffice@MGB.org.

Substance Use Disorder (SUD) Treatment Records Are Protected Under Federal Laws

Your medical records at designated Mass General Brigham Substance Use Disorder (SUD) Treatment Programs (“Programs”) are protected by law, specifically, the Confidentiality of Substance Use Disorder Patient Records (42 CFR Part 2) and the Health Insurance Portability and Accountability Act “HIPAA” (45 CFR 160, 164).

Program Privacy Practices

Our Programs may not disclose your SUD treatment information or identify you as a participant in a Program without your **written consent**. There are some exceptions. These exceptions are described below.

Disclosure of Information Without Consent

In certain circumstances, our Programs may disclose your information without your consent, to protect your safety or comply with legal and regulatory obligations. These specific situations include:

Safety-Related Disclosures

- **Risk of Serious Harm:** If you are at immediate risk of causing serious harm to yourself, we may share relevant information to ensure your safety.
- **Medical Emergencies:** We may disclose your Program records to qualified medical professionals when necessary to provide emergency treatment.
- **FDA Compliance:** We may share your Programs records with the U.S. Food and Drug Administration (FDA) solely for the purpose of notifying patients or their healthcare providers about potential health or safety risks resulting from errors in the manufacturing, labeling, or sale of a product regulated by the FDA.

Legal Disclosures

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Our Programs may disclose your information without consent when required by law, specifically under the following conditions:

- **Court orders:** Disclosure of records is permitted only when a judge issues a court order that complies with the requirements of *42 CFR Part 2*.
 - **Notice and Opportunity to be Heard:** Records may be used or disclosed only after you (the patient) and/or the record holder have been provided notice and an opportunity to be heard, as required by *42 USC § 290dd-2 and 42 CFR Part 2*.
 - **Subpoena or Legal Mandate:** Any court order authorizing the use or disclosure of records must be accompanied by a subpoena or other similar legal mandate compelling disclosure before the record is used or disclosed.
- **Suspected Child Abuse or Neglect:** If there is reasonable suspicion of abuse or neglect involving a child under the age of 18, our Programs are obligated to report the concern in compliance with state child protection laws.

Business Disclosures

Our Programs may disclose your information without your consent for specific business-related purposes, in accordance with applicable regulations:

- **Scientific Research:** Information may be shared to support activities that have been reviewed and approved through Mass General Brigham’s formal research oversight process.
- **Audits and Evaluations:** Authorized oversight agencies may access information to conduct audits or evaluations. This includes government entities that fund or regulate our Programs.
- **Qualified Service Organizations (QSOs) and Business Associates:** Information may be disclosed to external organizations that provide essential administrative or operational support services to our Programs, such as data processing, billing, or IT services.
- **Mass General Brigham Oversight:** Information may be shared with Mass General Brigham or its designated entities that maintain direct administrative control over the Programs.

Fundraising Communications: Our Programs may use your information to contact you for the purpose of raising funds in support of our services and initiatives. You have the right to opt out of receiving these communications at any time. To opt out of fundraising communications, please contact: MGB

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Enterprise Development by email: MGBEDO@mgb.org or at 399 Revolution Drive, Suite 615, Somerville, MA 02145.

We will not share Program-related information for any purposes beyond those outlined in this Notice unless we receive your explicit written consent.

How We May Use and Disclose Your Information (With Your Consent)

We may share your information for additional purposes, not outlined in this Notice, only if you provide written consent. This includes sharing your information with health care providers, outside of the Program, who are involved in your care—such as your primary care physician—as well as with your health insurance company for payment-related matters.

You have the right to revoke your consent at any time, except where the Program has already relied on it.

Consent for Treatment, Payment, and Health Care Operations

You may provide a single written consent to authorizes the use and disclosure of your information for future treatment, payment, and health care operations. This consent remains in effect until you revoke it in writing.

Once signed, your consent allows certain entities—such as Part 2 Programs, HIPAA Covered Entities, and their Business Associates—to disclose your information without additional written consent, as permitted under HIPAA regulations.

If you are receiving treatment as a condition of involvement with the criminal legal system (including drug court, probation, or parole) and you authorize disclosures to entities such as courts, probation or parole officers, prosecutors, or law enforcement, your ability to revoke consent may be limited. These limitations will be clearly outlined in the consent form you sign.

Your records, or testimony based on them, will not be used or disclosed in civil, administrative, criminal, or legislative proceedings against you unless you provide specific written consent or a court order authorizes such disclosure.

Special Rules for Substance Use Disorder (SUD) Counseling Notes

Substance Use Disorder Counseling Notes are written reflections by a Program provider that analyze the content of private counseling sessions, and providers are not required to create or retain them.

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If such notes are created, these notes are **not** considered part of your official medical record. Therefore, your written consent to release your medical record does **not** authorize the release of these notes. You do **not** have a right to access these notes.

To release SUD Counseling Notes, a specific written consent is required. This consent must stand alone and cannot be combined with any other type of authorization.

Programs may **not** make your treatment conditional upon signing a consent to disclose these notes.

Your Rights Under This Notice

As a participant in our Programs, you have the following rights regarding your personal information:

- **Access to this Notice:** You may request a copy of this Notice in either paper or electronic form.
- **Request Restrictions on Disclosures:** You may ask to limit disclosures made with your prior consent for treatment, payment and health care operations—even if you previously authorized them.
- **Restrict Disclosures to Your Health Plan.** You may request that we do not disclose information to your health plan for services you have paid for in full out-of-pocket. Contact Program director if you want to make this request.
- **Revoke Consent:** You may revoke your written consent at any time, except where the Program has already relied on it. Revocations of consent must be submitted in writing.
- **Request Confidential Communications:** You may ask that we communicate with you in a specific way or at a specific location to protect your privacy.
- **Notification of Breach:** You have the right to be notified if your records or personal information are compromised, as defined under HIPAA and 42 CFR Part 2.
- **Fundraising Communications:** You may choose not to receive fundraising communications from the Programs
- **Discuss this Notice:** You are welcome to contact the Mass General Brigham Privacy Office to discuss this Notice or ask questions. Please see contact information below.

To exercise these rights, please contact the Program director.

Our Responsibilities

As required by law, our Programs are committed to safeguarding your information and upholding your rights. Specifically, we are obligated to:

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- **Protect Your Privacy:** Maintain the confidentiality and security of your Program records.
- **Provide This Notice:** Ensure you receive a copy of this Notice, either in paper or electronic form, at least once.
- **Adhere to Current Privacy Practices:** Follow the privacy practices outlined in our current Notice of Privacy Practices.
- **Limit Use and Disclosure:** Only use or share your information as described in this Notice, unless you provide written consent for other purposes.
- **Notify You of Breaches:** Promptly inform you if your information is compromised, in accordance with applicable laws and regulations.

Filing a Complaint

If you have concerns about your privacy rights or believe your information was mishandled, you have the right to file a complaint. You may contact:

- **Mass General Brigham Privacy Office at:** 833-726-1300 or Privacyoffice@mgb.org

Additionally, complaints may be filed with the **U.S. Department of Health and Human Services (HHS)** via their website: <https://www.hhs.gov/ocr/privacy/hipaa/complaints/>

We are committed to protecting your rights and will not retaliate against you for filing a complaint.

Changes to the Terms of This Notice

We reserve the right to update or modify the terms of this Notice at any time. Any changes will apply to all records we maintain, including those created prior to the change. When updates occur:

- The revised Notice will be posted in our office and on our website.
- You may request a copy of the current Notice at any time.