

Privacy Notice of Policies and Practices to Protect the Privacy of Your Health Information (HIPPA)

THIS NOTICE DESCRIBES HOW PSYCHOLOGICAL AND MEDICAL INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY.

1. Uses and Disclosures for Treatment, Payment, and Health Care Operations

We may use or disclose your *protected health information (PHI)*, for *treatment, payment, and health care operations* purposes with your *consent*. To help clarify these terms, here are some definitions:

- a. “*PHI*” refers to information in your health record that could identify you.
- b. “*Treatment, Payment and Health Care Operations*”
 - i. *Treatment* is when we provide, coordinate or manage your health care and other services related to your health care. An example of treatment would be when we consult with another health care provider, such as your family physician or another psychologist.
 - ii. *Payment* is when we obtain reimbursement for your healthcare. Examples of payment are when we disclose your PHI to your health insurer to obtain reimbursement for your health care or to determine eligibility or coverage. This may include an electronic clearing house used to bill electronically and a technology company to help us manage our computer systems.
 - iii. *Health Care Operations* are activities that relate to the performance and operation of our practice. Examples of health care operations are quality assessment and improvement activities, business-related matters such as audits and administrative services, and case management and care coordination. This may include an answering service, shredding company, and financial services.
- c. “*Use*” applies only to activities within Psychology & Counseling Associates (PCA) such as sharing, employing, applying, utilizing, examining, and analyzing information that identifies you.
- d. “*Disclosure*” applies to activities outside of my PCA, such as releasing, transferring, or providing access to information about you to other parties.

2. Uses and Disclosures Requiring Authorization

We may use or disclose PHI for purposes outside of treatment, payment, and health care operations when your appropriate authorization is obtained. An “*authorization*” is written permission above and beyond the general consent that permits only specific disclosures. In those instances when we are asked for information for purposes outside of treatment, payment and health care operations, we will obtain an authorization from you before releasing this information. You must sign an authorization for releases that are not mentioned in this Privacy Notice in Section III below. You may revoke all such authorizations at any time, provided each

revocation is. You may not revoke an authorization to the extent that (1) we have relied on that authorization; or (2) if the authorization was obtained as a condition of obtaining insurance coverage, and the law provides the insurer the right to contest the claim under the policy.

3. Uses and Disclosures with Neither Consent nor Authorization

We may use or disclose PHI without your consent or authorization in the following circumstances:

- a. **Child Abuse:** If we have reason to suspect, on the basis of our professional judgment, that a child is or has been abused, we are required to report our suspicions to the authority or government agency vested to conduct child abuse investigations. We are required to make such reports even if we do not see the child in our professional capacity. We are mandated to report suspected child abuse if anyone aged 14 or older tells us that he or she committed child abuse, even if the victim is no longer in danger. We are also mandated to report suspected child abuse if anyone tells us that he or she knows of any child who is currently being abused.
- b. **Certain adolescent sexual relationships:** We also must report it when adolescents less than 13 years of age engage in sexual activity or when adolescents less than 16 years of age engage in consensual sexual activity with someone more than four years older.
- c. **Adult and Domestic Abuse:** If we have reasonable cause to believe that an older adult is in need of protective services (regarding abuse, neglect, exploitation or abandonment), we may report such to the local agency which provides protective services.
- d. **Judicial or Administrative Proceedings:** If you are involved in a court proceeding and a request is made about the professional services we provided you or the records thereof, such information is privileged under state law, and we will not release the information without your written consent, or a court order. The privilege does not apply when you are being evaluated for a third party or where the evaluation is court ordered. You will be informed in advance if this is the case.
- e. **Serious Threat to Health or Safety:** If you express a serious threat, or intent to kill or seriously injure yourself or an identified or readily identifiable person or group of people, and we determine that you are likely to carry out the threat, we must take reasonable measures to prevent harm. Reasonable measures may include directly advising any potential victim of the threat or intent, contacting the police, contacting your family member(s), or seeking hospitalization. These situations rarely occur, but if they do, we will make every effort to fully discuss it with you before taking action.
- f. **Worker's Compensation:** If you file a worker's compensation claim, we will be required to file periodic reports with your employer which shall include, where pertinent, history, diagnosis, treatment, and prognosis.
- g. **When the use and disclosure without your consent or authorization is allowed under other sections of Section 164.512 of the Privacy Rule and the state's confidentiality law:** This includes certain narrowly-defined disclosures to law

enforcement agencies, to a health oversight agency (such as Health and Human Services or a state department of health), to a coroner or medical examiner, for public health purposes relating to disease or FDA-regulated products, or for specialized government functions such as fitness for military duties, eligibility for VA benefits, and national security and intelligence.

4. Patient's Rights and PCA's Duties

Patient's Rights:

- a. *Right to Request Restrictions* – You have the right to request restrictions on certain uses and disclosures of protected health information about you. However, we are not required to agree to a restriction you request.
- b. *Right to Receive Confidential Communications by Alternative Means and at Alternative Locations* – You have the right to request and receive confidential communications of PHI by alternative means and at alternative locations. (For example, you may not want a family member to know that you are seeing us. Upon your request, we will send your bills to another address.)
- c. *Right to Inspect and Copy* – You have the right to inspect or obtain a copy (or both) of PHI in our mental health and billing records used to make decisions about you for as long as the PHI is maintained in the record. We may deny your access to PHI under certain circumstances, but in some cases, you may have this decision reviewed. On your request, we will discuss with you the details of the request and denial process.
- d. *Right to Amend* – You have the right to request an amendment of PHI for as long as the PHI is maintained in the record. We may deny your request. On your request, we will discuss with you the details of the amendment process.
- e. *Right to an Accounting* – You generally have the right to receive an accounting of disclosures of PHI for which you have neither provided consent nor authorization (as described in Section III of this Notice). On your request, we will discuss with you the details of the accounting process.
- f. *Right to a Paper Copy* – You have the right to obtain a paper copy of the notice from us upon request, even if you have agreed to receive the notice electronically.
- g. *Right to Request Records in an Electronic Format*- You have a right to receive a copy of your PHI in an electronic format if it is readily producible and to the extent possible, or (through a written authorization) designate a third party who may receive such information.
- h. *Right to Restrict Disclosures When You Have Paid for Your Care Out-of-Pocket (Self-Pay)*- You have the right to restrict certain disclosures of PHI to a health plan when you pay out-of-pocket in full for our services.
- i. *Right to be Notified if There is a Breach of Your Unsecured PHI*- You have a right to be notified if: (a) there is a breach (a use or disclosure of your PHI in violation of the HIPAA Privacy Rule) involving your PHI; (b) that PHI has not been encrypted to government standards; and (c) our risk assessment fails to determine that there is a low probability

that your PHI has been compromised. See Breach Notification section below for more information on breach of information and risk assessment.

PCA's Duties:

We are required by law to maintain the privacy of PHI and to provide you with a notice of our legal duties and privacy practices with respect to PHI.

- a. We reserve the right to change the privacy policies and practices described in this notice. Unless we notify you of such changes, however, we are required to abide by the terms currently in effect.
- b. If we revise our policies and procedures, we will post a notice of the revision in the waiting room and notify you at your next appointment.

Breach Notification:

- a. If we become aware of or suspect a breach, as defined in Section 1 of the breach notification Overview (see Attachment A), we will conduct a Risk Assessment, as outlined in Section 2.A of the Overview. We will keep a written record of that Risk Assessment.
- b. Unless we determine that there is a low probability of that PHI has been compromised, we will give notice of the breach as described in Sections 2.B and 2.C of the breach notification Overview.
- c. The risk assessment can be done by a business associate if it was involved in the breach. While the business associate will conduct a risk assessment of a breach of PHI in its control, we will provide any required notice to patients and Health and Human Services.
- d. After any breach, particularly one that requires notice, we will reassess its privacy and security practices to determine what changes should be made to prevent the reoccurrence of such breaches.

5. Complaints

If you are concerned that we have violated your privacy rights, or you disagree with a decision we made about access to your records, you may contact Jeffrey Walters, Psy.D., at 610-970-5234, voice mail 247, or by fax at 610-970-0945 or by mail at this address. You may also send a written complaint to the Secretary of the U.S. Department of Health and Human Services. The person listed above can provide you with the appropriate address upon request.

6. Effective Date, Restrictions and Changes to Privacy Policy

This notice will go into effect on April 14, 2003

I have received a copy of the HIPAA Privacy Notice Form.

Print Name (relationship if minor)

Signature

Date