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## NOTICE OF PRIVACY PRACTICES

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

### I. I. Uses and Disclosures for Treatment, Payment, and Health Care Operations

I 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:

“PHI” refers to information in your health record that could identify you.

“Treatment, Payment and Health Care Operations”

--“Treatment” is when I provide, coordinate or manage your health care and other services related to your health care. An example of treatment would be when I consult with another health care provider, such as your family physician or another psychologist.

--“Payment” is when I obtain reimbursement for your healthcare. Examples of payment are when I disclose your PHI to your health insurer to obtain reimbursement for your health care or to determine eligibility or coverage. --“Health Care Operations” are activities that relate to the performance and operation of my 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.

“Use” applies only to activities within my office such as sharing, employing, applying, utilizing, examining and analyzing information that identifies you.

“Disclosure” applies to activities outside of my office, such as releasing, transferring, or providing access to information about you to other parties.

### II. Uses and Disclosure Requiring Authorization

I may use or disclose PHI for purposes outside of treatment, payment, or 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 I am asked for information for purposes outside of treatment, payment or health care operations, I will obtain an authorization from you before releasing

information. I will also need to obtain an authorization before releasing your Psychotherapy Notes. “Psychotherapy Notes” are notes I have made about our conversation during a private, group, joint, or family therapy/counseling session that I have kept separate from the rest of your medical record. These notes are given a greater degree of protection than PHI.

You may revoke all such authorizations (of PHI or Psychotherapy Notes) at any time, provided each revocation is in writing. You may not revoke an authorization to the extent that (1) I have relied on that authorization; or (2) if the authorization was obtained as a condition of obtaining insurance coverage, law provides the insurer the right to contest the claim under the policy.

III. Uses and Disclosures with Neither Consent nor Authorization I may use or disclose PHI without your consent or authorization in the following circumstances:

- Child Abuse – If I have reasonable cause to know or suspect that a child has been subjected to abuse or neglect, I may need to report this to the appropriate authorities.
- Adult and Domestic Abuse – If I have reasonable cause to believe that an at-risk adult has been mistreated, self-neglected, or financially exploited and is at imminent risk of mistreatment, self-neglect, or financial exploitation, then I may need to report this belief to the appropriate authorities.
- Judicial and Administrative Proceedings – If you become involved in a lawsuit, and your mental or emotional condition is an element of your claim, or if a court orders your PHI to be released, or orders your mental evaluation, then your PHI may become subject to disclosure.
- Serious Threat to Health or Safety – If you communicate to me a serious threat of imminent physical violence against a specific person or persons, I have a duty to notify any person or persons specifically threatened, as well as a duty to notify an appropriate law enforcement agency or by taking other appropriate action. If I believe that you are at imminent risk of inflicting serious harm on yourself, I may disclose information necessary to protect you. In either case, I may disclose information in order to initiate hospitalization.
- Worker's Compensation – I may disclose PHI as authorized by and to the extent necessary to comply with laws relating to worker's compensation or other similar programs established by law, which provide benefits for work-related injuries or illness without regard to fault.

IV. Patient's Right and Psychologist's Duties

Patient's Rights:

- Right to Request Restrictions – You have the right to request restrictions on certain uses and disclosures of protected health information regarding yourself. However, I am not required to agree to a restriction you request.
- Right to Receive Confidential Communications by Alternative Means and at Alternative Locations – You have the right to request and receive communications of PHI by alternative means and at alternative locations. For example, you may not want a family member to know you are seeing me. On your request I will send your bills to another address.
- Right to Inspect and Copy – You have the right to inspect or obtain a copy (or both) of PHI in my mental health and billing records used to make decisions about you for as long as the PHI is maintained in the record. I may deny your access to PHI under certain circumstances (for example, if I believe it may be harmful to you), but in some cases you may have this decision reviewed. On your request, I will discuss with you the details of the request and denial process.
- Right to Amend – You have the right to request an amendment of PHI for as long as the PHI is maintained in the record. I may deny your request. On your request, I will discuss with you the details of the amendment process.
- Right to an Accounting – You generally have the right to receive an accounting of disclosures of PHI. On your request, I will discuss with you the details of the accounting process.
- Right to a Paper Copy – You have the right to obtain a paper copy of the notice from me upon request, even if you have agreed to receive the notice electronically.

Psychologist's Duties:

- I am required by law to maintain the privacy of PHI and to provide you with a notice of my legal duties and privacy practices with respect to PHI.
- I reserve the right to change the privacy policies and practices described in this notice. Unless I notify you of such changes, however, I am required to abide by the terms currently in effect.
- If I revise my policies and procedures, I will notify you of the revisions when we meet or by mail.

#### V. Complaints

If you are concerned that I have violated your privacy rights, or you disagree with a decision I made about access to your records, please contact me about any complaint.

You may also send a written complaint to the Secretary of the U.S. Department of Health and Human Services.

#### VI. Health Information Security

I require my answering service and billing service to follow the same HIPAA privacy, security policies and procedures regarding access to your PHI as I do. I maintain physical, administrative and technical security measures to safeguard your PHI.

#### VII. Uses and Disclosures Involving Personal Representatives

##### A. Personal Representatives of Adults and Emancipated Minors

Where an incapacitated patient has a guardian or legal representative with authority to make health care decisions for the patient, I must treat the guardian or legal representative as the patient with respect to PHI that is relevant to and consistent with that individual's representation as authorized by state law (e.g., letting the guardian or legal representative exercise the privacy rights a patient would normally exercise, such as receiving notice, consenting to disclosure, having access to their records, and the right to amend). If I have a reasonable belief that a guardian/legal representative of the patient may subject the patient to abuse or neglect or endanger the patient in any way, or if in my professional judgment it is not in the patient's best interest to allow the guardian or legal representative to exercise the patient's privacy rights, I may elect not to treat the guardian or legal representative as the patient.

##### B. Personal Representatives of Unemancipated Minors

If I am treating a child or ward, I must treat the child or ward's parent or legal guardian as the patient with respect to PHI relevant to that representation (e.g., letting the parent or guardian exercise the privacy rights that a patient would normally exercise, e.g., receiving notice, consenting to disclosure, having access to their records and the right to amend).

A minor 14 years of age or older may obtain from me, without parental knowledge or consent, outpatient diagnosis or treatment of a mental or emotional disorder. However, I shall have the parents of the minor involved before the end of treatment unless the parents refuse or unless there are clear clinical indications to the contrary, for example, if the parent has sexually abused the minor. While I may treat the minor without parental knowledge or consent as indicated above, under certain circumstances I may advise the parent(s) or legal guardian of any minor described above of the diagnosis or treatment whenever the disclosure is clinically appropriate and will serve the best interests of the minor's treatment because the minor's condition has deteriorated or the risk of a suicide attempt has become such that inpatient treatment is necessary, or the minor's condition requires detoxification in a residential or acute care facility,

I shall not treat the parent or guardian as the patient when the parent or guardian has specifically agreed to a confidentiality agreement between the minor and the psychologist. I may elect not to treat a parent or legal guardian as the patient if I have a

reasonable belief that the parent or legal guardian has or may subject the minor to abuse or neglect or could endanger the minor or if in my professional judgment it is not in the minor's best interest to let the parent or legal guardian exercise the minor's privacy rights.

C. Personal Representatives of Deceased Patients

I must treat the personal representative of a deceased patient as the patient with respect to PHI that is relevant to the representative's representation (letting the personal representative exercise the privacy rights that a patient would normally exercise, e.g., receiving notice, consenting to disclosure, having access to records and the right to amend). Exceptions to this guideline are if I have a reasonable belief that the personal representative has subjected the patient to abuse or neglect and in my professional judgment it is not in the patients' best interest to let the personal representative exercise the patient's privacy rights.

D. Verification of Authority of Personal Representatives

In sections "A," "B," and "C" above, I must verify that the person claiming to be the patient's legal representative has the legal authority to represent the patient and verify the scope of his/her authority.

Effective Date, Restrictions, and Changes to Privacy Policy This Notice will go into effect April 14, 2003.