



EFFECTIVE DATE OF THIS NOTICE This notice went into effect on March 29, 2024

NOTICE OF PRIVACY PRACTICES

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

1) CLINICIAN’S PLEDGE REGARDING HEALTH INFORMATION: Clinician understands that the client’s health information health care is personal. Clinician is committed to protecting health information about client. Clinician will create a record of the care and services client receives from Clinician. Clinician needs this record to provide client with quality care and to comply with certain legal requirements. This notice applies to all of the records of client’s care generated by this mental health care practice. This notice will tell the client about the ways in which Clinician may use and disclose health information about client. Clinicians also describes client’s rights to the health information Clinician keep about client, and describes certain obligations Clinician has regarding the use and disclosure of client’s health information. Clinician is required by law to:

- A) Make sure that protected health information (“PHI”) that identifies client is kept private.
- B) Give client this notice of Clinician’s legal duties and privacy practices with respect to health information.
- C) Follow the terms of the notice that is currently in effect.
- D) Clinician can change the terms of this Notice, and such changes will apply to all information Clinician has about client. The new Notice will be available upon request, in Clinician’s office, and on Clinician’s website.

2) HOW CLINICIAN MAY USE AND DISCLOSE HEALTH INFORMATION ABOUT CLIENT. The following categories describe different ways that Clinician uses and discloses health information. For each category of uses or disclosures, the Clinician will explain what Clinician means and try to give some examples. Not every use or disclosure in a category will be listed. However, all of the ways Clinician is permitted to use and disclose information will fall within one of the categories.

- A) **For Treatment Payment, or Health Care Operations.** Federal privacy rules (regulations) allow Clinicians who have a direct treatment relationship with the client to use or disclose the client’s personal health information without the client’s written authorization, to carry out the Clinician’s own treatment, payment or health care operations. Clinician may also disclose client’s protected health information for the treatment activities of any health care provider. This too can be done without client’s written authorization. For example, if a Clinician were to consult with another licensed health care provider about client’s condition, Clinician would

be permitted to use and disclose client's personal health information, which is otherwise confidential, in order to assist the Clinician in diagnosis and treatment of client's mental health condition.

Disclosures for treatment purposes are not limited to the minimum necessary standard because Clinicians and other health care providers need access to the full record and/or full and complete information in order to provide quality care. The word "treatment" includes, among other things, the coordination and management of health care providers with a third party, consultations between health care providers and referrals of a client for health care from one health care provider to another.

- B) **Lawsuits and Disputes.** If a client is involved in a lawsuit, Clinician may disclose health information in response to a court or administrative order. Clinician may also disclose health information about client's child in response to a subpoena, discovery request, or other lawful process by someone else involved in the dispute, but only if efforts have been made to tell client about the request or to obtain an order protecting the information requested.

3) CERTAIN USES AND DISCLOSURES REQUIRE CLIENT'S AUTHORIZATION.

- A) **Psychotherapy Notes.** Clinician does keep "psychotherapy notes" as that term is defined in 45 CFR § 164.501, and any use or disclosure of such notes requires client's authorization unless the use or disclosure is:

- i) For Clinician's use in treating client;
- ii) For Clinician's use in training or supervising mental health practitioners to help them improve their skills in group, joint, family, or individual counseling or therapy.
- iii) For Clinician's use in defending Clinician in legal proceedings instituted by client.
- iv) For use by the Secretary of Health and Human Services to investigate Clinician's compliance with HIPAA.
- v) Required by law and the use or disclosure is limited to the requirements of such law.
- vi) Required by law for certain health oversight activities pertaining to the originator of the psychotherapy notes.
- vii) Required by a coroner who is performing duties authorized by law.
- viii) Required to help avert a serious threat to the health and safety of others.

- B) **Marketing Purposes.** As a psychotherapist, Clinician will not use or disclose client's protected health information for marketing purposes.

- C) **Sale Of Protected Health Information.** As a psychotherapist, Clinician will not sell client's protected health information in the regular course of Clinician's business.

4) CERTAIN USES AND DISCLOSURES DO NOT REQUIRE CLIENT'S AUTHORIZATION.

Subject to certain limitations in the law, Clinician can use and disclose client's protected health information without client's authorization for the following reasons:

- A) When disclosure is required by state or federal law, and the use or disclosure complies with and is limited to the relevant requirements of such law.
- B) For public health activities, including reporting suspected child, elder, or dependent adult abuse, or preventing or reducing a serious threat to anyone's health or safety.
- C) For health oversight activities, including audits and investigations.
- D) For judicial and administrative proceedings, including responding to a court or administrative order, although my preference is to obtain an Authorization from client before doing so.
- E) For law enforcement purposes, including reporting crimes occurring on Clinician's premises.
- F) To coroners or medical examiners, when such individuals are performing duties authorized by law.
- G) For research purposes, including studying and comparing the mental health of clients who received one form of therapy versus those who received another form of therapy for the same condition.
- H) Specialized government functions, including, ensuring the proper execution of military missions; protecting the President of the United States; conducting intelligence or counter-intelligence operations; or, helping to ensure the safety of those working within or housed in correctional institutions.
- I) For workers' compensation purposes. Although Clinician's preference is to obtain an authorization from client, Clinician may provide client's protected health information in order to comply with workers' compensation laws.
- J) Appointment reminders and health related benefits or services. Clinician may use and disclose client's protected health information to contact client to remind client that client has an appointment with Clinician. Clinician may also use and disclose client's protected health information to tell client about treatment alternatives, or other health care services or benefits that Clinician offer.

5) CERTAIN USES AND DISCLOSURES REQUIRE CLIENT TO HAVE THE OPPORTUNITY TO OBJECT.

- A) Disclosures to family, friends, or others. Clinician may provide client's protected health information to a family member, friend, or other person that client indicates is involved in client's care or the payment for client's health care, unless client objects in whole or in part. The opportunity to consent may be obtained retroactively in emergency situations.

6) CLIENT HAS THE FOLLOWING RIGHTS WITH RESPECT TO CLIENT'S PROTECTED HEALTH INFORMATION.

- A) **The Right To Request Limits On Uses And Disclosures Of Client's Protected Health Information.** Client has the right to Clinician to use or disclose certain protected health information for treatment, payment, or health care operations purposes. Clinician is not required to agree to client's request, and Clinician may say "no" if Clinician believes it would affect client's health care.
- B) **The Right To Request Restrictions For Out-of-Pocket Expenses Paid For In Full.** Client has the right to request restrictions on disclosures of client's protected health information to health plans for payment or health care operations purposes if the protected health information pertains solely to a health care item or a health care service that client has paid for out-of-pocket in full.
- C) **The Right To Choose How Clinician Sends Protected Health Information To Client.** Client has the right to ask Clinician to contact client in a specific way (for example, home or office phone) or to send mail to a different address, and Clinician will agree to all reasonable requests.
- D) **The Right To See And Receive Copies Of Client's Protected Health Information.** Other than "psychotherapy notes," client has the right to receive an electronic or paper copy of client's medical record and other information that Clinician has about client. Clinician will provide client with a copy of client's record, or a summary of it, if client agrees to receive a summary, within 30 days of receiving client's written request, and Clinician may charge a reasonable, cost based fee for doing so.
- E) **The Right To Receive A List Of The Disclosures Clinician Has Made.** Client has the right to request a list of instances in which Clinician has disclosed client's protected health information for purposes other than treatment, payment, or health care operations, or for which client provided Clinician with an authorization. Clinician will respond to client's request for an accounting of disclosures within sixty (60) days of receiving client's request. The list the Clinician will provide client will include disclosures made in the last six years unless client requests a shorter time. Clinician will provide the list to client at no charge, but if client makes more than one request in the same year, Clinician will charge client a reasonable cost-based fee for each additional request.
- F) **The Right To Correct Or Update Client's Protected Health Information.** If client believes that there is a mistake in client's protected health information, or that a piece of important information is missing from client's protected health information, client has the right to request that Clinician correct the existing information or add the missing information. Clinician may say "no" to client's request, but Clinician will tell client why in writing within sixty (60) days of receiving client's request.
- G) **The Right To Receive A Paper Or Electronic Copy Of This Notice.** Client has the right receive a paper copy of this Notice, and client has the right to receive a copy of this notice by e-mail.

Acknowledgement of Receipt of Privacy Notice

Under the Health Insurance Portability and Accountability Act of 1996 (HIPAA), client has certain rights regarding the use and disclosure of client’s protected health information. By checking the box below, client is acknowledging that client has received a copy of HIPAA Notice of Privacy Practices.

BY SIGNING BELOW I AM AGREEING THAT I HAVE READ, UNDERSTOOD AND AGREE TO THE ITEMS CONTAINED IN THIS DOCUMENT.

Print client name _____ DOB _____

Client signature _____ Date _____

Print parent/guardian name (if applicable) _____

Parent/guardian signature (if applicable) _____ Date _____