

Notice of Privacy Policies Within and During Therapy

This updated notice explains the manner in which personal and private information about you is to be protected from unwarranted, unnecessary and /or unauthorized disclosure. It defines HOW UNDER WHAT CONDITIONS, and TO WHOM psychological and medical information (PHI) about you may be used and disclosed and how you might obtain access to this information. Please review it carefully and sign and date the third page.

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

Your psychologist, social worker or occupational therapist (hereby known as ‘clinician’) may use or disclose your protected health information (PHI): 1) for treatment, 2) for payment, and 3) for health care operations. These terms are defined below:

Use applies only to activities within the clinician’s office, such as sharing, utilizing, employing, applying, examining, and analyzing information that identifies you.

Disclosure applies to activities outside of the clinician’s office, such as releasing, transferring, or providing access to information about you to other parties.

PHI refers to any information in your health record that could identify you (e.g. copies of insurance cards, case notes, letters, evaluations, ect.)

Treatment occurs when your clinician provides, coordinates or manages your health care and other services related to your health care. An example of treatment would be when the clinician consults with another health care provider, such as your family physician or another psychologist. This can be done formally, through letters, phone calls, personal communication wherein you as an individual are clearly identified. Informal consultations, whereby no identifying information about you is ever exchanged, does not fall into this category. No consent is required.

Payment occurs when clinicians obtain reimbursement from your healthcare. Examples include when clinicians 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 the clinician’s practice. Examples are quality assessment and improvement activities, business related matters such as audits and administrative services, and case management and care coordination.

II. Uses and Disclosures Requiring Authorization

Clinician 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 the clinician is asked for information for purposes outside of treatment, payment and health care operations, the clinician will obtain an authorization from you before releasing your psychotherapy notes. “*Psychotherapy notes*” are notes clinicians have made during individual or group therapy, which the clinician must keep 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) the clinician has 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.

III. Uses and Disclosures with Neither Consent nor Authorization

Confidentiality of the therapy process is an essential component of a working therapeutic relationship. Hence, it is only rarely that clinicians might need to disclose health care information about you without your authorization:

- If the clinician becomes aware that you may be abusing, exploiting or neglecting a child under age 18, a developmentally disabled person, or an elderly person, a report must be made to the appropriate authorities.
- If you become a danger to others, the clinician must protect the other person(s) and you by warning the other person(s) at risk and report the danger to the appropriate authorities.
- If you become mentally ill and become unable to take care of your basic needs or become a danger to yourself or others and also refuse treatment, the clinician must report your condition to the authorities.
- If you tell the clinician that you are suffering from HIV-related illness and do not have a physician providing for your care, clinicians must report the identities of your IV drug using or sexual partner(s) to the local health care officer.
- If a professional licensing board subpoenas the clinician as part of its investigation, hearing or proceedings relating to the discipline, issuance or denial of licensure of state licensed psychologist, the clinician must comply with its order and disclose your relevant mental health information.
- If you are involved in a court proceeding and a request is made for information about the professional services that the clinician has provided to you and the records thereof, such information is privileged under the state law, and the clinician **will not** release information without the written authorization of you or your legal representative, or a court order signed by a judge. 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.
- If you file a worker's compensation claim, with certain exceptions, the clinician must make available, at any stage of the proceedings, all mental health information in the clinician's possession relevant to that particular injury, in the opinion of your state's Department of Labor and upon request.
- If the clinician reasonably believes that disclosure will avoid or minimize an imminent danger to the health or safety of the patient or any other individual, the clinician may disclose information to the extent a recipient needs to know to any person, including law enforcement.

IV. Patient's Right and The Clinician's Duties

Patient's Rights:

- Right to Refuse Evaluation or Treatment*- You have the right to refuse evaluation or treatment any time.
- Right to Change Psychologists/Therapist*- You have the right to change psychologists/therapists or to receive a referral to another psychologist/therapist.
- Right to Raise Questions*-You have the right to raise at any time any questions about the psychotherapist, the therapeutic approach and/or the progress of treatment.
- Right to Receive Confidential Communication by Alternative Means and at Alternative Locations*-You have the right to request and receive confidential communication of PHI by alternative means and at alternative locations. (For example, you may not want a family member to know that you are seeing the clinician. Upon your request, the clinician 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 and psychotherapy notes in the clinician's mental health and billing records used to make decisions about you for as long as the PHI is maintained in the record. The clinician may deny your access to PHI under certain circumstances, but in some cases you may have this decision reviewed. On your request, the clinician 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 for which you have neither provided consent nor authorization (as described in Section III of this Notice). ON your request, the clinician will discuss with you details of the accounting process.

Clinician's Duties:

Clinicians are required by law to maintain the privacy of PHI and to provide you with a notice of their legal duties and privacy practices with respect to PHI. Clinicians reserve the right to change the privacy policies and practices described in this notice. Unless the clinician notifies you of such changes, however, I am required to abide by the terms currently in effect. If the clinicians revise their policies and procedures, they will provide you with a copy of the revised notice via first class mail, or provide it to you during a session.

V. Complaints

If you are concerned that the clinician has violated your privacy rights, or you disagree with a decision they have made about access to your records, you may contact them directly. You may also send a written complaint to Linda Vogel, Regional Director, U.S. Department of Health and Human Services, Region VII, 601 East 12 St, Room 501, Kansas City, MO 64106 Phone: 816-426-3291 Web Site: www.hhs.gov/region7

VI. Effective Date and Changes to Privacy Policy

The clinician reserves the right to change the terms of this notice and to make the new notice provisions effective for all PHI that they maintain. The clinician will provide you with a revised notice via first class mail, or provide it to you during session.