

## HIPAA NOTICE OF PRIVACY PRACTICES

### INTRODUCTION

The Health Insurance Portability and Accountability Act (HIPAA) Standards for Privacy of Individually Identifiable Health Information (“Privacy Rule”) is a set of national standards for the protection of certain health information. The Privacy Rule standards address the use and disclosure of individual’s health information – called “protected health information” by organizations subject to the Privacy Rule – called “covered entities,” as well as standards to understand your privacy rights and control how your health information is used.

The goal of the Privacy Rule is to assure that your health information is properly protected while allowing the flow of health information needed to provide and promote high quality care and to protect the public’s health and well being. The Rule strikes a balance that permits important uses of information, while protecting the privacy of people who seek care and healing.

A covered entity is defined as any health plan, health care clearinghouse, and any health care provider who transmits health information in electronic format. Electronic transmittal of health information includes transactions such as claims, benefit eligibility inquiries, and referral authorization requests. Please be aware that your therapist is not a covered entity by legal definition but will follow these standards in maintaining your health information. We reserve the right to make the revised notice effective for health information it already has about you as well as any information it receives in the future. You may obtain a copy of the current version of this notice at any time in the future by asking your counselor.

You will be asked to provide a signed acknowledgement of receipt of this notice. Since our intent is to make you aware of the possible uses and disclosures of medical information about you and your privacy rights, the delivery of your health care services will in no way be conditioned upon your signed acknowledgment of this notice. If you decline to provide a signed acknowledgment, your therapist will continue to provide your treatment and will use and only disclose medical information about you to the extent provided by law.

### WHAT INFORMATION IS PROTECTED?

The Privacy Rule protects all “individually identifiable health information (IIHI)” held or transmitted by a covered entity or its business associates, in any form of medical, whether electronic, paper or oral. The Privacy Rule calls this information “Protected health information (PHI).”

IIHI is information, including demographic data that relates to:

- Your past, present or future physical or mental health or condition,
- Provisions to your health care,
- Past, present, or future payment for the provision of your health care.,

And that identified you or for which there is a reasonable basis to believe can be used to identify you. IIHI includes many common identifiers (e.g., name, address and birth date). There are no restrictions on the use or disclosure of de-identified health information. De-identified health information neither identifies nor provides a reasonable basis to identify an individual.

### PERMITTED USES AND DISCLOSURES

- 1.) **To the Individual.** A covered entity may disclose protected health information to the individual who is the subject of the information.
- 2.) **Treatment, Payment, Health Care Operations.** A covered entity may use and disclose protected health information for its own treatment, payment and health care operations activities. A covered entity may disclose PHI about you to your doctor or other individuals who are involved in your care. An example of disclosure for treatment would be if your therapist referred you to a new counselor and provided him/her information about your condition. An example of disclosure for health care operations would be a staff member calling you by name in the waiting area when the counselor is ready to see you. Your therapist is required to obtain written consent for release of psychotherapy records for treatment, payment and health care operations purposes.
- 3.) **Uses and Disclosures with Opportunity to Agree or Object.** Informal permission may be obtained by asking the individual outright, or by circumstances that clearly give the individual the opportunity to agree, acquiesce or object. If you are incapacitated, in an emergency situation, or not available, a covered entity generally may make such uses and disclosures if it is determined to be in the best interest of the individual.
- 4.) **Public Interest and Benefit Activities.** The Privacy Rule permits use and disclosure of PHI, without your authorization or permission, for national priority purposes. These disclosures are permitted, by the Rule in recognition of the important uses made of health information outside of the health care context. Specific conditions or limitations apply to each public interest purpose.

- a. *Required by Law.* A covered entity may use and disclose PHI without individual authorization as required by law, including statute, regulation or court orders.
- b. *Public Health Activities.* A covered entity may disclose information about you to a public health authority that is permitted by law to collect or receive such information. Such disclosure may be necessary to do the following:
  - i. Prevent or control disease, injury or disability;
  - ii. Report births and deaths;
  - iii. Report child abuse or neglect; or
  - iv. Notify a person who may have been exposed to a disease or may be at risk for contracting or spreading a disease or condition.
- c. *Victims of Abuse, Neglect or Domestic Violence.* In certain circumstances, a covered entity may disclose PHI to appropriate government authorities regarding victims of abuse, neglect or domestic violence.
- d. *Health Oversight Activities.* A covered entity may disclose PHI to health oversight agencies (as defined in the Rule) for purposes of legally authorized health oversight activities, such as audits and investigations as necessary.
- e. *Judicial and Administrative Proceedings.* A covered entity may disclose PHI in a judicial or administrative proceeding if the request for the information is through an order from a court or administrative tribunal. Such information may also be disclosed in response to a subpoena or other lawful process if certain assurances regarding notice to the individual or a protective order are provided.
- f. *Law Enforcement Purposes.* A covered entity may disclose PHI to law enforcement purposes under the following six circumstances:
  - i. As required by administrative requests and by law, including court orders, court-ordered warrants, subpoenas;
  - ii. To identify or locate suspect, fugitive, material witness, or missing persons;
  - iii. In response to a law enforcement official's request for information about a victim or suspected victim of a crime
  - iv. To alert law enforcement of a person's death, if a covered entity suspects that criminal activity caused the death;
  - v. When a covered entity believes that PHI is evidence of a crime that occurred on its premises; and
  - vi. By a covered health care provider in a medical emergency not occurring on its premises, when necessary to inform law enforcement about the commission and nature of a crime, the location of the crime or crime victims, and the perpetrator of the crime.
- g. *Serious Threat to Health or Safety.* A covered entity may disclose PHI that we believe is necessary to prevent or lessen a serious and imminent threat to a person or the public, when such disclosure is made to someone they believe can prevent or lessen the threat (including the target of the threat). A covered entity may disclose to law enforcement if the information is needed to identify or apprehend an escapee or violent criminal.
- h. *Essential Government Functions.* Authorization is not required to use or disclose PHI for certain essential government functions. Such functions include: assuring proper execution of a military mission, conducting intelligence and national security activities that are authorized by law, and providing protective services to the President.

#### AUTHORIZED USES AND DISCLOSURES

Your written authorization is required for use and disclosure of psychotherapy notes with the following exceptions:

- A covered entity who originated the notes may use them for treatment.
- A covered entity may use or disclose, without an individual's authorization, the psychotherapy notes for its own training and to defend itself in legal proceedings brought by the individual.

#### LIMITING USES AND DISCLOSURES

A central aspect of the Privacy Rule is the principle of "minimum necessary" use and disclosure. Your therapist must make reasonable efforts to use, disclose and request only the minimum amount of PHI needed to accomplish the intended purpose.