

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

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 this notice carefully.

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 health care. I may disclose your PHI to your health insurer for payment activities such as: determining eligibility and coverage under a health-care plan, reviewing services to determine medical necessity, and participating in utilization review activities.
 - 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, case management and care coordination, and providing reminders of appointment times.
- ◆ **“Use”** applies only to activities within my office such as sharing, examining, and analyzing information that identifies you.
- ◆ **“Disclosure”** applies to activities outside my office such as releasing, transferring, or providing access to information about you to other parties.

II. Uses and Disclosures Requiring Authorization

- ◆ I 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 I am asked for information for purposes outside of treatment, payment, and health care operations, I will obtain an authorization from you before releasing this information.
- ◆ I will also need to obtain an authorization before releasing your psychotherapy notes in the event that I determine releasing those notes is appropriate and consistent with Oklahoma statutes governing mental health records. “Psychotherapy notes” are notes I have made about our conversations during a private, group, joint, or family counseling session, which I have kept separate from the rest of your medical record. These notes are given a greater degree of protection than PHI.
- ◆ I will also obtain an authorization from you before using or disclosing PHI in a way that is not described in this Notice.

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 reason to believe that a child under the age of 18 years is the victim of abuse or neglect, the law requires that I report to the appropriate government agency, usually, the Oklahoma Department of Human Services. Once this report is filed, I may be required to provide additional information.
- ◆ **Adult and Domestic Abuse:** If I have reason to believe that a vulnerable adult (defined below) is suffering from abuse, neglect, or exploitation, I am required by law to make a report either to the Oklahoma Department of Human Services, the district attorney’s office or the municipal police department as soon as I become aware of the situation. Once a report is filed, I may be required to provide additional information.

A “vulnerable adult” means an individual who is an incapacitated person or who because of physical or mental-disability, incapability, or other disability, is substantially impaired in the ability to provide adequately for the care or custody of him or herself, or is unable to manage his or her property and financial affairs effectively, or to meet essential requirements for mental or physical health or safety, or to protect him or herself from abuse, neglect, or exploitation without assistance from others.

- ◆ **Health Oversight:** If you file a disciplinary complaint against me with the Oklahoma State Board of Examiners of Psychologists, the Board would have the right to view your relevant confidential information as a part of the proceedings.
- ◆ **Judicial or Administrative Proceedings:** If you are involved in a court proceeding and a request is made for information about your diagnosis and treatment and the records thereof, such information is privileged under state law, and I will not release the information without written authorization from you or your personal or legally appointed representative, 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.
- ◆ **Serious Threat to Health or Safety:** If you communicate to me an explicit threat to kill or inflict serious bodily injury upon a reasonably identifiable person, and you have the apparent intent and ability to carry out that threat, I have the legal duty to take reasonable precautions. These precautions may include disclosing relevant information from your mental health records, which is essential to protect the rights and safety of others. I also have such a duty if you have a history of physical violence of which I am aware, and I

have reason to believe there is a clear and imminent danger that you will attempt to kill or inflict serious bodily injury upon a reasonably identifiable person.

- ◆ **Worker's Compensation:** If you file a worker's compensation claim, you will be giving permission for the Administrator of the Worker's Compensation Court, the Oklahoma Insurance Commissioner, the Attorney General, a district attorney (or a designee for any of these individuals) to examine your records relating to the claim.
- ◆ **Use and Disclosure Allowed Under Other Sections of Section 164.512:** 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 HHS 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.

IV. Patient's Rights and Psychologist's Duties

Patient's Rights:

- ◆ **Right to Request Restrictions:** You have the right to request restrictions on certain uses and disclosures of PHI. 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 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 me. Upon your request, I will send your bills to another address designated by you.
- ◆ **Right to Inspect and Copy:** You have the right to inspect and/or obtain a copy 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, 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. This right does not apply to a very narrow category of medical information referred to as "psychotherapy notes."
- ◆ **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 regarding you. You may request one free listing of disclosures every 12 months. Your request must state a time period which may not be longer than six years and may not include dates before April 14, 2003.
- ◆ **Right to Notice:** You have the right to obtain a paper copy of the notice.
- ◆ **Right to Restrict Disclosures When You have Paid for Your Care Out-of-Pocket.** You have the right to restrict certain disclosures of PHI to a health plan when you pay out-of-pocket in full for my services.
- ◆ **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 of 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) my risk assessment fails to determine that there is a low probability that your PHI has been compromised.

You must submit a written request to exercise any of these rights. You may request forms to exercise these rights by contacting my privacy office as follows:

Privacy Officer
3223 East 31st Street, Suite 201
Tulsa, Oklahoma 74105

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 provide written notice in the first treatment session following the change or by mail if you are no longer in treatment and if it has been less than six years since the last date of treatment.

V. Complaints

If you are concerned that I may have violated your privacy rights, or you disagree with a decision I have made about access to your records, you may contact my privacy officer as noted above. You may also send a written complaint to the Secretary of the U.S. Department of Health and Human Services. The privacy officer will provide you with the appropriate address upon request.

I will not retaliate against you if you file a complaint against me.

This notice takes effect April 14, 2003.