

HIPAA NOTICE FORM

Policies and Practices to Protect the Privacy of Healthcare Information

I. Uses and Disclosures for Treatment, Payment, and Healthcare Operations

This notice lists and describes how your *protected health information (PHI)* may be used or disclosed for *treatment, payment, and health care operations* purposes. To help clarify these terms, here are some definitions:

- “*PHI*” refers to identifiable information in the patient’s health *Clinical Record*.
- “*Treatment, Payment and Health Care Operations*”
 - *Treatment* is when the doctor provides, coordinates or manages the patient’s health care and other services related to health care. An example of treatment would be when health care provider consult or collaborate with one another.
 - *Payment* is when I obtain reimbursement for your health care. Examples are when I disclose your PHI to your health insurer to obtain reimbursement for your health care or to determine eligibility or coverage, or deposit your check.
 - *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 practice such as sharing, employing, applying, utilizing, examining, or analyzing any information that identifies you. “*Disclosure*” applies to activities outside of my practice, such as releasing, transferring, or providing access to information about you to other parties.
- “*Non-clinical services*,” such as some professional services may not create a Doctor – Patient relationship or produce protected health information. For example, if you are referred for employment screening or court-ordered mental health evaluation, any information obtained will be handled in a professional manner but may not be subject to HIPAA regulations. In such instances the employer or an agency is the client, even if you pay charges. The information is controlled by the contracting client and may not be released to the examinee without the contracting client’s authorization.
- “*RW-PHD-PC*” is used in this document as an abbreviation for “Reid Whiteside, Ph.D., P.C.”

II. Uses and Disclosures Requiring Authorization

I may use or disclose PHI for purposes outside of treatment, payment, and health care operations only when your appropriate authorization is obtained or under other, specified conditions. Examples include sending reports to schools or the College Board, an employer, or when a request is received after therapy is terminated. An “*authorization*” is written permission above and beyond the general consent. In those instances I will obtain an authorization from you before releasing this information. “*Psychotherapy Notes*” are notes I may have made about your evaluation or treatment process intended exclusively for my use in my ongoing work with you, which, if made, will be kept separate from the rest of your clinical medical record. I will only release Psychotherapy Notes when ordered by a judge to do so. You may revoke all authorizations at any time, provided each revocation is in writing. You may not revoke an authorization to the extent that (1) I have already relied and acted 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, or (3) you were required by court or an agency to obtain services.

III. Uses and Disclosures Requiring Neither Consent nor Authorization

I may use or disclose PHI without your consent or authorization in the following circumstances:

- **Child Abuse:** If you give me information which leads me to suspect child abuse, neglect, or death due to maltreatment, I must report such to the Department of Social Services. If asked by Social Services to turn over information from your records relevant to a child protective services investigation, I must do so.
- **Adult and Domestic Abuse:** If information you give me gives me reasonable cause to believe that a disabled adult is in need of protective services, I must report this to the Director of Social Services.
- **Health Oversight:** The North Carolina Psychology Board has the power, when necessary, to subpoena or otherwise require me to provide them with relevant records should I be the focus of an inquiry.
- **Judicial or Administrative Proceedings:** If you are involved in a court proceeding, and a request is made for information about the professional services that I have provided you or your minor and/or for the records thereof, such information is privileged under state law, and I must not release this information without your written authorization or a court order. This 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. You will be required to pay for costs incurred by RW-PHD-PC responding to a subpoena or order to produce PHI or copies thereof.
- **Complaints or lawsuits:** In the event an administrative, civil, or criminal complaint, allegation, or legal action is initiated against me by a patient, patient’s attorney, or patient’s family member or guardian, I may disclose whatever clinical information is necessary to defend against the action through consultation with an attorney and with professional colleagues and through testimony at deposition or in open court.

- **Serious Threat to Health or Safety:** I may be required to disclose your confidential information to protect you or others from a serious threat of harm. If I believe you to be a danger to yourself or others I may inform your family members, a magistrate, police or others who may help keep you safe.
- **National Security:** I must disclose PHI when required for national security purposes and I will not be allowed to inform you of this disclosure if doing so can be reasonably expected to impede investigation.
- **Worker's Compensation:** If you file a workers' compensation claim, I am required by law to provide your mental health information relevant to the claim to your employer and the North Carolina Industrial Commission and any attorneys retained by parties to the matter.
- **For certain, other circumstances:** If the psychologist has an indirect relationship with the patient. For example, when a health care provider delivers health care based on the orders of another health care provider; or when a provider delivers services, products or reports and the results go to another provider who works with the patient (e.g., if a psychologist performed psychological testing and the results were sent to the patient's physician or psychotherapist).

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 protected health information about you. I am required to respond to any such requests you may make; however, I am not required to agree to a restriction you may 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. If you do not want a family member to know that you are seeing me, request in writing that I send your bills to another address.
- *Right to Inspect and Copy* – You have the right to inspect or obtain a copy of PHI in my clinical and billing records used to make decisions about you for as long as the PHI is maintained in the record. I require up to seven days' notice to respond to your written request and to charge you for administrative expenses. I may limit or deny your access to PHI under certain circumstances, but if I were to do this, in some cases you may have this decision reviewed. You are not allowed access to 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 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).
- *Right to a Paper Copy* – You have the right to obtain a paper copy of this notice from me upon request.

IV. Patient's Rights and Psychologist's Duties: Psychologist's Duties:

- RW-PHD-PC is required by law to maintain the privacy of PHI and to provide you with a notice of our legal duties and privacy practices with respect to PHI.
- RW-PHD-PC reserves the right to change the privacy policies and practices described in this notice, and to make the provisions of the new notice effective for all PHI that the practice maintains. If we revise our policies and procedures, we will place a copy of the revised statement of policies and procedures with the date of the revision, in the waiting room labeled "Current Privacy Practices." RW-PHD-PC is required to maintain records of adult patients for seven years following the last date of billed service, and for seven years after the last date of service for minors, at least three years after a minor patient reaches eighteen.

V. Complaints

Should you ever experience concern that your therapist, or RW-PHD-PC has infringed upon or violated your privacy rights, you may contact Reid Whiteside, Ph.D., President, *Reid Whiteside, Ph.D, P.C.* (919) 677-8700. You may also send a written complaint to the Secretary of the U.S. Department of Health and Human Services. Dr. Whiteside can provide you with the address upon request.

VI. Effective Date, Restrictions and Changes to Privacy Policy

You will be asked to sign Acknowledgment that you were offered a copy of this Notice at your first visit.

Addendum (Effective 01-01-2012)

There have been significant changes to North Carolina laws regulating disclosure of protected health information by passage of Senate Bill 607. Under G.S. 122C-5, mental health providers may share patient information with other healthcare providers without obtaining your written consent when necessary to coordinate care or to obtain funding for your care. Under this law information may be exchanged between the referring doctor and your provider. However, you have the right to deny this exchange with the referring doctor by submitting your written objection in writing and in advance of the exchange. Under this law family members who provide substantial care to patients have rights to certain limited information without your express request or consent.