



HIPAA Notice of Privacy Practices For Protected Health Information (PHI)

Background

The HIPAA Privacy Rule gives individuals a fundamental new right to be informed of the privacy practices of their health plans and of most of their health care providers, as well as to be informed of their privacy rights with respect to their personal health information. Health plans and covered health care providers are required to develop and distribute a notice that provides a clear explanation of these rights and practices. The notice is intended to focus individuals on privacy issues and concerns, and to prompt them to have discussions with their health plans and health care providers and exercise their rights.

- I. This notice describes how medical information about you may be used and disclosed and how you can get access to this information. Please review carefully.**

- II. We have a legal duty to safeguard your protected health information (PHI).** We are legally required to protect the privacy of your PHI, which includes information that can be used to identify you that we've created or received about your past, present or future health or condition, the provision of health care to you, or the payment of this health care. We must provide you with this Notice about our privacy practices, and such Notice must explain how, when, and why we will "use" and "disclose" your PHI. A "use" of PHI occurs when we share, examine, utilize, apply, or analyze such information within our practice; PHI is "disclosed" when it is released, transferred, has been given to, or is otherwise divulged to a third party outside our practice. With some exceptions, we may not use or disclose any more of your PHI than is necessary to accomplish the purpose for which the use or disclosure is made. And we are legally required to follow the privacy practices described in this Notice.

III. How we may use and disclose your PHI.

We will use and disclose your PHI for many different reasons. For some of these uses or disclosures, we will need your prior written authorization; for others however, we do not. Listed below are the different categories of my uses and disclosures along with some examples of each category.

- A. Use and disclosures relating to treatment, payment, or health care operations do not require your prior written consent. We can use and disclose your PHI without your consent for the following reasons:
 1. For treatment. We can use your PHI within our practice to provide you with mental health treatment, including discussing or sharing your PHI with our trainees and associates. We can also disclose your PHI to physicians, psychiatrists, psychologists and other licensed health care providers who provide you with health care services or are involved in your case. For example, if a psychiatrist is treating you, we can disclose your PHI to your psychiatrist to coordinate your care.

2. To obtain payment for treatment. We can use and disclose your PHI to bill and collect payment for treatment and services provided by us to you. For example, we might send your PHI to your insurance company or health plan to get paid for health care services that we have provided to you. We may also provide your PHI to our business associates, such as billing companies, claims processing companies and others that process our health care claims.

3. For health care operations. We can use and disclose your PHI to operate our practice. For example, we might use your PHI to evaluate the quality of health care services you received or to evaluate the performance of the health care professionals who provided such services to you. We may also provide your PHI to our accountant, attorney, consultants or others to further our health care operations.

4. Patient incapacitation or emergency. we may also disclose your PHI to others without your consent if you are incapacitated or if an emergency exists. For example, your consent isn't required if you need emergency treatment, as long as we try to get your consent after treatment is rendered, or if we try to get your consent but you are unable to communicate with us (for example, if you are unconscious or in severe pain) and we think you would consent to such treatment if you were able to do so.

B. Certain other uses and disclosures also do not require your consent or authorization. We can use and disclose your PHI without your consent or authorization for the following reasons:

1. When federal, state or local laws require disclosure. For example, we may have to make a disclosure to applicable governmental officials when a law requires us to report information to government agencies and law enforcement personnel about victims of abuse or neglect.

2. When judicial or administrative proceedings require disclosure. For example, if you are involved in a lawsuit or claim for workers' compensation benefits, we may have to use or disclose your PHI in response to a court or administrative order. We may also have to use or disclose your PHI in response to a subpoena.

3. When law enforcement requires disclosure. For example, we may have to use or disclose your PHI in a response to a search warrant.

4. When public health activities require disclosure. For example, we may have to use or disclose your PHI to report to a government official an adverse reaction that you have to a medication.

5. When health oversight activities require disclosure. For example, we may have to provide information to assist the government in conducting an investigation or inspection of a health care provider or organization.

6. To avert a serious threat to health or safety. For example, we may have to use or disclose your PHI to avert a serious threat to the health or safety of others. However, any such disclosures will only be made to someone able to prevent the threatened harm from occurring.

7. To remind you about appointments and to inform you of health-related benefits or services. For example, we may have to use or disclose your PHI to remind you about your appointments, or give you information about treatment alternatives, other health care services or other health care benefits that we offer that may be of interest to you.

C. Certain uses and disclosures require you to have the opportunity to object.

1. Disclosures to family, friends or others. We may provide your PHI to a family member, friend or other person that you indicate is involved in your care or the payment for your health care, unless

you object in whole or in part. The opportunity to consent may be obtained retroactively in emergency situations.

D. Other uses and disclosures require your prior written authorization.

1. In any other situation not described in sections III A, B, and C above, we will need your written authorization before using or disclosing any of your PHI. If you choose to sign an authorization to disclose your PHI, you can later revoke such authorization in writing to stop any future uses and disclosures (to the extent that we haven't taken any action in reliance on such authorization) of your PHI by us.

IV. What rights you have regarding your PHI

You have the following rights with respect to your PHI:

- A. The right to request restrictions on Our Uses and Disclosures. You have the right to request restrictions or limitations on our use or disclosures of your PHI to carry out our treatment, payment, or health care operations. You also have the right to request that we restrict or limit disclosures of your PHI to family members or friends or others involved in your case or who are financially responsible for your care. Please submit such requests to us in writing. We will consider your requests, but we are not legally required to accept them. If we do accept your requests, we will put them in writing and we will abide by them, except in emergency situations. However, be advised, that you may not limit the uses and disclosures that we are legally required to make.
- B. The right to choose how I send PHI to you. You have the right to request that we send confidential information to you at an alternate address (for example, sending information to your work address instead of your home address) or by alternate means (e-mail instead of regular mail). We must agree to your request so long as it is reasonable and you specify how or where you wish to be contacted, and when appropriate, you provide us with information as to how payment for such alternate communications will be handled. We may not require an explanation from you as to the basis of your request as a condition of providing communications on a confidential basis.
- C. The right to inspect and receive a copy of your PHI. In most cases, you have the right to inspect and receive a copy of such information in writing. If we don't have your PHI but we know who does, we will tell you how to get it. We will respond to your request within 30 days of receiving your written request. In certain situations, we may deny your request. If we do, we will tell you in writing, our reasons for the denial and explain your right to have it reviewed. If you request copies of your PHI, we will charge you not more than \$.25 for each page. Instead of providing the PHI you requested, we may provide you with a summary or explanation of the PHI as long as you agree to that and to the cost in advance.
- D. The right to receive a list of the disclosures we have made. You have the right to receive a list of instances, i.e., an Accounting of Disclosures, in which we have disclosed your PHI. The list will not include disclosures made for our treatment, payment, or health care operations; disclosures made to you; disclosures you authorized; disclosures incident to a use or disclosure permitted or required by the federal privacy rule; disclosures made for national security or intelligence; disclosures made to correctional institutions or law enforcement personnel. We will respond to your request for an Accounting of Disclosures within 60 days of receiving such request. The list we give you will include disclosures made in the last six years unless you request a shorter

time. The list will include the date the disclosure was made, to whom the PHI was disclosed (including their address if known), a description of the information disclosed, and the reason for the disclosure. We will provide the list to you at no charge, but if you made more than one request in the same year, we may charge you a reasonable, cost-based fee for each additional request.

- E. The right to amend your PHI. If you believe that there is a mistake in your PHI or that a piece of important information is missing, you have the right to request that we correct the existing information or add the missing information. You must provide the request and your reason for the request in writing. We will respond within 60 days of receiving your request to correct or update your PHI. We may deny your request in writing if the PHI is (i) correct and complete, (ii) not created by us, (iii) not allowed to be disclosed, or (iv) not part of our records. Our written denial will state the reasons for the denial and explain your right to file a written statement of disagreement with the denial. If you don't file one, you have the right to request that our denial be attached to all future disclosures of your PHI. If we approve of your request, we will make the changes to the PHI, tell you that we have done it, and tell others that need to know about the change to your PHI.
- F. The right to receive a paper copy of this notice. You have the right to receive a paper copy of this notice even if you have agreed to receive it via email.

V. How to complain about our privacy practices

If you think that we may have violated your privacy rights or you disagree with a decision we made about access to your PHI, you may file a complaint with the person listed in section VI below. You may also send a written complaint to the Secretary of the Department of Health and Human Services at 200 Independence Avenue S.W. Washington D.C. 20201. I will take no retaliatory action against you if you file a complaint about my privacy practices.

VI. Person to contact for information about this notice or to complain about my privacy practices

If you have any questions about this notice or any complaints about our privacy practices, or would like to know how to file a complaint with the Secretary of the Department of Health and Human Services, please contact me at: Heartstrings Counseling, Inc. Attention Darla Gale, LMFT#92413 6135 King Road, Suite B, Loomis, CA 95650

VII. Effective date of this notice

This notice went into effect on December 23, 2021

ACKNOWLEDGEMENT OF RECEIPT OF NOTICE OF PRIVACY PRACTICES

By signing this form, you acknowledge receipt of the Notice of Privacy Practices that we have given you. Our Notice of Privacy Practices provides information about how we may use and disclose your protected health information. We encourage you to read it in full. Our Notice of Privacy Practices is subject to change. If we change our notice, you may obtain a copy of the revised notice from us by contacting us at (916) 676-7405. If you have any questions about our Notice of Privacy Practices, please contact us at:

Heartstrings Counseling
6135 King Road, Suite B, Loomis, CA 95650
916-676-7405

I acknowledge receipt of the Notice of Privacy Practices of Heartstrings Counseling. Inc.

Signature: _____
(patient/parent/conservator/guardian)

Date: _____