

HIPPA NOTICE OF PRIVACY PRACTICES

(source: <https://www.hhs.gov/hipaa/for-individuals/faq/187/what-does-the-hipaa-privacy-rule-do/index.html>)

Most health plans and health care providers that are covered by the new Rule must comply with the new requirements by April 14, 2003.

The HIPAA Privacy Rule for the first time creates national standards to protect individuals' medical records and other personal health information.

- It gives patients more control over their health information.
- It sets boundaries on the use and release of health records.
- It establishes appropriate safeguards that health care providers and others must achieve to protect the privacy of health information.
- It holds violators accountable, with civil and criminal penalties that can be imposed if they violate patients' privacy rights.
- And it strikes a balance when public responsibility supports disclosure of some forms of data – for example, to protect public health.

***For patients** – it means being able to make informed choices when seeking care and reimbursement for care based on how personal health information may be used.*

- It enables patients to find out how their information may be used, and about certain disclosures of their information that have been made.
- It generally limits release of information to the minimum reasonably needed for the purpose of the disclosure.
- It generally gives patients the right to examine and obtain a copy of their own health records and request corrections.
- It empowers individuals to control certain uses and disclosures of their health information.

Covered entities that must follow the HIPPA regulations include:

(Source: <https://www.hhs.gov/hipaa/for-individuals/guidance-materials-for-consumers/index.html>)

- **Health Plans**, including health insurance companies, HMOs, company health plans, and certain government programs that pay for health care, such as Medicare and Medicaid.
- **Most Health Care Providers**—those that conduct certain business electronically, such as electronically billing your health insurance—including most doctors, clinics, hospitals, psychologists, mental health practitioners (i.e., BHCCC therapist), chiropractors, nursing homes, pharmacies, and dentists.

- Health Care Clearinghouses—entities that process nonstandard health information they receive from another entity (i.e., BHCCC) into a standard (i.e., standard electronic format or data content), or vice versa.

In addition, business associates of covered entities (i.e., BHCCC) must follow parts of the HIPAA regulations.

Contractors, subcontractors, and other outside persons and companies that are not employees of a covered entity (i.e., BHCCC) will need to have access to your health information when providing services to the covered entity (i.e., BHCCC). These entities are called “business associates.” Examples of business associates include:

- Companies that help BHCCC get paid for providing health care, including billing companies and companies that process your health care claims
- Companies that help administer health plans
- People like outside lawyers, accountants, and IT specialists
- Companies that store or destroy medical records

Covered entities (i.e., BHCCC) must have contracts in place with their business associates, ensuring that they use and disclose your health information properly and safeguard it appropriately. Business associates must also have similar contracts with subcontractors. Business associates (including subcontractors) must follow the use and disclosure provisions of their contracts and the Privacy Rule, and the safeguard requirements of the Security Rule.

Protected Information includes:

- Information your BHCCC therapist puts in your medical record
- Conversations your BHCCC therapist has about your care or treatment with other medical or mental health professionals
- Information about you in your health insurer’s computer system
- Billing information about you at BHCCC
- Most other health information about you held by those who must follow these laws

Ways Your Health Information are Protected:

- Covered entities (i.e., BHCCC) must put in place safeguards to protect your health information and ensure they do not use or disclose your health information improperly.
- Covered entities (i.e., BHCCC) must reasonably limit uses and disclosures to the minimum necessary to accomplish their intended purpose.
- Covered entities (i.e., BHCCC) must have procedures in place to limit who can view and access your health information as well as implement training programs for employees about how to protect your health information.
- Business associates also must put in place safeguards to protect your health information and ensure they do not use or disclose your health information improperly.

Your Rights to Your Health Information Under the HIPPA Privacy Rule:

BHCCC must comply with your right to:

- Ask to see and get a copy of your health records
 - Have corrections added to your health information
 - Receive a notice that tells you how your health information may be used and shared
 - Decide if you want to give your permission before your health information can be used or shared for certain purposes, such as for marketing
 - Get a report on when and why your health information was shared for certain purposes
 - If you believe your rights are being denied or your health information is not being protected, you can
 - File a complaint with your therapist at BHCCC
 - File a complaint with HHS
- (source: <https://www.hhs.gov/hipaa/filing-a-complaint/complaint-process/index.html>)

Complaint Requirements:

Anyone can file a health information privacy or security complaint. Your complaint must:

- *Be filed in writing by mail, fax, e-mail, or via the OCR Complaint Portal (<https://ocrportal.hhs.gov/ocr/smartscreen/main.jsf>)*
- *Name the covered entity or business associate involved, and describe the acts or omissions, you believed violated the requirements of the Privacy, Security, or Breach Notification Rules*
- *Be filed within 180 days of when you knew that the act or omission complained of occurred. OCR may extend the 180-day period if you can show "good cause"*

HIPAA Prohibits Retaliation

Under HIPAA an entity cannot retaliate against you for filing a complaint. You should notify OCR immediately in the event of any retaliatory action.

You should get to know these important rights, which help you protect your health information.

You can ask your BHCCC therapist questions about your rights.

Your Medical Records

(source: <https://www.hhs.gov/hipaa/for-individuals/medical-records/index.html>)

The Privacy Rule gives you, with few exceptions, the right to inspect, review, and receive a copy of your medical records and billing records that are held by health plans and health care providers (i.e., BHCCC therapist) covered by the Privacy Rule.

Access

- Only you or your personal representative (i.e., identified Collateral Contact with BHCCC) has the right to access your records.

- BHCCC therapist may send copies of your records to another provider or health plan only as needed for treatment or payment or with your permission.
- The Privacy Rule does not require BHCCC therapist to share information with other providers or plans.
- HIPAA gives you important rights to access your medical record and to keep your information private.

Charges

- BHCCC cannot deny you a copy of your records because you have not paid for the services you have received.
- However, BHCCC may charge for the reasonable costs for copying and mailing the records. BHCCC cannot charge you a fee for searching for or retrieving your records.

Provider’s Psychotherapy Notes

- You do not have the right to access a provider’s (i.e., BHCCC therapist) psychotherapy notes.
- Psychotherapy notes are notes that a mental health professional (i.e., BHCCC therapist) takes during a conversation with a patient. They are kept separate from the patient’s medical and billing records.
- HIPAA also does not allow the provider (i.e., BHCCC therapist) to make most disclosures about psychotherapy notes about you without your authorization.

Corrections

- If you think the information in your medical or billing record is incorrect, you can request a change, or amendment, to your record. The health care provider (i.e., BHCCC therapist) must respond to your request. If it created the information, it must amend inaccurate or incomplete information.
- If the provider (i.e., BHCCC therapist) does not agree to your request, you have the right to submit a statement of disagreement that the provider (i.e., BHCCC therapist) must add to your record.

Ways Your Health Information can be Viewed and Received

The Privacy Rule sets rules and limits on who can look at and receive your health information.

To make sure that your health information is protected in a way that does not interfere with your health care, your information can be used and shared:

- For your treatment and care coordination
- To pay BHCCC for your health care and to help run the business
- With your family, relatives, friends, or others you identify who are involved with your health care or your health care bills, unless you object. At that point, your BHCCC therapist will discuss with you about the potential risks and benefits, and the limitations of the information disclosure. You will be asked to sign a “Collateral Service Agreement” form with BHCCC
- To protect the public's health, such as by reporting suspected abuse and neglect of the vulnerable population

- To make required reports to the police, such as reporting suspected domestic violence, sexual abuse and child abuse

Your health information cannot be used or shared without your written permission unless this law allows it. For example, without your authorization, BHCCC generally cannot:

- Give your information to your employer
- Use or share your information for marketing or advertising purposes or sell your information

Court Orders and Subpoenas

(source: <https://www.hhs.gov/hipaa/for-individuals/court-orders-subpoenas/index.html>)

Court Order

A HIPAA-covered health care provider (i.e., BHCCC therapist) or health plan may share your protected health information if it has a court order. This includes the order of an administrative tribunal. However, the provider (i.e., BHCCC therapist) or plan may only disclose the information specifically described in the order.

Subpoena

A subpoena issued by someone other than a judge, such as a court clerk or an attorney in a case, is different from a court order.

A HIPAA-covered provider (i.e., BHCCC therapist) or plan may disclose information to a party issuing a subpoena only if the notification requirements of the Privacy Rule are met. Before responding to the subpoena, the BHCCC therapist should receive evidence that there were reasonable efforts to:

- Notify the person who is the subject of the information about the request, so the person has a chance to object to the disclosure, or
- Seek a qualified protective order for the information from the court.

Acknowledgment & Signature:

I have read and agreed to the terms outlined in this document, **HIPPA Notice of Privacy Practices**. I acknowledge that I am the Client, or a legal representative of the client. I agree that my e-signature below is a legally binding equivalent to my handwritten signature.

Client Name (Print): _____

Client Signature: _____

Today's Date: _____

Father's Name (Print): _____

Father's Signature: _____

Today's Date: _____

Mother's Name (Print): _____

Mother's Signature: _____

Today's Date: _____