

Notice of Privacy Practices

(Health Insurance Portability and Accountability Act Provisions)

THIS NOTICE DESCRIBES HOW DONNIE R. GAYFIELD (referred to as “Therapist”) MAY USE AND DISCLOSE PSYCHOLOGICAL AND MEDICAL INFORMATION ABOUT PATIENTS AND HOW PATIENTS CAN OBTAIN ACCESS TO THIS INFORMATION. PLEASE REVIEW THIS NOTICE CAREFULLY.

YOU WILL BE ASKED TO SIGN A RECEIPT INDICATING THAT YOU HAVE RECEIVED AND READ THIS DOCUMENT.

PROTECTING YOUR PRIVACY

The Therapist is dedicated to maintaining the privacy of patient’s Protected Healthcare Information (PHI). In addition, the Therapist is required by law to inform you of how your PHI will be protected, how the therapist may use or disclose PHI, and your rights regarding access to your PHI. Please review this information carefully. You will be asked to sign a receipt indicating that you have received and read this document.

Your health record contains personal information about you and your health. This information about you that may identify you and that relates to your past, present or future physical or mental health or condition and related health care services is referred to as Protected Health Information (“PHI”). This Notice of Privacy Practices describes how the Therapist may use and disclose your PHI in accordance with applicable law, including the Health Insurance Portability and Accountability Act (“HIPAA”), regulations promulgated under HIPAA including the HIPAA Privacy and Security Rules, and the *NASW Code of Ethics*. It also describes your rights regarding how you may gain access to and control your PHI.

The Therapist is required by law to maintain the privacy of PHI and to provide you with notice of our legal duties and privacy practices with respect to PHI. The Therapist is required to abide by the terms of this Notice of Privacy Practices. The Therapist reserves the right to change the terms of our Notice of Privacy Practices at any time. Any new Notice of Privacy Practices will be effective for all PHI that the Therapist maintain at that time. The Therapist will provide you with a copy of the revised Notice of Privacy Practices by posting a copy on the Therapist’s website or by sending a copy to you in the mail upon request or providing one to you at your next appointment.

EXCEPTIONS: HOW THE THERAPIST MAY USE AND DISCLOSE HEALTH INFORMATION ABOUT YOU

For Treatment. Your PHI may be used and disclosed by those who are involved in your care for the purpose of providing, coordinating, or managing your health care treatment and related services. This includes consultation with clinical supervisors or other treatment team members. The Therapist may disclose PHI to any other consultant only with your authorization.

For Payment. The Therapist may use and disclose PHI so that the Therapist can receive payment for the treatment services provided to you. This will only be done with your authorization. Examples of payment-related activities are: making a determination of eligibility or coverage for insurance benefits, processing claims with your insurance company, reviewing services provided to you to determine medical

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necessity, or undertaking utilization review activities. If it becomes necessary to use collection processes due to lack of payment for services, the Therapist will only disclose the minimum amount of PHI necessary for purposes of collection.

For Health Care Operations. The Therapist may use or disclose, as needed, your PHI in order to support his business activities including, but not limited to, quality assessment activities, employee review activities, licensing, and conducting or arranging for other business activities. For example, the Therapist may share your PHI with third parties that perform various business activities (e.g., billing or typing services) provided the Therapist have a written contract with the business that requires it to safeguard the privacy of your PHI. For training or teaching purposes PHI will be disclosed only with your authorization.

Required by Law. Under the law, the Therapist must disclose your PHI to you upon your request. In addition, the Therapist must make disclosures to the Secretary of the Department of Health and Human Services for the purpose of investigating or determining our compliance with the requirements of the Privacy Rule.

Without Authorization. Following is a list of the categories of uses and disclosures permitted by HIPAA without an authorization. Applicable law and ethical standards permit us to disclose information about you without your authorization only in a limited number of situations.

As a social worker licensed in this state and as a member of the National Association of Social Workers, it is our practice to adhere to more stringent privacy requirements for disclosures without an authorization. The following language addresses these categories to the extent consistent with the *NASW Code of Ethics* and HIPAA.

Child Abuse or Neglect. The Therapist may disclose your PHI to a state or local agency that is authorized by law to receive reports of child abuse or neglect.

Elder or Dependent Adult Abuse or Neglect. The Therapist may disclose your PHI to a state or local agency that is authorized by law to receive reports of elder or dependent adult abuse or neglect.

Judicial and Administrative Proceedings. The Therapist may disclose your PHI pursuant to a subpoena (with your written consent), court order, administrative order or similar process.

Deceased Patients. The Therapist may disclose PHI regarding deceased patients as mandated by state law, or to a family member or friend that was involved in your care or payment for care prior to death, based on your prior consent. A release of information regarding deceased patients may be limited to an executor or administrator of a deceased person's estate or the person identified as next-of-kin. PHI of persons that have been deceased for more than fifty (50) years is not protected under HIPAA.

Medical Emergencies. The Therapist may use or disclose your PHI in a medical emergency situation to medical personnel only in order to prevent serious harm. The Therapist will try to provide you a copy of this notice as soon as reasonably practicable after the resolution of the emergency.

Family Involvement in Care. The Therapist may disclose information to close family members or friends directly involved in your treatment based on your consent or as necessary to prevent serious harm.

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Health Oversight If required, the Therapist may disclose PHI to a health oversight agency for activities authorized by law, such as audits, investigations, and inspections. Oversight agencies seeking this information include government agencies and organizations that provide financial assistance to the program

(such as third-party payers based on your prior consent) and peer review organizations performing utilization and quality control.

Law Enforcement. The Therapist may disclose PHI to a law enforcement official as required by law, in compliance with a subpoena (with your written consent), court order, administrative order or similar document, for the purpose of identifying a suspect, material witness or missing person, in connection with the victim of a crime, in connection with a deceased person, in connection with the reporting of a crime in an emergency, or in connection with a crime on the premises.

Specialized Government Functions. The Therapist may review requests from U.S. military command authorities if you have served as a member of the armed forces, authorized officials for national security and intelligence reasons and to the Department of State for medical suitability determinations, and disclose your PHI based on your written consent, mandatory disclosure laws and the need to prevent serious harm.

Public Health. If required, the Therapist may use or disclose your PHI for mandatory public health activities to a public health authority authorized by law to collect or receive such information for the purpose of preventing or controlling disease, injury, or disability, or if directed by a public health authority, to a government agency that is collaborating with that public health authority.

Public Safety. The Therapist may disclose your PHI if necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the public. If information is disclosed to prevent or lessen a serious threat it will be disclosed to a person or persons reasonably able to prevent or lessen the threat, including the target of the threat.

Research. PHI may only be disclosed after a special approval process or with your authorization.

Fundraising. The Therapist may send you fundraising communications at one time or another. You have the right to opt out of such fundraising communications with each solicitation you receive.

Verbal Permission. The Therapist may also use or disclose your information to family members that are directly involved in your treatment with your verbal permission.

With Authorization. Uses and disclosures not specifically permitted by applicable law will be made only with your written authorization, which may be revoked at any time, except to the extent that the Therapist has already made a use or disclosure based upon your authorization. The following uses and disclosures will be made only with your written authorization: (i) most uses and disclosures of psychotherapy notes which are separated from the rest of your medical record; (ii) most uses and disclosures of PHI for marketing purposes, including subsidized treatment communications; (iii) disclosures that constitute a sale of PHI; and (iv) other uses and disclosures not described in this Notice of Privacy Practices.

YOUR RIGHTS REGARDING YOUR PHI

You have the following rights regarding PHI the Therapist maintains about you. To exercise any of these rights, please submit your request in writing to Donnie R. Gayfield or to the Secretary of the Department of Health and Human Services (address: Office for Civil Rights, 200 Independence Ave., S.W., Washington, D.C. 20201). Filing a complaint will not change the health care provided by this office in any way. If you have questions or concerns about this notice or your health information privacy, please do not hesitate to contact me. **The Therapist will not retaliate against you for filing a complaint.**

- **Right of Access to Inspect and Copy.** You have the right, which may be restricted only in exceptional circumstances, to inspect and copy PHI that is maintained in a “designated record set”. A designated record set contains mental health/medical and billing records and any other records that are used to make decisions about your care. Your right to inspect and copy PHI will be restricted only in those situations where there is compelling evidence that access would cause serious harm to you or if the information is contained in separately maintained psychotherapy notes. The Therapist may charge a reasonable, cost-based fee for copies. If your records are maintained electronically, you may also request an electronic copy of your PHI. You may also request that a copy of your PHI be provided to another person.
- **Right to an Accounting of Disclosures.** You have the right to request an accounting of certain of the disclosures that the Therapist makes of your PHI. The Therapist may charge you a reasonable fee if you request more than one accounting in any 12-month period.
- **Right to Request Restrictions.** You have the right to request a restriction or limitation on the use or disclosure of your PHI for treatment, payment, or health care operations. The Therapist are not required to agree to your request unless the request is to restrict disclosure of PHI to a health plan for purposes of carrying out payment or health care operations, and the PHI pertains to a health care item or service that you paid for out of pocket. In that case, the Therapist is required to honor your request for a restriction.
- **Right to Request Confidential Communication.** You have the right to request that the Therapist communicate with you about health matters in a certain way or at a certain location. The Therapist will accommodate reasonable requests. The Therapist may require information regarding how payment will be handled or specification of an alternative address or other method of contact as a condition for accommodating your request. The Therapist will not ask you for an explanation of why you are making the request.
- **Breach Notification.** If there is a breach of unsecured PHI concerning you, the Therapist may be required to notify you of this breach, including what happened and what you can do to protect yourself.
- **Right to a Copy of this Notice.** You have the right to a copy of this notice.

ADDITIONAL RIGHTS REGARDING YOUR PHI

You may have additional rights granted to you by the laws of the State of California and these may be the

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same or different than the federal rights described above. For further information on California State Law protecting patient rights, please visit www.chcf.org (California Healthcare Foundation). If you have additional questions about this issue, please speak with your therapist.

For further information on HIPAA (Health Insurance Portability and Accountability Act, 1996) regulations or your right to privacy regarding healthcare information, please visit www.hhs.gov/ocr/hipaa (US Department of Health and Human Services).

For further information about your rights as a psychotherapy patient, please visit www.apa.org/publicinfo/rights (American Psychological Association).