

HIPAA Privacy Notice

The purpose of this document is to make clients aware of their rights with respect to their health records.

Privacy has many meanings in everyday conversation, but in this context, it refers to rules about who can access health information and under what circumstances. Strictly speaking, this is "confidentiality;" but we use the more general term "privacy" here.

Any health information generated or held by a covered entity that could be linked to an individual is protected health information (PHI). HIPAA (HHS 2013a) defines PHI as "any information" related to the "past, present or future physical or mental health condition" of a person. Only fully de-identified information is excluded, where every explicit identifier has been removed, as well as data that could potentially establish identity via statistical techniques.

Even though coaching does not entail the diagnosis or treatment of a client's mental or physical health, it is possible that coaches may come in contact with PHI while working with a client.

Clients' Health Records Rights

Access

- A right to request and obtain a copy of all of one's health records. This is subject to some exceptions (such as the details of coaching notes).

Amendment

- A right to request amendment of errors found in those records, or to include a statement of disagreement if Sustainable Sunshine LLC maintains that the information is correct.

Disclosure Accounting

- A right to receive an accounting of how one's health information has been used -- that is, a list of the persons and organizations to whom/which it has been disclosed.

Restriction/Confidential Communications Requests

- A right to request restrictions on access to, and additional protections for, particularly sensitive data. That includes a right to request confidential communications of information, by alternative means or at alternative locations, and to limit disclosures on self-pay transactions.

Limits on Additional Uses

- A right to prevent certain "additional" types of use and disclosure (such as fundraising, marketing, or research, unless specifically authorized).
- If clients believe that their HIPAA rights have been violated, they may file a complaint with the covered entity's Privacy Officer. If unsatisfied with a local response, clients can also take their complaints to the U.S. Department of Health and Human Services' Office of Civil Rights. Complaints may also be directed to state-level agencies.

Additional protections and confidential communications are largely a right to ask. Sustainable Sunshine LLC is not required to honor all requests for additional restrictions/protections but must abide by any extra provisions to which they agree. In general, they are bound to honor "reasonable requests" for confidential communications.

When is Permission Required?

No Permission Required

This category is the largest and includes uses and disclosures that can occur without any specific permission from clients once they have consented to coaching.

- Those include information related to the coaching, payment for coaching, and a broad range of other core healthcare operations (commonly referred to as "TPO").
- Note: Many organizations still choose to get the client to sign something about these matters, notably if required by state law.

Beyond TPO, there are other broad categories for which HIPAA does not require specific permission for uses and disclosures if those are required by federal or state laws. Those exempted categories are highlighted below.

Oral Permission Required

This category includes uses and disclosures that are allowed simply based on oral assent.

- Inclusion or exclusion from facility directories that list clients' names and general conditions.
- Uses and disclosures to friends and family members involved in a person's care.
- Note: Many organizations still choose to have the client sign something about these matters as well.

Written Permission Required

This category includes those uses and disclosures that require specific written permission, known under HIPAA as an "authorization."

- HIPAA requires a signed authorization for many, but decidedly not all, PHI uses or disclosures for research, marketing, and fundraising.
- In general, healthcare organizations cannot condition coaching or payment for services on receiving a client's authorization for these activities.

Some Qualifications of These Categories

HIPAA's restrictions on access to health information depend primarily on the purposes for that access, but the kind of information itself can be relevant. In addition to information for which the client makes a special confidentiality request, HIPAA extends extra protection to coaching notes. A separate authorization for the release of this information is usually required, and clients' access to it may sometimes be restricted.

By contrast, state laws commonly go further, extending special protection to many types of information (including, data related to mental health, HIV, sexually transmitted infections (STIs), genetic tests, and substance abuse). In such cases, separate authorization is usually required. Many state laws also require explicit general consent for uses or disclosures where HIPAA does not.

Permission for additional uses related to research, marketing, and fundraising also has exceptions. Not all activities of these types require authorization.

By signing below, I affirm that I have received this privacy notice.

Signature of client

Date

Printed name