

## **PSYCHOLOGICAL CONSULTANTS**

### **PLEASE NOTE:**

### **CONFIDENTIALITY AND ETHICAL CODES DETERMINED BY THE MN BOARD OF PSYCHOLOGY MAY TAKE PRECEDENCE OVER THE FOLLOWING HIPAA GUIDELINES**

Notice of Privacy As required by the Privacy Regulations created as a result of the Health Insurance Portability and Accountability Act of 1996 (HIPPA)

THIS NOTICE DESCRIBES HOW HEALTH INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED, AND HOW YOU CAN GET ACCESS TO THIS INFORMATION.

### **PLEASE REVIEW THIS NOTICE CAREFULLY**

This Notice of Privacy describes how our company may use and disclose your PHI to carry out treatment, billing, or health care operations and for other purposes that are permitted or required by law. It also describes your rights to access and control your PHI. "Protected health information" (PHI) is information about you, including demographic information, that may identify you and that relates to your past, present or future physical or mental health or condition and related health care services. It may be information that is oral, electronic, or paper, created or received by Psychological Consultants. This includes results of tests, and written notes. **Psychological Consultants are dedicated to maintaining the privacy of your PHI.** We are required to abide by the terms of this Notice of Privacy. We may revise or amend the terms of our notice, at any time. The new notice will be effective for all PHI that we have at the time and for future information. We will post our current notice in our office in a visible location at all times and upon your request, we will provide you with any revised Notice.

## **DISCLOSURES**

By law Psychological Consultants must keep protected health information private. The federal government defines protected health information as any information, whether oral, electronic or paper, which is created or received by Psychological Consultants and relates to a patient's health care or payment for the provision of health care. This includes notes written by the psychologist, as well as your name, address and telephone number. Psychological Consultants will follow the rules of its privacy notice currently in effect. Federal and state laws require Psychological Consultants to protect your medical information, and federal law requires us to describe to you how we handle that information. When state and federal laws differ, and Minnesota law is more protective of your information or provides you with greater access to your information, then state law will override federal law. We may use or disclose your PHI to the extent that the use or disclosure is required by law. The use or disclosure will be made in compliance with the law and will be limited to the relevant requirements of the law. You will be notified, as required by law, of any such uses or disclosures.

**Treatment:** We will use and disclose PHI to provide, coordinate, or manage your care. This includes communication and consultation between health-care providers, i.e., doctors, nurses, and other members of your medical team. *Minnesota* law requires us to obtain your written consent to disclose your medical information outside of Psychological Consultants for treatment. You would not need to provide consent in cases of emergency, within related health-care entities when necessary for current treatment, or to third parties who requested or paid for independent psychological treatment.

**Payment:** Your PHI will be used to create bills and collect from insurance companies, Medicare and other payers. This includes providing information such as dates of service, symptoms and diagnosis to your insurance company to show that we provided services to you. *Minnesota Law* requires Psychological Consultants to obtain your written consent to disclose your medical information outside of Psychological Consultants for treatment.

**Healthcare operations:** We may use or disclose your PHI for internal activities to monitor and improve client care, license staff to care for clients, prepare for state and federal regulatory reviews, manage health-care operations and improve health-care services. *Minnesota law* requires specific written consent to disclose information for health-care operations to others outside Psychological Consultants. This includes things like sharing information with your insurance company for billing.

**Patient contacts:** At times we may access your PHI to provide you with appointment reminders or health information that may be of interest to you.

**Individuals involved in care and notification:** Under federal regulations, we may disclose relevant PHI to a family member or friend involved with your care, or handling your bills. If family or friends are present while care is being provided, we will assume your companions may hear the discussion, unless you state otherwise. Federal regulations allow us to share limited PHI to notify a family member or legal representatives of your location, condition, or death. *Minnesota law* requires your written consent to share health information in most situations to family members or friends except in the case of an emergency.

**To avert a serious threat of harm:** Psychological Consultants may use and disclose PHI to alert those able to lessen or prevent the threat of a serious threat to the health or safety of a client, another person, or the public. *Minnesota law* allows disclosures under limited circumstances in which we have a "duty to warn."

**Workers' compensation:** If you are seen for a workers' compensation claim, federal rules permit the release of information related to your claim, as permitted or required by state law. *Minnesota law* permits disclosure of information related to a workers' compensation claim without consent to those parties that are involved in the claim.

**Lawsuits and other judicial proceedings:** Psychological Consultants must disclose PHI in response to a valid court or administrative order. *Minnesota law* permits disclosures in response to a valid Minnesota court order, but requires written consent from the client to release information in response to court orders from other states and subpoenas (except grand jury subpoenas). In these cases, if the client does not consent to the release, we will not release the information unless the person requesting the information provides a court order that is valid in Minnesota.

**Coroners, medical examiners, and funeral directors:** Psychological Consultants may release PHI to a coroner or medical examiner when necessary to identify the deceased or determine the cause of death, or as otherwise authorized by law. *Minnesota law* requires written authorization signed by a family or legal representative to release medical information to funeral directors.

**Law enforcement activities:** Psychological Consultants may disclose PHI to law enforcement officials:

- In response to a valid court order or warrant
- To identify a suspect, fugitive, or missing person
- About the victim of a crime under certain limited circumstances
- About a death believed to be a result of criminal conduct
- About a crime committed in Psychological Consultant offices
- In emergency circumstances when necessary to maintain safety and security of Psychological Consultant personnel and clients

*Minnesota Law* allows the release of information to law enforcement in limited situations when a serious, specific threat of harm has been communicated to us. We may disclose information that is not in the health record when a crime has occurred on our property or in certain types of emergencies.

**Public health purposes:** We may disclose your PHI for public health purposes to a public health authority that is required or permitted by law to receive the information. The disclosure will be made for the purpose of reporting maltreatment of a child or vulnerable adult, to notify a person exposed to certain types of disease or those at risk for contracting or spreading a disease, and births or deaths. We may also disclose your PHI, if directed by the public health authority, to a foreign government agency that is collaborating with the public health authority.

**Health oversight:** We must disclose PHI to health-care oversight agencies, where required by law. Oversight activities can include licensure, accreditation, audits and investigations. Oversight agencies seeking this information include government agencies that oversee the health care system, government benefit programs, other government regulatory programs and civil rights laws.

### **Clients' Rights With Respect to PHI**

**Right to inspect and copy:** You may inspect and request a copy of information maintained in our records about you, as long as we maintain the PHI. This includes medical and billing records maintained and used by Psychological Consultants to make decisions about your care. In certain situations, where providing access may be detrimental to your health, Psychological Consultants are permitted by state and federal law to withhold access. Most clients have full access to inspect and receive a copy of the full medical record. On rare occasions, we may deny a request to inspect and receive a copy of some information in the record. This may occur if, in the professional judgment of your psychologist, the information could cause a threat to you or others. If you are denied access to information, you may request a review of our denial. Another licensed health care professional chosen by us will conduct an independent review. We will then comply with the outcome of the independent review. To obtain or inspect a copy of your information you must submit your request in writing to Psychological Consultants, 1210 ½ 7<sup>th</sup> St. NW, Suite 216, Rochester, MN 55901, Attn: Pat, Office Manager. We may charge a fee for the costs of copying, mailing, labor and supplies associated with your request.

**Right to request a restriction of your PHI:** You may ask us to restrict the use or disclosure of your PHI. Your request must be in writing and state the specific restriction requested and to whom you want the restriction to apply. We will carefully consider all requests. However, we are not legally required to honor all requests.

**Right to request alternate methods of communication:** For instance, you may ask that we contact you at home, rather than work. In order to request a type of confidential communication, you must make a written request to Psychological Consultants specifying the requested method of contact, or the location where you wish to be contacted. Our Company will accommodate reasonable requests. You do not need to give a reason for your request. However, if the request could result in Psychological Consultants not being able to collect for services, we reserve the right to require you to provide additional information about how payment for services will be handled.

**Right to request amendment:** To request an amendment of your PHI, submit a written request to our office. The request must include a reason to support the amendment. Psychological Consultants may deny a request for amendment based upon any of the following circumstances:

- The request is not in writing or does not include a supporting reason;
- The information you want to change was not created by Psychological Consultants, and the originator of the information is available to make the amendment;
- The information is not part of the designated medical record;
- The information in the record is accurate and complete.

**Denial of a requested amendment:** If Psychological Consultants denies your request for an amendment, we will give you a written explanation of the denial. If you still disagree with the explanation provided, you can ask that your request for amendment and explanation of the denial be included in any future disclosure of pertinent PHI. If you submit a statement of disagreement, Psychological Consultants may write a rebuttal to your statement of disagreement that will be included in your record.

**Right to file a complaint:** You may file a complaint with our Company or with the Secretary of the Department of Health and Human Services. Psychological Consultants honors your right to file a concern or complaint. We would not, nor could we legally or ethically, take action against you for filing a concern or complaint. We reserve the right, however, to take necessary and appropriate action to maintain an environment that serves the best interests of our clients and providers. To file a complaint, contact: Dr. Paul Fountain, Carol Newman, or Debra Stein at 1210 ½ 7<sup>th</sup> Street, NW, Ste 216, Rochester, MN 55901, (507)252-9292. All complaints must be submitted in writing.

**Key information about this notice:**

- The effective date of this notice is October 16, 2003
- Additional paper copies of this notice will be provided upon request
- Psychological Consultants reserves the right to change the terms of this notice in accordance with the HIPPA rules or other laws or Psychological Consultants policies and make the new notice provisions effective for all PHI maintained by us. We will follow the terms and conditions of the Notice that is currently in effect.

This notice becomes effective on October 16, 2003.

**PSYCHOLOGICAL CONSULTANTS**

1210 ½ -7<sup>TH</sup> Street NW, Suite 216

Rochester, MN 55901

(507) 252-9292

**ACKNOWLEDGEMENT OF RECEIPT OF NOTICE OF PRIVACY PRACTICES POLICY**

I, \_\_\_\_\_ have read a copy of and understand the HIPPA Policy.  
(Please Print Name)

\_\_\_\_\_  
(Signature of Client)

\_\_\_\_\_  
(Date)