

HIPAA NOTICE OF PRIVACY PRACTICES (NPP)

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 it carefully.

II. It is my legal duty to safeguard your protected health information (PHI).

By law, the psychotherapist is required to insure that your PHI is kept private. The PHI constitutes information created or noted by the psychotherapist that can be used to identify you. It contains data about your past, present, or future health or condition, the provision of health care services to you, or the payment for such health care. The psychotherapist is required to provide you with this notice about IBOS privacy procedures. This notice must explain when, why, and how IBOS would use and/or disclose your PHI. Use of PHI means when the psychotherapist share, apply, utilize, examine, or analyze information within the psychotherapist's practice; PHI is disclosed when the psychotherapist releases, transfers, gives, or otherwise reveals it to a third party outside the practice. With some exceptions, the psychotherapist may not use or disclose more of your PHI than is necessary to accomplish the purpose for which the use or disclosure is made; however, the psychotherapist is always legally required to follow the privacy practices described in this notice.

Please note that the psychotherapist reserves the right to change the terms of this notice and IBOS's privacy policies at any time as permitted by law. Any changes will apply to PHI already on file with IBOS. Before the psychotherapist makes any important changes to IBOS policies, the psychotherapist will immediately change this notice and post a new copy of it in the office and on the website www.iboscounseling.com. You may also request a copy of this notice from the psychotherapist, or you can view a copy of it in the office or on the website, which is located at www.iboscounseling.com.

III. How I will use and disclose your PHI.

The psychotherapist will use and disclose your PHI for many different reasons. Some of the uses or disclosures will require your prior written authorization; others, however, will not. Below you will find the different categories of the psychotherapist uses and disclosures, with some examples.

A. Uses and Disclosures Related to Treatment, Payment, or Health Care Operations Do Not Require Your Prior Written Consent

The psychotherapist may use and disclose your PHI without your consent for the

following reasons:

- 1. For treatment:** The psychotherapist can use your PHI within the practice to provide you with mental health treatment, including discussing or sharing your PHI with the psychotherapist's trainees and interns. The psychotherapist may disclose your PHI to physicians, psychiatrists, psychologists, and other licensed health care providers who provide you with health care services or are otherwise involved in your care. Example: If a psychiatrist is treating you, the psychotherapist may disclose your PHI in order to coordinate your care.
- 2. For health care operations:** The psychotherapist may disclose your PHI to facilitate the efficient and correct operation of IBOS. Examples: Quality control—the psychotherapist might use your PHI in the evaluation of the quality of health care services that you have received or to evaluate the performance of the health care professionals who provided you with these services. The psychotherapist may also provide your PHI to IBOS attorneys, accountants, consultants, and others to make sure that IBOS is in compliance with applicable laws.
- 3. To obtain payment for treatment:** The psychotherapist may use and disclose your PHI to bill and collect payment for the treatment and services provided you. Example: the psychotherapist might send your PHI to your insurance company or health plan in order to get payment for the health care services that the psychotherapist has provided to you. The psychotherapist could also provide your PHI to business associates, such as billing companies, claims processing companies, collections agencies and others that process health care claims for IBOS.
- 4. Other disclosures:** Examples: Your consent isn't required if you need emergency treatment provided that the psychotherapist attempted to get your consent after treatment is rendered. In the event that the psychotherapist tries to get your consent but you are unable to communicate with the psychotherapist (for example, if you are unconscious or in severe pain) but the psychotherapist thinks that you would consent to such treatment if you could, the psychotherapist may disclose your PHI.

B. Certain Other Uses and Disclosures Do Not Require Your Consent

The psychotherapist may use and/or disclose your PHI without your consent or authorization for the following reasons:

- 1. When disclosure is required by federal, state, or local law; judicial, board, or administrative proceedings; or law enforcement** Example: the psychotherapist may make a disclosure to the appropriate officials when a law requires the psychotherapist to report information to government agencies, law enforcement personnel, and/or in an administrative proceeding.
- 2. If disclosure is compelled by a party to a proceeding before a court of an administrative agency pursuant to its lawful authority.**

3. **If disclosure is required by a search warrant lawfully issued to a governmental law enforcement agency.**
4. **If disclosure is compelled by the patient or the patient's representative pursuant to Florida health and safety codes or to corresponding federal statutes of regulations,** such as the privacy rule that requires this notice.
5. **To avoid harm.** The psychotherapist may provide PHI to law enforcement personnel or persons able to prevent or mitigate a serious threat to the health or safety of a person or the public (i.e., adverse reaction to medications).
6. **If disclosure is compelled or permitted by the fact that you are in such mental or emotional condition as to be dangerous to yourself or the person or property of others, and if the psychotherapist determines that disclosure is necessary to prevent the threatened danger.**
7. **If disclosure is mandated by the Florida Child Abuse and Neglect Reporting law.** For example, if the psychotherapist has a reasonable suspicion of child abuse or neglect.
8. **If disclosure is mandated by the Florida Elder/Dependent Adult Abuse Reporting law.** For example, if the psychotherapist has a reasonable suspicion of elder abuse or dependent adult abuse.
9. **If disclosure is compelled or permitted by the fact that you tell the psychotherapist of a serious/ imminent threat of physical violence by you against a reasonably identifiable victim or victims.**
10. **For public health activities.** Example: In the event of your death, if a disclosure is permitted or compelled, the psychotherapist may need to give the county coroner information about you.
11. **For health oversight activities.** Example: the psychotherapist may be required to provide information to assist the government in the course of an investigation or inspection of a health care organization or provider.
12. **For specific government functions.** Examples: the psychotherapist may disclose PHI of military personnel and veterans under certain circumstances. Also, the psychotherapist may disclose PHI in the interests of national security, such as protecting the president of the United States or assisting with intelligence operations.
13. **For research purposes.** In certain circumstances, the psychotherapist may provide PHI in order to conduct medical research.
14. **For Workers' Compensation purposes.** the psychotherapist may provide PHI in order to comply with Workers' Compensation laws.
15. **Appointment reminders and health-related benefits or services.** Examples: the psychotherapist may use PHI to provide appointment reminders. I may use PHI to give you information about alternative treatment options or other health care services or benefits IBOS offers.

16. **If an arbitrator or arbitration panel compels disclosure**, when arbitration is lawfully requested by either party, pursuant to subpoena *duces tectum* (e.g., a subpoena for mental health records) or any other provision authorizing disclosure in a proceeding before an arbitrator or arbitration panel.
17. **If disclosure is required or permitted to a health oversight agency for oversight activities authorized by law**. Example: When compelled by U.S. Secretary of HHS to investigate or assess my compliance with HIPAA regulations.
18. **If disclosure is otherwise specifically required by law**.

C. Certain Uses and Disclosures Require You to Have the Opportunity to Object

The psychotherapist may provide your PHI to a family member, friend, or other individual who you indicate is involved in your care or responsible for the payment for your health care, unless you object in whole or in part. Retroactive consent may be obtained in emergency situations.

D. Other Uses and Disclosures Require Your Prior Written Authorization

In any other situation not described in Sections IIIA, IIIB, and IIIC above, the psychotherapist will request your written authorization before using or disclosing any of your PHI. Even if you have signed an authorization to disclose your PHI, you may later revoke that authorization, in writing, to stop any future uses and disclosures (assuming that the psychotherapist hasn't taken any action subsequent to the original authorization) of your PHI by the psychotherapist.

IV. The rights you have regarding your PHI

A. The Right to See and Get Copies of Your PHI.

In general, you have the right to see your PHI that is in the psychotherapist's possession, or to get copies of it; however, you must request it in writing. If the psychotherapist does not have your PHI, but knows who does, the psychotherapist will advise you how you can get it. You will receive a response from the psychotherapist within 30 days of receiving your written request. Under certain circumstances, the psychotherapist may feel they must deny your request, but if they do, they will give you, in writing, the reasons for the denial. The psychotherapist will also explain your right to have the denial reviewed.

If you ask for copies of your PHI, the psychotherapist will charge you not more than \$0.25 per page. The psychotherapist often sees fit to provide summaries or explanations of the PHI.

B. The Right to Request Limits on Uses and Disclosures of Your PHI

You have the right to ask that the psychotherapist limit how the psychotherapist uses and discloses your PHI. While the psychotherapist will consider your request, the psychotherapist is not legally bound to agree. If the psychotherapist does agree to your request, the psychotherapist will put those limits in writing and

abide by them except in emergency situations. You do not have the right to limit the uses and disclosures that the psychotherapist is legally required or permitted to make.

C. The Right to Choose How I Send Your PHI to You

It is your right to ask that your PHI be sent to you at an alternate address (for example, sending information to your work address rather than your home address) or by an alternate method (for example, via e-mail instead of by regular mail). The psychotherapist is obliged to agree to your request providing that the psychotherapist can give you the PHI, in the format you requested, without undue inconvenience. The psychotherapist may not require an explanation from you as to the basis of your request as a condition of providing communications on a confidential basis.

D. The Right to Get a List of the Disclosures the Psychotherapist Has Made

You are entitled to a list of disclosures of your PHI that the psychotherapist has made. The list will not include uses or disclosures to which you have already consented, that is, those for treatment, payment, or health care operations, sent directly to you, or to your family; neither will the list include disclosures made for national security purposes, disclosures to corrections or law enforcement personnel, or disclosures made before April 15, 2003. After April 15, 2003, disclosure records will be held for 6 years.

The psychotherapist will respond to your request for an accounting of disclosures within 60 days of receiving your request. The list the psychotherapist gives you will include disclosures made in the previous 6 years unless you indicate a shorter period. The list will include the date of the disclosure, to whom PHI was disclosed (including their address, if known), a description of the information disclosed, and the reason for the disclosure. The psychotherapist will provide the list to you at no cost, unless you make more than 1 request in the same year, in which case the psychotherapist will charge you a reasonable sum based on a set fee for each additional request.

E. The Right to Amend Your PHI

If you believe that there is some error in your PHI or that important information has been omitted, it is your right to request that the psychotherapist correct the existing information or add the missing information. Your request and the reason for the request must be made in writing. You will receive a response within 60 days of the psychotherapist's receipt of your request. The psychotherapist may deny your request, in writing, if the psychotherapist finds that: the PHI is (a) correct and complete, (b) forbidden to be disclosed, (c) not part of the records, or (d) written by someone other than the psychotherapist. The psychotherapist's denial must be in writing and must state the reasons for the denial. It must also

explain your right to file a written statement objecting to the denial. If you do not file a written objection, you still have the right to ask that your request and the psychotherapist's denial be attached to any future disclosures of your PHI. If the psychotherapist's approves your request, the psychotherapist will make the change(s) to your PHI. Additionally, the psychotherapist will tell you that the changes have been made, and the psychotherapist will advise all others who need to know about the change(s) to your PHI.

F. The Right to Get This Notice by E-mail

You have the right to get this notice by e-mail. You also have the right to request a paper copy of it.

V. How to complain about IBOS privacy practices

If, in your opinion, the psychotherapist may have violated your privacy rights, or if you object to a decision the psychotherapist made about access to your PHI, you are entitled to 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. If you file a complaint about IBOS's privacy practices, the psychotherapist will take no retaliatory action against you.

VI. Person to contact for information about this notice or to complain about IBOS's privacy practices

If you have any questions about this notice or any complaints about IBOS's privacy practices or would like to know how to file a complaint with the Secretary of the DHHS, please contact the psychotherapist. You can find the psychotherapist's phone number and email at www.iboscounseling.com.

VII. ACKNOWLEDGMENT OF SURVEILLANCE

I acknowledge that I-BOS Counseling Center uses video surveillance in common areas as part of its quality assessment and improvement of activities and health care operations as defined by 45 CFR 164.501 and 164.506. I acknowledge and consent to the video recording, with the understanding that the images from such recording may be used only for facility health care operations and will not be disclosed except as required or permitted by law.

VIII. Effective date of this notice: This notice is in effect as of April 20, 2005.

I-BOS Counseling Center, LLC
Fax: (239) 242-6389

2503 Del Prado Blvd. S. Ste. 410
Cape Coral, Florida 33904

HIPAA NOTICE OF PRIVACY PRACTICES (NPP)

I acknowledge receipt of this notice.

Client Name: _____ Date: _____ Signature: _____

Client Name: _____ Date: _____ Signature: _____

Client Name: _____ Date: _____ Signature: _____

Therapist

Date