

## HIPAA Privacy Notice

Pertaining to All Independent Practice Colleagues hereafter referred to as MCPS, (Medical Center Psychological Services).

### **Notice of Psychologist's Policies and Practices to Protect the Privacy of Your Health Information**

THIS NOTICE DESCRIBES HOW PSYCHOLOGICAL AND MEDICAL INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY.

#### **I. Uses and Disclosures for Treatment, Payment, and Health Care Operations**

MCPS may use or disclose your protected health information (PHI), for treatment, payment, and health care operations purposes with your consent. To help clarify these terms, here are some definitions:

- “Practice Colleagues” refers to all practitioners, hereinafter referred to as MCPS, who practice in suite 1504 of 7272 Wurzbach Road, San Antonio, Texas, the office known as Medical Center Psychological Services.
- “PHI” refers to information in your health record that could identify you.
- “Treatment, Payment, and Health Care Operations”
  - Treatment is when MCPS provides, coordinate or manage your health care and other services related to your health care. An example of treatment would be when MCPS consults with another health care provider, such as your family physician or another psychologist.
  - Payment is when MCPS obtains reimbursement for your healthcare. Examples of payment are when MCPS discloses your PHI to your health insurer to obtain reimbursement for your health care or to determine eligibility or coverage.
  - Health Care Operations are activities that relate to the performance and operation of MCPS’s practice. Examples of health care operations are quality assessment and improvement activities, business-related matters, such as audits and administrative services, and case management and care coordination.
- “Use” applies only to activities within the MCPS offices, such as sharing, employing, applying, utilizing, examining, and analyzing information that identifies you. Example: You will be called to your appointment by your first name or a gesture; and your name will be kept in an appointment book along with other patient’s names. (Every effort will be made to keep incidental disclosures to a minimum).
- “Disclosure” applies to activities outside of the MCPS offices, such as releasing, transferring, or providing access to information about you to other parties.

#### **II. Uses and Disclosures Requiring Authorization**

MCPS may use or disclose PHI for purposes outside of treatment, payment, or health care operations when your appropriate authorization is obtained.

- An “authorization” is written permission above and beyond the general consent that permits only specific disclosures.
- In those instances when MCPS is asked for information for purposes outside of treatment, payment or health care operations, MCPS will obtain an authorization from you before releasing this information. MCPS will also need to obtain an authorization before releasing your psychotherapy notes.
- “Psychotherapy notes” are notes MCPS has made about conversations during a private, group, joint, or family counseling session, which MCPS has kept separate from the rest of your medical record. These notes are given a greater degree of protection than PHI. MCPS may not use or disclose your Psychotherapy notes without a written authorization and/or subpoena.

You may revoke all such authorizations (of PHI or psychotherapy notes) at any time, provided each revocation is in writing. You may not revoke an authorization to the extent that

- MCPS has relied on that authorization; or
- If the authorization was obtained as a condition of obtaining insurance coverage and the law provides the insurer the right to contest the claim under the policy.

#### **III. Uses and Disclosures with Neither Consent nor Authorization**

MCPS may use or disclose PHI without your consent or authorization in the following circumstances:

- **Child Abuse** – If MCPS have cause to believe that a child's physical or mental health or welfare is endangered as a result of abuse or neglect MCPS must report this belief to TDFPS (Texas Department of Family and Protective Services).
- **Adult and Domestic Abuse** – If MCPS has cause to believe that an adult's physical or mental health or welfare has been or may be further adversely affected by abuse, neglect, or exploitation, MCPS must report this belief to the appropriate authorities as required by law. Please note that the term “adult”, for the purposes of this section, means any person sixty years of age or older, any disabled person eighteen years of age or older, or an emancipated minor.
- **Judicial and Administrative Proceedings** – If you are involved in a court proceeding and a request is made for information about your diagnosis and treatment and the records thereof, such information is privileged under state law, and MCPS will not release information without your written authorization, or a court order. In the event of your death, your legally-appointed representative will be given access if a suit is brought on behalf of the estate. The privilege does not apply when you are being evaluated for a third party or where the evaluation is court ordered. MCPS will inform you in advance if this is the case.

- **Worker's Compensation** – If you file a worker's compensation claim and MCPS has treated you relevant to that claim, MCPS must disclose any requested medical information and records relative to your injury to your employer, to a licensed and approved vocational rehabilitation counselor assigned to your claim, another health care provider examining you, or the worker's compensation insurer.

#### **IV. Patient's Rights and Psychologist's Duties**

##### Patient's Rights:

- *Right to Request Restrictions* – You have the right to request restrictions on certain uses and disclosures of protected health information. However, MCPS is not required to agree to a restriction you request.
- *Right to Receive Confidential Communications by Alternative Means and at Alternative Locations* – You have the right to request and receive confidential communications of PHI by alternative means and at alternative locations. (For example, you may not want a family member to know that you are seeing me. On your request, MCPS will send your bills to another address.)
- *Right to Inspect and Copy* – You have the right to inspect or obtain a copy (or both) of PHI in my mental health and billing records used to make decisions about you for as long as the PHI is maintained in the record. MCPS may deny your access to PHI under certain circumstances, but in some cases, you may have this decision reviewed. On your request, MCPS will discuss with you the details of the request and denial process.
- *Right to Amend* – You have the right to request an amendment of PHI for as long as the PHI is maintained in the record. MCPS may deny your request. On your request, MCPS will discuss with you the details of the amendment process.
- *Right to an Accounting* – You generally have the right to receive an accounting of disclosures of PHI. On your request, MCPS will discuss with you the details of the accounting process.
- *Right to a Paper Copy* – You have the right to obtain a paper copy of the notice from MCPS upon request, even if you have agreed to receive the notice electronically.
- *Written Requests* - All written requests must be properly signed, witnessed, and received (i.e., mailed or hand delivered to a specific MCPS staff member).

##### Psychologist's Responsibilities:

- MCPS am required by law to maintain the privacy of PHI and to provide you with a notice of MCPS's legal duties and privacy practices with respect to PHI.
- MCPS reserve the right to change the privacy policies and practices described in this notice. Unless MCPS notify you of such changes, however, MCPS am required to abide by the terms currently in effect.
- If MCPS revise these policies and procedures, MCPS will give you a revised notice the next time you are in the office.

#### **V. Questions and Complaints**

If you have questions about this notice, disagree with a decision MCPS make about access to your records, or have other concerns about your privacy rights, you may contact Dina Trevino, Ph.D., Office Manager, (210) 647-7712.

If you believe that your privacy rights have been violated and wish to file a complaint, you may send your written complaint to Dina Trevino, Ph.D., 7272 Wurzbach Road, Suite 1504, San Antonio, Texas 78240

You may also send a written complaint to the Secretary of the U.S. Department of Health and Human Services. The person listed above can provide you with the appropriate address upon request.

You have specific rights under the HIPAA Privacy Rule. Although MCPS may choose to refer you to another practitioner, no other actions will be taken against you for exercising you right to file a complaint.

#### **VI. Effective Date, Restrictions, and Changes to Privacy Policy**

This notice will go into effect on August 3, 2007.

MCPS reserves the right to change the terms of this notice and to make the new notice provisions effective for all PHI that MCPS maintains here at Medical Center Psychological Services. If any revisions are made, MCPS will provide you with a revised notice by the next time you are in the office. It will be your responsibility, however, to keep MCPS informed of your current preferred mailing address and a phone number.