

Notice of Privacy Practices



Rose Psychotherapy

This notice went into effect on (today's date):

This notice describes how your health information may be used and disclosed and how you are able to access this information. Please review it carefully.

Protecting clients' privacy, including information about you and your healthcare, is personal and is important to Rose Psychotherapy. Rose Psychotherapy will create a record of the care and services you receive; This record is needed to provide you with quality care and to comply with certain legal requirements. In general, law protects the confidentiality of all communications between a person and their practitioner, and I can only release information about our work to others with your written permission. There are a few exceptions, however.

This notice applies to all of the records of your care generated by this mental health practice. This notice will tell you about the ways in which Rose Psychotherapy may use and disclose health information about you, describe your rights to the health information Rose Psychotherapy keeps about you, and describe certain obligations Rose Psychotherapy has regarding the use and disclosure of your health information.

A federal and state law entitled the Health Insurance Portability and Accountability Act (HIPAA), went into effect on April 14, 2003, and requires you be informed of Rose Psychotherapy's policy. Rose Psychotherapy is very careful to keep your health information secure and confidential. Rose Psychotherapy is required by law to:

- Make sure that protected health information ("PHI") that identifies you is kept private.
- Give you this notice of Rose Psychotherapy's legal duties and privacy practices with respect to health information.
- Follow the terms of the notice that is currently in effect.
- Rose Psychotherapy can change the terms of this Notice, and such changes will apply to all information collected about you. The new Notice will be available upon request, in the office, and on Rose Psychotherapy's website.

The following are categories describing different ways Rose Psychotherapy uses and discloses health information. For each category or uses or disclosures, this notice will explain what they mean and give examples. Not every use or disclosure in a category will be listed; However, all the ways in which Rose Psychotherapy is permitted to use and disclose information will fall within one of the categories.

For Treatment Payment, or Health Care Operations: Federal privacy rules (regulations) allow health care providers who have direct treatment relationship with the patient/client to use or disclose the patient/client's personal health information without the patient's written authorization, to carry out the health care provider's own treatment, payment, or health care operations. Rose Psychotherapy may also disclose your protected health information for the treatment activities of any health care provider. This too can be done without your written

authorization. For example, if a clinician were to consult with another licensed health care provider about your condition, Rose Psychotherapy would be permitted to use and disclose your personal health information, which is otherwise confidential, to assist the clinician in diagnosis and treatment of your mental health condition. Rose Psychotherapy will make every effort to avoid revealing the identity of the client. Consultants are also legally bound to maintain confidentiality.

Rose Psychotherapy may use or disclose your health information for payment for your services. For example, Rose Psychotherapy is required to provide an insurer with a clinical diagnosis and sometimes a treatment plan or summary of your progress to your health insurance company. Rose Psychotherapy may disclose your health information for normal healthcare operations. For example, your information will be entered into a computer. Rose Psychotherapy may share your medical information with business associates, such as a billing representative or service. Rose Psychotherapy may have a written contract with each business associate which requires them to protect your privacy. Rose Psychotherapy may use your information to contact you. For example, Rose Psychotherapy may send newsletters or other information to you. In an emergency, Rose Psychotherapy may disclose your health information to a family member or another person responsible for your care.

Disclosures for treatment purposes are not limited to the minimum necessary standard because therapists and other health care providers need access to the full record and/or full and complete information to provide quality care. The word "treatment" includes, among other things, the coordination and management of health care providers with a third party, consultations between health care providers, and referrals of a patient for health care from one health care provider to another.

Lawsuits and Disputes: In most legal proceedings, you have the right to prevent your practitioner from testifying. However, in child custody proceedings, adoption proceedings, and proceedings in which your emotional condition is an important element, a judge may require the practitioner's testimony. If you are involved in a lawsuit, Rose Psychotherapy may disclose health information in response to a court or administrative order. Rose Psychotherapy may also disclose health information about your child in response to a subpoena, discovery request, or other lawful process by someone else involved in the dispute, but only if efforts have been made to tell you about the request or to obtain an order protecting the information requested.

If you are called as a witness in criminal proceedings, opposing counsel may have some limited access to your treatment records. Testimony may also be ordered in the following situations:

- Legal proceeding related to psychiatric hospitalization.
- Malpractice and disciplinary proceedings brought against a practitioner.
- Court-ordered psychological evaluation.
- Certain legal cases where the client has died.

Certain uses and Disclosures require your authorization, including:

- Psychotherapy Notes. Rose Psychotherapy keeps "psychotherapy notes" as that term is defined in 45 CFR § 164.501, and any use or disclosure of such notes requires your Authorization unless the use or disclosure is:
 - For use in treating you.
 - For use in training or supervising mental health practitioners to help them improve their skills in group, joint, family, or individual counseling or therapy.
 - For use in defending Rose Psychotherapy in legal proceedings instituted by you.

- For use by the Secretary of Health and Human Services to investigate Rose Psychotherapy's compliance with HIPAA.
- Required by law and the use or disclosure is limited to the requirements of such law.
- Required by law for certain health oversight activities pertaining to the originator of the psychotherapy notes.
- Required by a coroner who is performing duties authorized by law.
- Required to help avert a serious threat to the health and safety of others.
- Marketing Purposes. Rose Psychotherapy will not use or disclose your PHI for marketing purposes.
- Sale of PHI. As a psychotherapy practice, Rose Psychotherapy will not sell your PHI in the regular course of business.

Subject to certain limitations in the law, Rose Psychotherapy can use and disclose your PHI without your Authorization for the following reasons:

- When disclosure is required by state or federal law, and the use or disclosure complies with and is limited to the relevant requirements of such law.
- For public health activities, including reporting suspected child, elder, or dependent adult abuse, or preventing or reducing a serious threat to anyone's health or safety. If there is reason to suspect the neglect or abuse of a minor (a child under 18 years of age) or a vulnerable adult, a report must be filed with the appropriate State agency. Rose Psychotherapy is required to take protective action if, in the professional judgement of the practitioner, there is belief that a client is threatening serious harm to themselves or to another person. This may include warning the intended victim, seeking the client's hospitalization, or notifying law enforcement. The clear intent of these requirements is that a practitioner has both a legal and ethical responsibility to take action to protect endangered individuals from harm when professional judgement indicates that such danger exists.
- For health oversight activities, including audits and investigations.
- For judicial and administrative proceedings, including responding to a court or administrative order, although Rose Psychotherapy's preference is to obtain an Authorization from you before doing so.
- For law enforcement purposes, including reporting crimes occurring on my premises.
- To coroners or medical examiners, when such individuals are performing duties authorized by law.
- For research purposes, including studying and comparing the mental health of patients who received one form of therapy versus those who received another form of therapy for the same condition.
- Specialized government functions, including, ensuring the proper execution of military missions; protecting the President of the United States; conducting intelligence or counter-intelligence operations; or, helping to ensure the safety of those working within or housed in correctional institutions.
- For workers' compensation purposes. Although Rose Psychotherapy's preference is to obtain an Authorization from you, Rose Psychotherapy may provide your PHI in order to comply with workers' compensation laws.
- Appointment reminders and health related benefits or services. Rose Psychotherapy may use and disclose your PHI to contact you to remind you that you have an appointment. If you are not home, this information may be left on your answering service or with the person who answers the telephone unless you have been instructed otherwise. Rose Psychotherapy may also use and disclose your PHI to tell you about treatment alternatives, or other health care services or benefits that Rose Psychotherapy offers.

Certain uses and disclosures require you to have the opportunity to object, including:

- Disclosures to family, friends, or others. Rose Psychotherapy may provide your PHI to a family member, friend, or other person that you indicate is involved in your care or the payment for your health care, unless you object in whole or in part. The opportunity to consent may be obtained retroactively in emergency situations.

If you are a minor, please be aware that while the specific content of psychotherapy sessions is confidential, your parents have a right to receive general information on the progress of treatment.

In family therapy, marital therapy, or in a group situation, for information to be released all participants must consent. One marital partner or person may not waive privilege for another. Therefore, in cases of marital therapy, the record may be released only if both parties waive privilege or if the release is court ordered.

If this practice is sold, your information will become the property of the new owner. Except as described above, this practice will not use or disclose your health information without your prior written authorization. You may request in writing that Rose Psychotherapy not use or disclose your health information as described above. Rose Psychotherapy will advise you if we are able to fulfill your request.

You have the following rights with respect to your PHI:

- The Right to Request Limits on Uses and Disclosures of Your PHI. You have the right to ask Rose Psychotherapy not to use or disclose certain PHI for treatment, payment, or health care operations purposes. Rose Psychotherapy is not required to agree to your request and may say “no” if believed it would affect your health care.
- The Right to Request Restrictions for Out-of-Pocket Expenses Paid for In Full. You have the right to request restrictions on disclosures of your PHI to health plans for payment or health care operations purposes if the PHI pertains solely to a health care item or a health care service that you have paid for out-of-pocket in full.
- The Right to Choose How Rose Psychotherapy Sends PHI to You. You have the right to ask Rose Psychotherapy to contact you in a specific way (for example, home or office phone) or to send mail to a different address, and Rose Psychotherapy will agree to all reasonable requests. As Rose Psychotherapy will need to contact you from time to time, Rose Psychotherapy will use whatever address or telephone number you prefer.
- The Right to See and Get Copies of Your PHI. Other than “psychotherapy notes,” you have the right to get an electronic or paper copy of your medical record and other information Rose Psychotherapy may have about you. Rose Psychotherapy will provide you with a copy of your record, or a summary of it, if you agree to receive a summary, within 30 days of receiving your written request, and will charge 30 cents per page for supplies and \$10 for the time retrieving this information and getting it to you. If the reason for the request is for Social Security disability income denial appeals, Social Security disability benefits, you are on public assistance, using civil legal services, or are otherwise enrolled in a volunteer attorney indigency program, you will not be charged the per page fee, only the \$10 fee.

- The Right to Get a List of the Disclosures Rose Psychotherapy Has Made. You have the right to request a list of instances in which Rose Psychotherapy has disclosed your PHI for purposes other than treatment, payment, or health care operations, or for which you provided Rose Psychotherapy with an Authorization. Rose Psychotherapy will respond to your request for an accounting of disclosures within 60 days of receiving your request. The list Rose Psychotherapy will give you will include disclosures made in the last six years unless you request a shorter time. Rose Psychotherapy will provide the list to you at no charge, but if you make more than one request in the same year, Rose Psychotherapy will charge you a reasonable cost-based fee for each additional request.
- The Right to Correct or Update Your PHI. If you believe that there is a mistake in your PHI, or that a piece of important information is missing from your PHI, you have the right to request that Rose Psychotherapy corrects the existing information or add the missing information. Supply Rose Psychotherapy, in writing, your request to make changes. If you request to include a statement in your file, please submit it to Rose Psychotherapy in writing. Rose Psychotherapy reserves the right to make the changes or not, however, Rose Psychotherapy will accommodate your request by including your statement in your file. If Rose Psychotherapy agrees to an amendment or change, Rose Psychotherapy will not remove or alter earlier documents, but will add new information.
- The Right to Get a Paper or Electronic Copy of this Notice. You have the right get a paper copy of this Notice, and you have the right to get a copy of this notice by e-mail. And, even if you have agreed to receive this Notice via e-mail, you also have the right to request a paper copy of it.
- You have the right to transfer copies of your health information to another practice.

You may file a complaint with the Department of Health and Human Services (200 Independence Avenue, S.W., Room 509F, Washington DC, 20201) if you believe that your privacy has been compromised or if you are seeking more assistance regarding your personal health information and you are a client receiving services in Minnesota, please email callie@rosepsychotherapymn.com.

BY SIGNING BELOW, I AM AGREEING THAT I HAVE READ, UNDERSTOOD AND AGREE TO THE ITEMS CONTAINED IN THIS DOCUMENT.

Client Signature:

Date: