

# NOTICE OF PRIVACY PRACTICES

THIS NOTICE DESCRIBES HOW YOUR HEALTH INFORMATION MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY. YOU MAY HAVE ADDITIONAL RIGHTS UNDER STATE AND LOCAL LAW. PLEASE SEEK LEGAL COUNSEL FROM AN ATTORNEY LICENSED IN YOUR STATE IF YOU HAVE QUESTIONS REGARDING YOUR RIGHTS TO HEALTH CARE INFORMATION.

## EFFECTIVE DATE OF THIS NOTICE

This notice went into effect on June 01, 2023

## ACKNOWLEDGEMENT OF RECEIPT OF PRIVACY NOTICE

Under the Health Insurance Portability and Accountability Act of 1996 (hereafter, "HIPAA"), you have certain rights regarding the use and disclosure of your protected health information (hereafter, "PHI").

## I. OUR PLEDGE REGARDING HEALTH INFORMATION:

A Better Choice Behavioral Health Services (ABC) understand that health information about you and your health care is personal. We are committed to protecting health information about you. ABC creates a record of the care and services you receive from me. ABC needs this record to provide you with quality care and to comply with certain legal requirements. This notice applies to all of the records of your care generated by this mental health care practice. This notice will tell you about the ways in which ABC may use and disclose health information about you. ABC also describes your rights to the health information ABC keeps about you, and describes certain obligations ABC has regarding the use and disclosure of your health information.

A Better Choice Behavioral Health is required by law to:

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

## II. HOW I MAY USE AND DISCLOSE HEALTH INFORMATION ABOUT YOU:

The following categories describe different ways that ABC can use and disclose health information. For each category of uses or disclosures ABC will explain what ABC means and try to give some examples. Not every use or disclosure in a category will be listed. However, all of the ways ABC 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. ABC may also disclose your PHI 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, we would be permitted to use and disclose your PHI, which is otherwise confidential, in order to

assist the clinician in diagnosis and treatment of your health condition. ABC may also use your PHI for operations purposes, including sending you appointment reminders, billing invoices and other documentation.

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 in order 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:** If you are involved in a lawsuit, ABC may disclose health information in response to a court or administrative order. ABC may also disclose health information about you or your minor child(ren) 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.

### III. CERTAIN USES AND DISCLOSURES REQUIRE YOUR AUTHORIZATION:

1. **Client records.** I do keep "client records" as that term is defined in Federal and State Regulation 42 CFR Code § 255.5 Part 2, and any use or disclosure of such records requires your Authorization unless the use or disclosure is:
  - a. For ABC's use in treating you.
  - b. For ABC's use in training or supervising mental health practitioners to help them improve their skills in group, joint, family, or individual counseling or therapy.
  - c. For ABC's use in defending myself in legal proceedings instituted by you.
  - d. For use by the Secretary of the Department of Health and Human Services (HHS) to investigate ABC's compliance with HIPAA.
  - e. Required by law and the use or disclosure is limited to the requirements of such law.
  - f. Required by law for certain health oversight activities pertaining to the originator of the Client's record.
  - g. Required by a coroner who is performing duties authorized by law.
  - h. Required to help avert a serious threat to the health and safety of others.
2. **Marketing Purposes.** ABC will not use or disclose your PHI for marketing purposes without your prior written consent. For example, if ABC requests a review from you and plans to share the review publicly online or elsewhere to advertise ABC's services or ABC's practice, ABC will provide you with a release form and HIPAA authorization. The HIPAA authorization is required in the instance that your review contains PHI (i.e., your name, the date of the service you received, the kind of treatment you are seeking or other personal health details). Because you may not realize which information you provide is considered "PHI," ABC will send you a HIPAA authorization and request your signature regardless of the content of your review. Once you complete the HIPAA authorization, ABC will have the legal right to use your review for advertising and marketing purposes, even if it contains PHI. You may withdraw this consent at any time by submitting a written request to the Project Director via the email address kept on file or via certified mail to A Better Choice address. Once ABC has received your written withdrawal of consent, ABC will remove your review from my website and from any other places where ABC have posted it. ABC cannot guarantee that others who may have copied your review from our website or from other locations will also remove the review. This is a risk that ABC wants you to be aware of, should you give ABC permission to post your review.
3. **Sale of PHI.** A Better Choice Behavioral Health Services will not sell your PHI.

### IV. USES AND DISCLOSURES THAT DO NOT REQUIRE YOUR AUTHORIZATION.

Subject to certain limitations in the law, ABC can use and disclose your PHI without your Authorization for the following reasons. ABC has to meet certain legal conditions before ABC can share your information for these purposes:

1. Appointment reminders and health related benefits or services. ABC may use and disclose your PHI to contact you to remind you that you have an appointment. ABC may also use and disclose your PHI to tell you about treatment alternatives, or other health care services or benefits that ABC offers.
2. 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.
3. 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.
4. For health oversight activities, including audits and investigations.
5. For judicial and administrative proceedings, including responding to a court or administrative order or subpoena, although my preference is to obtain an Authorization from you before doing so if ABC is so allowed by the court or administrative officials.
6. For law enforcement purposes, including reporting crimes occurring on ABC's premises.
7. To coroners or medical examiners, when such individuals are performing duties authorized by law.
8. 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.
9. Specialized government functions, including, ensuring the proper execution of military missions; protecting the President of the United States; conducting intelligence or counterintelligence operations; or, helping to ensure the safety of those working within or housed in correctional institutions.
10. For workers' compensation purposes. Although ABC's preference is to obtain an Authorization from you, ABC may provide your PHI in order to comply with workers' compensation laws.
11. For organ and tissue donation requests.

## **V. CERTAIN USES AND DISCLOSURES REQUIRE YOU TO HAVE THE OPPORTUNITY TO OBJECT.**

**Disclosures to family, friends, or others:** You have the right and choice to tell ABC that ABC may provide your PHI to a family member, friend, or other person whom you indicate is involved in your care or the payment for your health care, or to share your information in a disaster relief situation. The opportunity to consent may be obtained retroactively in emergency situations to mitigate a serious and immediate threat to health or safety or if you are unconscious.

## **VI. YOU HAVE THE FOLLOWING RIGHTS WITH RESPECT TO YOUR PHI:**

1. The Right to Request Limits on Uses and Disclosures of Your PHI. You have the right to ask ABC not to use or disclose certain PHI for treatment, payment, or health care operations purposes. ABC is not required to agree to your request, and may say "no" if ABC believes it would affect your health care.
2. The Right to Request Restrictions for Out-of-Pocket Expenses Paid for In Full. You have the right to request restrictions on the disclosure 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.
3. The Right to Choose How ABC Sends PHI to You. You have the right to ask ABC to contact you in a specific way (for example, home or office phone) or to send mail to a different address, and ABC will agree to all reasonable requests.
4. The Right to See and Get Copies of Your PHI. Other than in limited circumstances, you have the right to get an electronic or paper copy of your medical record and other information that ABC has about you. Ask us how to do this. ABC will provide you with a copy of your record, or if you agree, a summary of it, within 30 days of receiving your written request. ABC may charge a reasonable cost based fee for doing so.
5. The Right to Get a List of the Disclosures ABC Has Made. You have the right to request a list of instances in which ABC has disclosed your PHI for purposes other than treatment, payment, or health care operations, and other disclosures (such as any you ask ABC to make). Ask ABC how to do this. ABC will respond to your request for an accounting of disclosures within 60 days of receiving your request. The list ABC will give you will include

disclosures made in the last six years unless you request a shorter time. ABC will provide the list to you at no charge, but if you make more than one request in the same year, ABC will charge you a reasonable cost based fee for each additional request.

6. 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 ABC correct the existing information or add the missing information. ABC may say “no” to your request, but ABC will tell you why in writing within 60 days of receiving your request.
7. The Right to Get a Paper or Electronic Copy of this Notice. You have the right to get a paper copy of this Notice, and you have the right to get a copy of this notice by email. And, even if you have agreed to receive this Notice via email, you also have the right to request a paper copy of it.
8. The Right to Choose Someone to Act For You. If you have given someone medical power of attorney or if someone is your legal guardian, that person can make choices about your health information.
9. The Right to Revoke an Authorization.
10. The Right to Opt out of Communications and Fundraising from our Organization.
11. The Right to File a Complaint. You can file a complaint if you feel A Better Choice Behavioral Health Services has violated your rights by contacting ABC using the information on page one or by filing a complaint with the HHS Office for Civil Rights located at 200 Independence Avenue, S.W., Washington D.C. 20201, calling HHS at (877) 696-6775, or by visiting [www.hhs.gov/ocr/privacy/hipaa/complaints](http://www.hhs.gov/ocr/privacy/hipaa/complaints). A Better Choice Behavioral Health Services will not retaliate against you for filing a complaint.

## **VII. CHANGES TO THIS NOTICE**

ABC can change the terms of this Notice, and such changes will apply to all the information ABC has about you. The new Notice will be available upon request, in ABC’s office and on our website.