



HAWAII CENTER for PSYCHOLOGY

FINDING YOUR BALANCE

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

Hawaii Center for Psychology (HCP) 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:

- “PHI” refers to information in your health record that could identify you.
- “Treatment, Payment and Health Care Operations”
 - *Treatment* is when HCP provides, coordinates or manages your health care and other services related to your health care. An example of treatment would be when the doctor consults with another health care provider, such as your family physician or another psychologist.
 - *Payment* is when HCP obtains reimbursement for your healthcare. Examples of payment are when HCP 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 the 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 HCP’s [office, clinic, practice group, etc.] such as sharing, employing, applying, utilizing, examining, and analyzing information that identifies you.
- “Disclosure” applies to activities outside of HCP’s [office, clinic, practice group, etc.], such as releasing, transferring, or providing access to information about you to other parties.

II. Uses and Disclosures Requiring Authorization

HCP 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 HCP is asked for information for purposes outside of treatment, payment or health care operations, HCP will obtain an authorization from you before releasing this information. HCP will also need to obtain an authorization before releasing your Psychotherapy Notes. “Psychotherapy Notes” are notes the doctor has made about you and the doctor’s conversation during a private, group, joint, or family counseling session, which the doctor has kept separate from the rest of your medical record. These notes are given a greater degree of protection than PHI. HCP will also obtain an authorization from you before using or disclosing PHI in a way that is not described in this notice.

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 (1) HCP relied on that authorization; or (2) if the authorization was obtained as a condition of obtaining insurance coverage, law provides the insurer the right to contest the claim under the policy.

III. Uses and Disclosures with Neither Consent nor Authorization

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

- *Child Abuse* – If the doctor has reason to believe that child abuse or neglect has occurred or that there exists a substantial risk that child abuse or neglect may occur in the reasonably foreseeable future, the doctor must immediately report the matter to the appropriate authority.
- *Adult and Domestic Abuse* – If the doctor, in the performance of their professional or official duties, know or have reason to believe that a dependent adult has been abused and is threatened with imminent abuse, the doctor must promptly report the matter to the appropriate authority.
- *Health Oversight Activities* – If the Hawaii Board of Psychology is investigating the doctor’s competency, license or practice, HCP may be required to disclose protected health information regarding you.
- *Judicial and Administrative Proceedings* – If you are involved in a court proceeding and a request is made for information about the counseling or psychotherapy services provided to you and/or the records thereof, such information is privileged under Hawaii law, and HCP shall not release information without the written authorization of you or your legally appointed representative or a court order. The privilege does not apply when you are being evaluated for a third party or where the evaluation is court ordered. HCP shall inform you in advance if this is the case.
- *Serious Threat to Health or Safety* – The doctor may disclose protected health information regarding you where there is clear and imminent danger to you or another individual or to society, and then only to appropriate professional workers or public authorities. If you are at risk, the doctor may also contact family members or others who could assist in providing protection.
- *Worker’s Compensation* – If you have filed a worker’s compensation claim, the doctor may be required to disclose PHI about any services the doctor has provided to you that are relevant to the claimed injury.

- *Other Legal Purposes* – If it is allowed under federal privacy rules and state confidentiality laws such as disclosures to law enforcement agencies or health oversight agency (such as the U.S. Department of Health and Human Services or a state department of health), coroner or medical examiner, for public health purposes relating to disease or FDA-regulated products, or for specialized government function such as fitness for military duties, eligibility for VA benefits, and national security and intelligence.

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 PHI. However, HCP is not required to agree to your 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 the doctor. On your request, HCP 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. HCP may deny your access to PHI under certain circumstances, but in some cases you may have this decision reviewed. On your request, the doctor 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. HCP may deny your request. On your request, the doctor 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, the doctor 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 me upon request, even if you have agreed to receive the notice electronically.
- *Right to Restrict Disclosures When You Have Paid for Your Care Out-of-Pocket* – You have the right to restrict certain disclosures of PHI to a health plan when you pay out-of-pocket in full for services with your doctor.
- *Right to Be Notified if There is a Breach of Your Unsecured PHI* – You have a right to be notified if: (a) there is a breach (a use or disclosure of your PHI in violation of the HIPAA Privacy Rule) involving your PHI; (b) that PHI has not been encrypted to government standards; and (c) my risk assessment fails to determine that there is a low probability that your PHI has been compromised.

Psychologist's Duties:

- HCP is required by law to maintain the privacy of PHI and to provide you with a notice of my legal duties and privacy practices with respect to PHI.
- HCP reserves the right to change the privacy policies and practices described in this notice. Unless HCP notifies you of such changes, however, HCP is required to abide by the terms currently in effect.
- If HCP revises my policies and procedures, HCP will provide you with written notice by hand or by mail.

V. Questions and Complaints

If you have questions about this notice, disagree with a decision the doctor makes about access to your records, or have other concerns about your privacy rights, you may contact the doctor at the office. If you believe that your privacy rights have been violated and wish to file a complaint with the doctor, you may send your written complaint to the doctor at the office. 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 Privacy Rule. HCP will not retaliate against you for exercising your right to file a complaint.

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

This notice will go into effect on the date signed below. HCP reserves the right to change the terms of this notice and to make the new notice provisions effective for all PHI that HCP maintains. HCP will provide you with a revised notice by hand or by mail.

VII. Breach Notification Addendum to Policies & Procedures

When the HCP becomes aware of or suspects a breach, we will conduct a Risk Assessment. HCP will keep a written record of that risk assessment.

Unless the HCP determines that there is a low probability that PHI has been compromised, we will provide you notice of the breach.

The risk assessment may be done by a business associate if it was involved in the breach. While the business associate will conduct a risk assessment of a breach of PHI in its control, HCP will provide any required notice to patients and the U.S. Department of Health and Human Services (HHS).

After any breach, particularly one that requires notice, HCP will re-assess its privacy and security practices to determine what changes should be made to prevent the re-occurrence of such breaches.