

## **NOTICE OF OUR OFFICE 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 THIS NOTICE CAREFULLY**

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

This notice will go into effect on September 23, 2013. We reserve the right to change the terms of this notice and to make the new notice provisions effective for all PHI that we maintain. We will provide you with a revised notice by posting the revised notice in the office and providing you with a copy at your next scheduled visit.

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

We 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 we provide, coordinate or manage your health care and other services related to your health care. An example of treatment would be when we consult with another health care provider, such as your family physician or another psychologist.

-Payment is when we obtain reimbursement for your healthcare. Examples of payment are when we disclose 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 our 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 our practice group such as sharing, employing, applying, utilizing, examining, and analyzing information that identifies you.

**“Disclosure”** applies to activities outside of our practice group such as releasing, transferring, or providing access to information about you to other parties.

**“Breach”** is the acquisition, access, use, or disclosure of PHI in violation of the HIPAA Privacy Rule.

**“Business Associate”** is an organization or person outside of our practice to whom we send, or with whom we share, PHI so that they can provide services to us or on our behalf.

### **Uses and Disclosure Requiring Authorization**

We may use or disclose PHI for purposes outside of treatment, payment, and 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 we are asked for information for purposes outside of treatment, payment, and health care operations, we will obtain an authorization from you before releasing this information. We 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) we have relied on that authorization; or (2) 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.

### **Uses and Disclosures Without Authorization**

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

**Elder Abuse:** If we have reasonable cause to know or suspect that any adult over the age of 60 has been abused or is no longer able to care for him/herself we must report that information to the Rhode Island Division of Elderly Affairs, Protective Services Unit.

**Child Abuse:** If we have reasonable cause to know or suspect that any child has been abused or neglected, as defined below, or is a victim of sexual abuse by another child, we must, within 24 hours, transfer that information to the Rhode Island Department of Child, Youth and Families, or its agent.

Child abuse and/or neglect is defined as a child whose physical or mental health or welfare is harmed, or threatened with harm when his or her parent or other person responsible for his or her welfare:

1. Inflicts, or allows to be inflicted physical or mental injury;
2. Creates or allows to be created a substantial risk of physical or mental injury;
3. Commits or allows to be committed an act of sexual abuse, sexual assault against, or exploitation of the child;
4. Fails to supply the child with adequate food, clothing, shelter or medical care;
5. Fails to provide the child with a minimum degree of care or proper supervision or guardianship because of his or her unwillingness or inability to do so; and abandons or deserts the child.

**Health Oversight:** If a complaint is filed against us with the Rhode Island Board of Psychology, the Administrator of Professional Regulation (of the Division of Health) has the authority to subpoena confidential mental health information from us relevant to that complaint.

**Judicial or Administrative Proceedings:** If you are involved in a court proceeding and a request is made for information about the professional services that we provided to you and the records thereof, such information is privileged under state law, and we will not release this information without: 1) written authorization by you or your legal representative; or 2) a subpoena of which you have received official notification and you have failed to inform us that you are opposing the subpoena; or 3) a court order. The privilege does not apply when you are being evaluated for a third party or where the evaluation is court ordered. You will be informed in advance if this is the case.

**Serious Threat to Health or Safety:** If we believe that you are a threat to yourself or others, we may release your confidential health care information to appropriate law enforcement personnel, and to the potential victim(s).

**Workers' Compensation:** If you file a worker's compensation claim, we must release your relevant mental health care information for the proceedings.

When the use and disclosure without your consent or authorization is allowed under other sections of Section 164.512 of the Privacy Rule and the state's confidentiality law. This includes certain narrowly-defined disclosures to law enforcement agencies, to a health oversight agency (such as HHS or a state department of health), to a coroner or medical examiner, for public health purposes relating to a disease or FDA-regulated products, or for specialized government functions such as fitness for military duties, eligibility for VA benefits, and national security and intelligence.

### **Patient's Rights and Psychologist's/ Psychotherapist'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 about you. However, we are not required to agree to a restriction you request. You have the right to restrict certain disclosures of PHI to a health plan when you pay out-of-pocket in full for our services.

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 us. Upon your request, we 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 our mental health and billing records used to make decisions about you for as long as the PHI is maintained in the record. On your request, we will discuss with you the details of the request 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. We may deny your request. On your request, we will discuss with you the details of the amendment process.

Right to an Accounting: You generally have the right to receive an accounting of disclosure of PHI regarding you. On your request, we 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 us upon request, even if you have agreed to receive the notice electronically.

Right to be Notified: You have the right to be notified if: (a) there is a breach involving your PHI; (b) that PHI has not been encrypted to government standards; and (c) our risk assessment fails to determine that there is a low probability that your PHI has been compromised.

**Psychologist's/Psychotherapist's Duties:**

We are required by law to maintain the privacy of PHI and to provide you with a notice of our legal duties and privacy practices with respect to PHI.

We reserve the right to change the privacy policies and practices described in this notice. Unless we notify you of such changes, however, we are required to abide by the terms currently in effect.

If we revise our policies and procedures, we will post the revised notice in the office and provide you with a revised copy at your next appointment.

**Breach Notification**

When we become aware of or suspect a breach we will conduct a risk assessment to identify the nature and extent of the PHI involved, to whom the PHI may have been disclosed, whether the PHI was acquired or viewed, and the extent to which the risk to the PHI has been mitigated. We will keep a written record of that Risk Assessment.

Unless we determine that there is a low probability that PHI has been compromised, we will notify you by writing within 60 days after discovery with a description of the breach, types of PHI involved, steps you should take to protect against potential harm, and steps we have taken to investigate the incident, mitigate harm, and protect against further breaches.

If the breach involves a business associate the business associate will conduct a risk assessment of the breach of PHI in its control and we will provide any required notice to you and to the U.S. Department of Health and Human Services.

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

**Complaints**

If you are concerned that we have violated your privacy rights, or you disagree with a decision we have made about access to your records, you may contact Lisa M. Rocchio, Ph.D., the president of the practice and our designated privacy officer. 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.