

SHOREPEAK PSYCHIATRIC SERVICES

NOTICE OF PRIVACY PRACTICES

NOTICE OF PRIVACY PRACTICES - THIS NOTICE DESCRIBES HOW YOUR MEDICAL INFORMATION MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY.

SHOREPEAK PSYCHIATRIC SERVICES (SPS) RESPONSIBILITIES

SPS is required by law to maintain the privacy of your health information and provide you with this Notice of Privacy Practices. SPS will abide by the terms of this Notice of Privacy Practices; notify you if SPS cannot accommodate a requested restriction or request; and accommodate your reasonable requests regarding methods to communicate health information with you.

USES AND DISCLOSURES OF INFORMATION

Under federal law, SPS is permitted to use and disclose personal health information without authorization for treatment, payment and health care operations. Such information may include documenting your symptoms, examination, test results, diagnoses, treatment and applying for future care or treatment. It also includes billing documents for those services. Under most circumstances, SPS will not share your PHI (Protected Health Information) with anyone without your express permission. However, this office is permitted by federal privacy laws to use and disclose your PHI for purposes of treatment, payment, and health care operations.

DESCRIPTION OF “PROTECTED HEALTH INFORMATION” (PHI)

Protected health information (PHI) is demographic and individually identifiable health information that will or may identify the patient and relates to the patient's past, present or future physical or mental health or condition and related health care services.

WHAT “HEALTH CARE OPERATIONS” INCLUDES

Health care operations include activities such as communications among health care providers, conducting quality assessment and improvement activities; evaluating the qualifications, competence, and performance of health care professionals; training future health care professionals; other related services that may be a benefit to you such as case management and care coordination; contracting with insurance companies; conducting medical review and auditing services.

HOW MEDICAL INFORMATION MAY BE USED

SPS uses medical records as a way of recording health information, planning care and treatment and as a tool for routine health care operations. Your insurance company may request information such as procedure and diagnosis information that SPS is required to submit in order to bill for treatment SPS provides. If you choose to submit a bill to your insurance company, they may request aspects of your health care record or PHI. Other health care providers or health plans reviewing your records must follow the same confidentiality laws and rules required of us. Patient records are also a valuable tool used by researchers in finding the best possible treatment for diseases and medical conditions. All researchers must follow the same rules and laws that other health care providers are required to follow to ensure the privacy of patient information. Information that may identify patients will not be released for research purposes to anyone without written authorization from the patient or the patient's parent or legal guardian.

HOW MEDICAL INFORMATION MAY BE USED FOR TREATMENT, PAYMENT OR HEALTHCARE OPERATIONS

Medical information may be used to justify needed patient care services, (i.e., lab tests, prescriptions, treatment protocols, research inclusion criteria). SPS will use medical information to establish a treatment plan. SPS may need to disclose protected health information to another provider for treatment (i.e. referring physicians, specialists and providers, therapists, etc.). SPS may submit information to your insurance company should you choose to involve them. SPS will submit only the minimum amount of information necessary for this purpose. SPS may disclose health information for health care operations. For example, SPS may use your PHI for quality assessment, training programs, credentialing, medical review, etc. SPS will share only the minimum amount of PHI necessary for these duties. SPS may use the emergency contact information you provided to contact you or that individual in the case of a suspected emergency. SPS may contact you to remind you of your appointment by phone call, text message or email. SPS may contact you to discuss treatment alternatives or other health related benefits that may be of interest.

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Minors – If you are an unemancipated minor under Colorado law, there may be circumstances in which SPS discloses health information about you to a parent or guardian in accordance with legal and ethical responsibilities. **Parents** – If you are a parent of an unemancipated minor, and are acting as the minor’s personal representative, SPS may disclose health information about your child to you under certain circumstances. For example, if SPS is legally required to obtain your consent as your child’s personal representative in order for your child to receive care from us, SPS may disclose health information about your child to you. In some circumstances, SPS may not disclose health information about an unemancipated minor to you. For example, if your child is legally authorized to consent to treatment (as per the laws in the state of Colorado, a child age 15 and up who chooses to consent or seek treatment without the permission of guardian) consents to such treatment, and does not request that you be treated as his or her personal representative, SPS may not disclose health information about your child to you without your child’s authorization. In general, a legal guardian should be involved in the care of any unemancipated minor under the age of 18.

HOW MEDICAL INFORMATION MAY BE DISCLOSED WITHOUT REQUIRING AUTHORIZATION

In addition to uses and disclosures related to treatment, payment, and health care operations, SPS may also use and disclose your personal information without authorization for the following additional purposes:

Abuse, neglect or domestic violence: As required or permitted by law, SPS may disclose health information about you to a state or federal agency to report suspected abuse, neglect or domestic violence. If such a report is optional, SPS physicians will use professional judgment in deciding whether to make such a report. If feasible, SPS will inform you promptly that SPS has made such a disclosure.

Appointment reminders and Other Health Services: SPS may disclose your PHI to remind you about an appointment or to inform you about treatment alternatives or other health related benefits and services that may be of interest to you, such as case management or care coordination.

Communicable diseases: To the extent authorized by law, SPS may disclose information to a person who may have been exposed to a communicable disease or who is otherwise at risk of spreading a disease or condition.

Coroners, medical examiners and funeral directors: SPS may disclose health information about you to a coroner or medical examiner, for example, to assist in the identification of a decedent or determining cause of death. SPS may also disclose health information to funeral directors to enable them to carry out their duties.

Food and Drug Administration: SPS may disclose your PHI to the FDA or an entity regulated by the FDA, in order, for example, to report an adverse event or a defect related to a drug or medical device.

Health oversight: SPS may disclose your PHI for oversight activities authorized by law or to an authorized health oversight agency to facilitate, auditing, inspection, or investigation related to our provision of health care, or the healthcare system.

Judicial or administrative proceedings: SPS may disclose your PHI in the course of a judicial or administrative proceeding, in accordance with our legal obligation.

Law enforcement: SPS may disclose your PHI to a law enforcement official for certain law enforcement purposes. For example, SPS may report certain types of injuries as required by law, assist law enforcement to locate someone such as a fugitive or material witness or make a report concerning a crime or suspected criminal conduct.

Personal representative: If you are an adult or emancipated minor, SPS may disclose your PHI to a personal representative authorized to act on your behalf in making decisions about your health care.

Public health activities: As required or permitted by law, SPS may disclose your PHI to a public health authority, for example, to report a disease or death.

Public safety: Consistent with our legal and ethical obligations, SPS may disclose your PHI based on a good faith determination that such disclosure is necessary to prevent a serious and imminent threat to the public or to identify or apprehend an individual sought by law enforcement.

Required by law: SPS may disclose your PHI as required by federal, state or other applicable law.

Specialized government functions: SPS may disclose your PHI for certain specialized government functions as authorized by law. This includes military command, determination of veteran’s benefits, national security and intelligence activities, protection of the President and other officials, and the health, safety and security of correctional institutions.

Workers’ compensation: SPS may disclose health information about you for purposes related to workers compensation as required and authorized by law.

Serious threat: SPS may disclose your PHI to avert a serious threat to health or safety consistent with applicable law to prevent or lessen a serious imminent threat to the health or safety of a person or the public.

Other uses and disclosures will be made only with your written authorization, and you may revoke that authorization in writing as below (see “your rights”)

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YOUR RIGHTS

Under law, you have certain rights regarding the health information that SPS collects and maintains about you.

1. You have the right to inspect and copy your health information. This means you may inspect and obtain a copy of your PHI that is contained in a “designated record set” for as long as 10 years after your last visit with an SPS clinician. A designated record set contains medical and billing records and any other records that SPS use in making decisions about your healthcare. You may not however, inspect or copy the following records: psychotherapy and psychosocial notes; information compiled in reasonable anticipation of, or use in, a civil, criminal or administrative action or proceeding, and certain PHI that is subject to laws that prohibit access to that PHI. Depending on the circumstances, a decision to deny access may be reviewable. In some circumstances, you may have the right to have this decision reviewed. Please contact SPS if you have questions about access to your medical record.
2. You have the right to request a restriction of your health information. This means you may ask us to restrict or limit the medical information SPS uses or disclose for the purposes of treatment, payment or healthcare operations. SPS is not required to agree to a restriction that you may request. SPS will notify you if SPS denies your request. If SPS does agree to the requested restriction, SPS may not use or disclose your PHI in violation of that restriction unless it is needed to provide emergency treatment.
3. You have the right to request to receive confidential communications by alternative means or at alternative locations. SPS will accommodate reasonable requests. SPS may also condition this accommodation by asking you for an alternative address or other method of contact. SPS will not request an explanation from you as the basis for the request. Requests must be made in writing.
4. You have the right to request amendments to your health information. This means you may request an amendment of PHI about you in a designated record set for as long as SPS maintains this information. In certain cases, SPS may deny your request for an amendment. If SPS denies your request, you have the right to file a statement of disagreement and SPS may prepare a rebuttal to your statement and will provide you with a copy of this rebuttal. If you wish to amend your PHI, please make a formal request to SPS, in writing.
5. You have the right to request an accounting of certain disclosures of your PHI. This right applies to disclosures for purposes other than treatment, payment or healthcare operations as described in this Privacy Notice. SPS is also not required to account for disclosures that you requested, disclosures that you agreed to by signing an authorization form, or certain other disclosures SPS is permitted to make without your authorization. The request for an accounting must be made in writing. The request should specify the time period sought for the accounting. Accounting requests may not be made for periods of time in excess of six years.
6. You have the right to receive a copy of this Notice of Privacy Practices.
7. You have the right to revoke authorizations that you made previously to use or disclose information. You can accomplish this by delivering a written revocation to our office via patient portal, except to the extent information or action has already been taken.
8. You have the right to file a complaint. If you believe your privacy rights have been violated, you may file a written complaint by uploading to your patient portal or by mail. You may complain to the Secretary of Health and Human Services (HHS) by writing to Office for Civil Rights, US Department of Health and Human Services, 200 Independence Avenue, SW Room 509F, HHH Building, Washington, DC 20201; by calling 1-800-368-1019; or by sending an email to OCRprivacy@hhs.gov. SPS cannot and will not make you waive your right to file a complaint as a condition of receiving care or penalize you for filing a complaint. In order to exercise any of your rights described above, you must submit your request in writing to us (with the exception of #8). If you have any questions about your rights, please call SPS during normal office hours.

COMMON QUESTIONS

1. WHY DO I HAVE TO SIGN A CONSENT FORM?

When you, as the patient or the parent or guardian of a patient, sign a consent form, you are giving us permission to use and disclose protected health information for the purposes of treatment, payment and health care operations. This permission does not include psychotherapy notes, psychosocial information, alcoholism and drug abuse treatment records and other privileged categories of information which require a separate authorization. You will need to sign a separate authorization to have protected health information released for any reason other than treatment, payment or healthcare operations.

2. WHAT ARE PSYCHOTHERAPY NOTES?

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Psychotherapy notes are notes recorded (in any medium) by a mental health professional documenting or analyzing the contents of conversation during a private counseling session or a group, joint, or family counseling session that are separated from the rest of the patient's medical record. Psychotherapy notes exclude medication prescription and monitoring, counseling session start and stop times, modalities and frequencies of treatment furnished, results of clinical tests, and any summary of the following items: diagnosis, functional status, the treatment plan, symptoms, prognosis, and progress to date.

3. WHAT IS PSYCHOSOCIAL INFORMATION?

Psychosocial information is information provided regarding your family's social history and counseling services you have received.

4. WHY DO I HAVE TO SIGN A SEPARATE AUTHORIZATION FORM?

In order to release patient protected health information for any reason other than treatment, payment and health care operations, SPS must have an authorization signed by the patient or the parent or guardian of the patient that clearly explains how they wish the information to be used and disclosed. The following are some examples of releases of information that require a separate authorization: · Psychotherapy Notes · Psychosocial information · Use of information in scientific and educational publications, presentations and materials.

5. CAN I CHANGE MY MIND AND REVOKE AN AUTHORIZATION? You may change your mind and revoke an authorization, except (1) to the extent that SPS has relied on the authorization up to that point, (2) the information is needed to maintain the integrity of the research study, or (3) if the authorization was obtained as a condition of obtaining insurance coverage. All requests to revoke an authorization should be in writing.

REVISIONS OF THIS NOTICE

SPS reserves the right to amend the terms of this Notice. If this Notice is revised, the amended terms shall apply to all health information that SPS maintains, including information about you collected or obtained before the effective date of the revised Notice. If the revisions reflect a material change to the use and disclosure of your information, your rights regarding such information, our legal duties, or other privacy practices described in this Notice, SPS will promptly distribute the revised Notice and make copies available to all patients.