

# NOTICE OF PRIVACY PRACTICES

## Notice of Psychologists' 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

I may use or disclose your protected health information (PHI), for treatment, payment, and health care operations purposes with your consent. The following definitions will help clarify these terms:

- “**PHI**” refers information in your health record that could identify you.
- “**Treatment, Payment and Health Care Operations**”
  - Treatment** is when I provide, coordinate or manage your health care and other services related to your health care. An example of treatment would be when I consult with another health care provider, such as your family physician or another psychologist.
  - Payment** is when I obtain payment or reimbursement for your healthcare.
  - Health Care Operations** are activities that relate to the performance and operation of my practice. Examples 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 my office, such as sharing, employing, applying, utilizing, examining, and analyzing information that identifies you.
- “**Disclosure**” applies to activities outside of my office, such as releasing, transferring, or providing access to information about you to other parties.

### II. Uses and Disclosures Requiring Your Authorization

I 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 I am asked for information for purposes outside of treatment, payment and health care operations, I will obtain an authorization from you before releasing this information. I will also need to obtain an authorization before releasing your progress notes or written psychological test report.

You may revoke all such authorizations (of PHI or progress notes) at any time, provided each revocation is in writing. You may not revoke an authorization to the extent that (1) I have relied on that authorization; or (2) if 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.

### III. Uses and Disclosures with Neither Consent nor Authorization

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

- **Child Abuse:** If I know, or have reasonable cause to suspect, that a child is abused, abandoned, or neglected by a parent, legal custodian, caregiver or other person responsible for the child’s welfare, the law **requires** that I report such knowledge or suspicion to the Florida Department of Child and Family Services.
- **Adult and Domestic Abuse:** If I know, or have reasonable cause to suspect, that a vulnerable adult (disabled or elderly) has been or is being abused, neglected, or exploited, I am **required** by law to immediately report such knowledge or suspicion to the Central Abuse Hotline.
- **Health Oversight:** If a complaint is filed against me with the Florida Department of Health on behalf of the Board of Psychology, the Department has the authority to subpoena confidential mental health information from me relevant to that complaint.
- **Judicial or Administrative Proceedings:** If you are involved in a court proceeding and a request is made for information about your diagnosis or treatment and the records thereof, such information is privileged under state law, and I will not release information without the written authorization of you or your legal representative, or a subpoena of which you have been properly notified and you have failed to inform me

that you are opposing the subpoena 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. You will be informed in advance if this is the case.

- **Serious Threat to Health or Safety:** When you present a clear and immediate probability of physical harm to yourself, to other individuals, or to society, I may communicate relevant information concerning this to the potential victim, appropriate family member, or law enforcement or other appropriate authorities.
- **Worker's Compensation:** If you file a worker's compensation claim, I must, upon request of your employer, the insurance carrier, an authorized qualified rehabilitation provider, or the attorney for the employer or insurance carrier, furnish your relevant records to those persons.

#### **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 protected health information about you. However, I am **not** required to agree to a restriction you 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 alternative means and at alternative locations. (For example, you may not want a family member to know that you are seeing me. Upon your request, I 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. On your request, I 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. I may deny your request. On your request, I will discuss with you the details of the request process.
- **Right to an Accounting** – You generally have the right to receive an accounting of disclosures of PHI regarding you. On your request, I will discuss the details of the accounting process with you.
- **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.

##### **Psychologist's Duties:**

- I am 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. This notice is in effect as of April 14, 2003.
- I may change the privacy policies and practices described in this notice. Unless I notify you of such changes, however, I am required to abide by the terms currently in effect.
- Revised policies and procedures will be available in my office.

**V. Complaints**

If you are concerned that I have violated your privacy rights, or you disagree with a decision I made about access to your records, or have other concerns about your privacy rights, you may contact:

Nina Kessel, Psy.D.  
561-685-5414

If you believe that your privacy rights have been violated and wish to file a complaint with me, you may send your written complaint to:

Nina Kessel, Psy.D.  
900 East Indiantown Road, Suite #116  
Jupiter, FL 33477

You may also send a written complaint to the Secretary of the U.S. Department of Health and Human Services. The appropriate address will be provided upon request. You have specific rights under the Privacy Rule. Filing a complaint will not affect the services you receive from me.

**VI. Effective restrictions and Changes to Privacy Policy**

I reserve the right to change the terms of this notice and to make the new notice provisions effective for all PHI that I maintain. I will provide you with a revised notice by mail.

**ACKNOWLEDGEMENT THAT YOU HAVE RECEIVED THE (HIPAA) NOTICE OF PRIVACY PRACTICES TO PROTECT THE PRIVACY OF YOUR HEALTH INFORMATION**

Notice of Privacy Practices contains information about the following:

How your PHI may be used and disclosed for treatment, payment and health care operations.

Which uses and disclosures require authorization from you and which do not.

How you may revoke an authorization you have made,

Certain rights you must restrict use and disclosure of PHI, to receive confidential communications by alternative means, and at alternative locations, to inspect, copy, and amend your records, and to have an accounting of disclosures.

My duties to protect the privacy of your PHI, my right to change policies in the Notice, and how I will inform you of changes.

Restrictions you or I might place on the use and disclosure of your PHI

How you can file a complaint about suspected violations of your privacy rights or about decisions regarding access to your PHI.

**Your signature below indicates that you have reviewed and understood the Notice of Privacy Practices.**

\_\_\_\_\_  
**Patient or Guardian signature**

\_\_\_\_\_  
**Date**