

## Crain Counseling Notice of Privacy Practices

As Required by Privacy Regulations Created as a Result of the Health Insurance Portability and Accountability Act of 1996 (HIPAA):

THIS NOTICE DESCRIBES HOW HEALTH INFORMATION ABOUT YOU (AS A CLIENT OF THIS PRACTICE) MAY BE USED AND DISCLOSED, AND HOW YOU CAN GET ACCESS TO YOUR PROTECTED HEALTH INFORMATION.

**PLEASE REVIEW IT CAREFULLY.**

Protected health information includes demographic and medical information that concerns the past, present, or future physical or mental health of an individual. Demographic information could include your name, address, telephone number, social security number and any other means of identifying you as a specific person. Protected health information contains specific information that identifies a person or can be used to identify a person.

### **A. OUR COMMITMENT TO YOUR PRIVACY**

Our practice is dedicated to maintaining the privacy of protected health information (PHI). In conducting our business, we will create records regarding you and the treatment and services we provide to you. We are required by law to maintain the confidentiality of health information that identifies you. We also are required by law to provide you with this notice of our legal duties and the privacy practices that we maintain in our practice concerning your PHI. By federal and state law, we must follow the terms of this notice of privacy practices that we have in effect at the time.

We realize that these laws are complicated, but we must provide you with the following important information:

- How we may use (within the practice) and disclose (outside the practice) your PHI
- Your privacy rights in your PHI
- Our obligations concerning the use and disclosure of your PHI

The terms of this notice apply to all records containing your PHI that are created or retained by our practice. We reserve the right to revise or amend this Notice of Privacy Practices. Any revision or amendment to this notice will be effective for all of your records that our practice has created or maintained in the past, and for any of your records that we may create or maintain in the future. Our practice will post a copy of our current Notice in our offices in a visible location at all times, and you may request a copy of our most current Notice at any time.

### **B. WE MAY USE AND DISCLOSE YOUR PROTECTED HEALTH INFORMATION (PHI) IN THE FOLLOWING WAYS**

The following categories describe the different ways in which we may use and disclose your PHI.

**1. Client.** Our practice may disclose PHI to the client who is the subject of the information. Our practice may obtain informal permission from the client for notification and other purposes. Our practice may contact the client to provide appointment reminders.

**2. Treatment.** Our practice may use your PHI to treat you. For example, we may disclose your PHI to physicians, psychiatrists, psychologist, and other licensed health care providers who provide you with health care services or are otherwise involved in your care.

**3. Payment.** Our practice may use your PHI to obtain and secure payment or reimbursement for services rendered. However, for the purpose of payment, we will not release your medical records or conditions without prior written authorization. For example, we may send billing statements to the address that you

have given us or secure payment from a third party payer that you have verbally authorized, but we will not be able to submit claims with medical conditions to insurance companies without a separate prior written authorization.

**4. Health Care Operations.** Our practice may use and disclose your PHI to operate our business. For example, we may use and disclose your information for our operations; to evaluate the quality of the care you received from us, or to conduct cost-management and business planning activities for our practice. We may disclose your PHI to other health care providers and entities to assist in their health care operations.

## **C. USE AND DISCLOSURE OF YOUR PHI IN CERTAIN SPECIAL CIRCUMSTANCES**

The following categories describe unique scenarios in which we are permitted to use or disclose your PHI.

**1. Required by Law.** Our practice will use and disclose your PHI when we are required to do so by federal, state or local law.

**2. Public Health Activities.** Our practice may disclose your PHI to public health authorities that are authorized by law to collect information for the purpose of:

- maintaining vital records, such as births and deaths
- reporting child abuse or neglect
- preventing or controlling disease, injury or disability
- notifying a person regarding potential exposure to a communicable disease
- notifying a person regarding a potential risk for spreading or contracting a disease or condition
- notifying your employer under limited circumstances related primarily to workplace injury or illness or medical surveillance

**3. Victims of Abuse, Neglect or Domestic Violence.** Any person in our practice who knows or has reasonable cause to suspect child abuse, abandonment or neglect by a parent, legal guardian or other person responsible for the child's welfare, is required by law to report such knowledge or suspicion to the appropriate authorities. The law also requires any person in our practice who knows or has reasonable cause to suspect the abuse, neglect or exploitation of vulnerable adults to immediately report such knowledge to the appropriate authorities.

**4. Health Oversight Activities.** Our practice may disclose your PHI to a health oversight agency for activities authorized by law. Oversight activities can include investigations, inspections, audits, surveys, licensure and disciplinary actions; civil, administrative, and criminal procedures or actions; or other activities necessary for the government to monitor government programs, compliance with civil rights laws and the health care system in general.

**5. Lawsuits and Similar Proceedings.** Our practice may use and disclose your PHI in response to a court or administrative order, if you are involved in a lawsuit or similar proceeding. We also may disclose your PHI in response to a discovery request, subpoena, or other lawful process by another party involved in the dispute, but only if we have made an effort to inform you of the request or to obtain an order protecting the information the party has requested.

**6. Law Enforcement.** We may release PHI if asked to do so by a law enforcement official:

- Regarding a victim or suspected victim of a crime, if we are unable to obtain the person's agreement
- Concerning a death, we believe has resulted from criminal conduct
- Regarding criminal conduct at our offices
- In response to a warrant, summons, court order, subpoena or similar legal process
- To identify or locate a suspect, material witness, fugitive or missing person
- In an emergency or to report a crime (including the location or victim(s) of the crime, or the description, identity or location of the perpetrator)

**7. Deceased Patients.** Our practice may release PHI to a medical examiner or coroner to identify a deceased individual or to identify the cause of death.

**8. Research.** Our practice may use and disclose your PHI for research purposes in certain limited circumstances. We will obtain your written authorization to use your PHI for research purposes except when an Institutional Review Board or Privacy Board has determined that the waiver of your authorization is justified.

**9. Serious Threats to Health or Safety.** Our practice may use and disclose your PHI when necessary to reduce or prevent a serious threat to your health and safety or the health and safety of another individual or the public. Under these circumstances, we will only make disclosures to the extent necessary to warn any potential victim or communicate the threat to the appropriate law enforcement agency.

**10. National Security and Military.** Our practice may disclose your PHI to federal officials for intelligence and national security activities authorized by law. We may also disclose your PHI to federal officials in order to protect the President, other officials or foreign heads of state, or to conduct investigations. Our practice may disclose your PHI if you are a member of U.S. or foreign military forces (including veterans) and if required by the appropriate authorities.

**11. Inmates.** Our practice may disclose your PHI to correctional institutions or law enforcement officials if you are an inmate or under the custody of a law enforcement official. Disclosure for these purposes would be necessary: (a) for the institution to provide health care services to you, (b) for the safety and security of the institution, and/or (c) to protect your health and safety, or the health and safety of other individuals.

**12. Workers' Compensation.** Our practice may release your PHI for workers' compensation and similar programs.

#### **D. ELECTRONIC FILE NOTIFICATION**

**1. Client Records.** As a client of Crain Counseling your counselor will maintain client records for the purpose of care. These records are maintained digitally through a secure database contracted with Crain Counseling. Your information may be shared with support staff or technical support for the purpose of maintaining your confidential file.

**2. Client Communication.** You are entitled to private communication such as can take place through the client portal. All communication outside of the client portal can be subject to a risk of your confidential information. While the office uses email and telecommunication, secure communication is available through the client portal.

**3. Social Media.** Our offices cannot guarantee confidentiality through social media. Attempting to communicate with your counselor or office staff through a blog, Facebook, Twitter, LinkedIn, Instagram, SnapChat or the like would put your information in jeopardy. If these avenues of communication are pursued your counselor will have a discussion with you about the risks associated with this form of communication.

#### **E. YOUR RIGHTS REGARDING YOUR PHI**

You have the following rights regarding the PHI that we maintain about you:

**1. Confidential Communication.** You have the right to request that our practice communicate with you about your health and related issues in a particular manner or at a certain location. For instance, you may ask that we contact you at home, rather than work. In order to request a type of confidential communication, you must make a written request to the Crain Counseling, Attn: Privacy Office, specifying the requested method of contact, or the location where you wish to be contacted. Our practice will accommodate **reasonable** requests. You do not need to give a reason for your request.

**2. Requesting Restrictions.** You have the right to request a restriction in our use or disclosure of your PHI for treatment and health care operations. Additionally, you have the right to request that we restrict our disclosure of your PHI to only certain individuals involved in your care, such as family members and friends. **We are not required to agree to your request;** however, if we do agree, we are bound by our agreement except when otherwise required by law, in emergencies, or when the information is necessary to treat you. In order to request a restriction in our use or disclosure of your PHI, you must make your request in writing to the Crain Counseling, Attn: Privacy Office. Your request must describe in a clear and concise fashion: (a) the information you wish restricted; (b) whether you are requesting to limit our practice's use, disclosure or both; and (c) to whom you want the limits to apply.

**3. Inspection and Copies.** You have the right to inspect and obtain a copy of the PHI that may be used to make decisions about you, including patient medical records and billing records, but not including psychotherapy notes. You must submit your request in writing to the Crain Counseling, Attn: Privacy Office in order to inspect and/or obtain a copy of your PHI. Our practice may charge a fee for the costs of copying, mailing, labor and supplies associated with your request. Our practice may deny your request to inspect and/or copy in certain limited circumstances; however, you may request a review or our denial. Another licensed health care professional chosen by us will conduct reviews.

**4. Amendment.** You may ask us to amend your health information if you believe it is incorrect or incomplete, and you may request an amendment for as long as the information is kept by or for our practice. To request an amendment, your request must be made in writing and submitted to the Crain Counseling, Attn: Privacy Office. You must provide us with a reason that supports your request for amendment. Our practice will deny your request if you fail to submit your request (and the reason supporting your request) in writing. Also, we may deny your request if you ask us to amend information that is in our opinion: (a) accurate and complete; (b) not part of the PHI kept by or for the practice; (c) not part of the PHI which you would be permitted to inspect and copy; or (d) not created by our practice, unless the individual or entity that created the information is not available to amend the information.

**5. Accounting of Disclosures.** All of our patients have the right to request an "accounting of disclosures." An "accounting of disclosures" is a list of certain non-routine disclosures our practice has made of your PHI for non-treatment or non-operations purposes. Use of your PHI as part of the routine patient care in our practice is not required to be documented. In order to obtain an accounting of disclosures, you must submit your request in writing to the Crain Counseling, Attn: Privacy Office. All requests for an "accounting of disclosures" must state a time period, which may not be longer than six (6) years from the date of disclosure and may not include dates before December 1, 2017. The first list you request within a 12-month period is free of charge, but our practice may charge you for additional lists within the same 12-month period. Our practice will notify you of the costs involved with additional requests, and you may withdraw your request before you incur any costs.

**6. Right to a Paper Copy of This Notice.** You are entitled to receive a paper copy of our notice of privacy practices. You may ask us to give you a copy of this notice at any time. To obtain a copy of this notice, contact the Crain Counseling, Attn: Privacy Office.

**7. Right to File a Complaint.** If you believe your privacy rights have been violated, you may file a complaint with our practice or with the U.S. Department of Health and Human Service's Office of Civil Rights (OCR). To file a complaint with our practice, contact the Crain Counseling, Attn: Privacy Office. **All complaints must be submitted in writing. You will not be penalized for filing a complaint.**

**8. Right to Provide an Authorization for Other Uses and Disclosures.** Our practice will obtain your written authorization for uses and disclosures that are not identified by this notice or permitted by applicable law. Any authorization you provide to us regarding the use and disclosure of your PHI may be revoked at any time in writing. After you revoke your authorization, we will no longer use or disclose your PHI for the reasons described in the authorization. Please note we are required to retain records of your care.

**Effective Date:** December 1, 2017