

ABOUT HIPAA

A letter to our patients,

April 14, 2003 marked the date that healthcare providers and others must come into compliance with HIPAA. This provides you with additional rights and creates a number of obligations on our part.

The first thing that means for you, is that the Federal government now requires us to obtain your signature that we have provided you with a Privacy Notice. The second thing it means is that we and your other healthcare providers need to explain to you how your health care information, which means even just your name or other personally identifying information may be used.

You will be asked to sign new agreements with our office and likely many other providers. Given that our office has always dealt with much information that has required special consent, our staff is well-trained in maintaining your confidentiality in an often complex health care environment. State and Federal regulations as well as administrative rules by the Florida Department of Health and Board of Psychology also govern how your confidential information is used or released. We also have ethical guidelines we strive to maintain. To add complexity, Worker's Compensation, Automobile Insurance, Disability matters, and other systems and agencies have other rules.

The lengthy agreement we will ask you to sign is based on a model developed by the American Psychological Association specifically to apply to the State of Florida. We have added more specific information for our practice. We apologize for the length of the document, but it is our best effort to inform you to comply with our complex ethical and legal obligations.

As with any relationship, business, therapeutic or otherwise, the core of the relationship must rely upon reasonable expectations, trust, and respect. Some of us have trained and practiced in the Gainesville community for more than 20 years. We have always strived and will continue to strive to provide our community with quality assessment, consultation and therapeutic services in a manner that treats you with respect. Your continued trust is deeply appreciated.

Sincerely,

Ernest J. Bordini, Ph.D.
Executive Director

Notice of Policies and Practices to Protect the Privacy of Your Health Information

THIS NOTICE PERTAINS TO THE PRACTICES OF **CLINICAL PSYCHOLOGY ASSOCIATES OF NORTH CENTRAL FLORIDA, P.A. (CPANCF)** AND THE INDEPENDENT PRACTICES OF **C. RUSSELL CLIFTON, PH.D. AND CANDACE VALENSTEIN, PH.D. (INDEPENDENTS)**.

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.

THIS NOTICE AND ALL OF THESE RIGHTS MAY NOT APPLY TO YOU IN SOME CIRCUMSTANCES WHICH ARE NOT COVERED BY FEDERAL HIPAA REGULATIONS. YOU MAY BE PROTECTED UNDER OTHER FEDERAL AND STATE LAWS.

I. 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 [office, clinic, practice group, etc.] such as sharing, employing, applying, utilizing, examining, and analyzing information that identifies you.
- “Disclosure” applies to activities outside of our [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

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 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.

We would also need to obtain an authorization before releasing your “psychotherapy notes”. “Psychotherapy notes” have a very limited definition under HIPAA rules, and would be notes made about analyses of conversations during a private, group, joint, or family counseling session, which would be kept separate from the rest of your medical record. It is our office practice not to keep “psychotherapy notes” under this definition. Your diagnosis and relevant treatment information, symptoms complaints and information about progress are maintained in “Progress Notes” which document your care.

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) 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

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

- **Child Abuse:** If we 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 we report such knowledge or suspicion to the Florida Department of Child and Family Services.
- **Adult and Domestic Abuse:** If we know, or have reasonable cause to suspect, that a vulnerable adult (disabled or elderly) has been or is being abused, neglected, or exploited, we are required by law to immediately report such knowledge or suspicion to the Central Abuse Hotline.
- **Health Oversight:** If a complaint is filed against us 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 us relevant to that complaint.

Government: We may disclose the PHI information of military personnel and veterans to government benefit programs relating to eligibility and enrollment.

Impaired Professionals: We may disclose information pertaining to the safety to practice to the Florida Department of Health for health care professionals if we have reasonable reason to believe public safety is endangered or where there would be a statutory duty to report.

- **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 we 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 us 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, we 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, we 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

Litigation: If you have a pending personal injury claims such as auto accident, malpractice claim or other situations in which you are eligible to collect damages, your entire records may be subject to disclosure by subpoena or court order and are subject to full disclosure to the payor of any claims we file for services on your behalf. You may object, in writing, to a subpoena for such records. In the case of an Independent Medical Examination which is being conducted on behalf of a third party, any information is subject to disclosure to that third party. However, you may have additional rights under State law.

Forensic Evaluation at the request of your attorney: In most circumstances, such evaluations if arranged for and paid through your attorney's office retain a special status of attorney-client privilege until such information is disclosed by your attorney or used for legal purposes. Such evaluations are not protected by rights established under HIPAA.

Law Enforcement: We may disclose health information for law enforcement purposes and special governmental functions only as required by Federal, State or Local law.

Business Associates: We have Business Associates with whom we may share your Protected Health Information. For example, we may share necessary information with Business Associates. Examples include Business Associates who provide coverage while we are out of town, answering services as necessary, shared clerical functions with Business Associates with whom we may share offices with, collection agencies or collection attorneys, or technicians who may need to service equipment where necessary information is stored. We enter into agreements with such associates such that they are also obligated to respect the privacy of your Protected Health Information.

Communication with Family: If a family member or close friend calls for scheduling, payment, or changing appointments and in our best judgment we do not believe you would object, we may communicate minimal necessary information to facilitate scheduling, payments and appointments. With your signed consent, if family members, other relative, close personal friend, or any other person you identify as participating in your care, minimal necessary health information relevant to that person's involvement in your care or in payment for such care if you do not object or in an emergency. Unless you notify us otherwise, we may leave messages on your home phone if you utilize an answering machine regarding contacting our office regarding scheduling, or regarding personal or third party payment.

Marketing: We may Contact you to provide you with appointment reminders, with information about treatment alternatives or with information about other health-related benefits or services that may be of interest to you.

Health Research: We may use Personal Health Information to conduct or participate in research studies based upon our clinical and health records. In such cases any personal identifying information shall be removed. For example, we may collect outcome data on group treatment approaches or we may use data from your record to conduct a study of test patterns in head injury. Of course, we will not conduct any experimental research without a separate informed consent.

Correctional Institution: If you are an inmate of a correctional institution, we may disclose to the institution or agents there of your PHI necessary for your health and the health and safety of other individuals.

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, we are 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 by 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, 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 disclosures 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.

We may bill you for professional time involved in explaining or reviewing these procedures with you.

Psychologist'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 these on the CPANCF.COM website and notify active patients by mail along with billing statements. Returning patients will be notified upon their first visit following a change in policy and procedures. Patients may request a written copy at anytime by mailing such a request to CPANCF, 2121 NW 40th Terrace, Suite B, Gainesville, FL. 32605.

V. Questions and Complaints

If you are a patient of CPANCF and have questions about this notice, disagree with a decision we make about access to your records, or have other concerns about your privacy rights, you may contact Jackie Herring, Office Manager at (352) 336-2888. If you are a patient of one of the independent practices above you may contact Linda Sloan at (352) 336-2888.

If you are a patient of CPANCF and believe that your privacy rights have been violated and wish to file a complaint with our office, you may send your written complaint to Jackie Herring, Office Manager at CPANCF, 2121 NW 40th Terrace, Suite B, Gainesville FL, 32605. If you are a patient of one of the independent practices you may send your written complaint to Linda Sloan 2121 NW 40th Terrace, Suite B, Gainesville FL, 32605

You may also send a written complaint to the Secretary of the U.S. Department of Health and Human Services. The persons listed above can provide you with the appropriate address upon request.

You have specific rights under the Privacy Rule. We 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 4/14/03.

Revised 08/12/03

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 this to the CPANCF.COM website, notifying active patients by mail in their billing statements, and returning patients upon their first visit after such a change in this notice.