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California HIPAA NOTICE FORM

Notice of California Mental Health Provider 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. Disclosure for treatment, payment and Health Care Operations

I may use or disclose your Protected Health Information (PHI), for certain treatment, and health care operations purposes without your authorization. In certain circumstances I can only do so when the person or business requesting your PHI gives me a written request that includes certain promises regarding protecting the confidentiality of your PHI. To help clarify these terms, here are some definitions.

- "*HIPAA*" refers to Health Information Portability and Accountability Act, a federal law that provides privacy protections and patient rights with regard to the use and disclosure of your Protected Health Information (PHI) used for the purpose of treatment payment and health care operations.
 - "*PHI*" refers to information in your health record that could identify you.
- "Treatment and Payment Operations"
- *Treatment* is when I provide or another healthcare provider diagnoses or treats you. An example of treatment would be when I consult with another health care provider, such as your family physician or another psychologist, regarding your treatment.
 - *Payment* is when I obtain reimbursement for your healthcare. Examples of payment are when I disclose your PHI to your health insurer to obtain reimbursement for your health care or to determine eligibility of coverage.
 - *Health Care Operations* is when I disclose your PHI to your health care service plan (for example your health insurer), or to your other health care providers contracting with your plan, for administering the plan, such as 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.
 - *Authorization* means written permission for specific uses or disclosures.

II. Uses and Disclosures Requiring Authorization

I may use or disclose PHI for purposes outside of treatment, payment, and health care operations when your appropriate authorization is obtained. In those instances when I am asked for information for purposes outside of treatment and payment operations, I

will obtain an authorization from you before releasing this information. I will also need to obtain an authorization before releasing your psychotherapy notes.

"*Psychotherapy notes*" are notes I have made about our conversation during a private, group, joint, or family counseling session. These notes are given a greater degree of protection than PHI.

You may revoke or modify all such authorizations (of PHI or psychotherapy notes) at any time; however, the revocation or modification is not effective until I receive it.

III. Uses and Disclosures with Neither Consent nor Authorization

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

- **Child Abuse:** Whenever I, in my professional capacity, have knowledge of or observe a child I know or reasonably suspect, has been the victim of child abuse or neglect, I must immediately report such to a police department or sheriff's department, county probation department, or county welfare department. Also, if I have knowledge of or reasonably suspect that mental suffering has been inflicted upon a child or that his or her emotional well-being is endangered in any other way, I may report such to the above agencies.
- **Adult and Domestic Abuse:** If I, in my professional capacity, have observed or have knowledge of an incident that reasonably appears to be physical abuse, abandonment, abduction, isolation, financial abuse or neglect of an elder or dependent adult that he or she has experienced these or if I reasonably suspect such, I must report the known or suspected abuse immediately to the local ombudsman or the local law enforcement agency.

I do not have to report such an incident if:

- 1) I have been told by an elder or dependent adult that he or she has experienced behavior constituting physical abuse, abandonment, abduction, isolation, financial abuse or neglect;
 - 2) I am not aware of any independent evidence that corroborates the statement that the abuse has occurred;
 - 3) The elder or dependent adult has been diagnosed with a mental illness or dementia, or is the subject of a court-ordered conservatorship because of a mental illness or dementia; and
 - 4) In the exercise of clinical judgment, I reasonably believe that the abuse did not occur.
- **Health Oversight:** If a complaint is filed against me with the California Board of Psychology, the Board 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 about the professional services that I have provided you, I must not release your information without 1) your written authorization or the authorization of your attorney or personal representative; 2) a court order; 3) a subpoena duces tecum (a subpoena to produce records) where the party seeking your records provides me with a showing that you or your attorney have been served with a copy of the subpoena, affidavit and the appropriate notice, and you have not notified me that you are bringing a motion in the court to quash (block) or modify the subpoena. The privilege does not apply when you are being evaluated for a third party or where the evaluation is court-ordered. I will inform you in advance if this is the case.
- **Serious Threat to Health or Safety:** If you communicate to me a serious threat of physical violence against an identifiable victim, I must make reasonable efforts to communicate that information to the potential victim, potential victims in the vicinity, and the police. If I have reasonable cause to believe that you are in such condition, as to be dangerous to yourself or others, I may release relevant information as necessary to prevent the threatened danger.

IV. Patient's Rights and Provider's Duties

Patient Rights:

1. 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.
2. 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, I will send your bills to another address.)
3. 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. I may deny your access to PHI under certain circumstances, but in some cases you may have this decision reviewed. On your request, I will discuss with you the details of the request and denial process.
4. 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 amendment process.
5. Right to an Accounting – You generally have the right to receive an accounting of disclosures of PHI for which you have neither provided consent nor authorization (as

described in Section 3 of this Notice). On your request, I will discuss with you the details of the accounting process.

6. Right to 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.

Provider’s Duties:

1. 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.
2. I reserve the right to 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.
3. If I revise my policies and procedures, I will notify you in writing by U.S. mail or in person.

V. Questions and Complaints

If you have questions or concerns or disagree with a decision I made about access to your records, please contact our Privacy Officer at Lifespan Development Center, Dr. Roland Rotz, 957 Maple Ave, Carpinteria, CA 93013. Tel: 805-566-0041 Fax: 805-566-0051

If you are concerned that I have violated your privacy rights, you may complain to our privacy officer. You also may submit a written complaint to the Secretary of the U.S. Department of Health and Human Services by mail, fax or email. Or visit their web site www.hhs.gov for further information.

Office for Civil Rights
U.S. Department of Health & Human Services
50 United Nations Plaza, Room 322
San Francisco, CA 94102
Fax: 415-437-8329 Email: OCRComplaint@hhs.gov

We support your right to the privacy of your PHI. We will not retaliate in any way if you choose to file a complaint with us or with the U.S. Department of Health & Human Services.

VI. Effective Date, Restrictions, and Changes to Privacy Policy

This notice is in effect as of November 1, 2011.

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