

# LifeCare Collaborative Counseling Team

(HIPAA NOPP 62 LIFECARE.doc) (Effective 04/01/2003)

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## **Limits of Confidentiality in Counseling** **NOTICE OF PRIVACY PRACTICES (NOPP)** *(\*Health Insurance Portability and Accountability Act of 1996)*

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THIS NOTICE DESCRIBES HOW MEDICAL INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY.

### **Our commitment to your privacy**

Privacy is a very important concern for all those who come to LifeCare Collaborative Counseling Team (CCT). It is also complicated because of the many federal and state laws and our professional ethics. Because the rules are so complicated, some parts of this Notice are very detailed and you probably will have to read them several times to understand them. If you have any questions our Privacy Officer will be happy to help you understand our procedures and your rights.

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### **A. Introduction - To Our Clients**

This Notice of Privacy Practices (**NOPP**) will tell you how we handle your medical information. It tells how we use this information here in this office, how we share it with other professionals and organizations, and how you can see it. We want to inform you of this law so that you can make the best decisions for yourself and your family. Because the laws of Oregon and the laws of the federal government are very complicated and we don't want to make you read a lot that does not apply to you as a client of LifeCare Collaborative Counseling Team (CCT) we have selected the portions of the HIPAA law pertinent to your care. If you have any questions or want to know more about anything in our Notice of Privacy Practices (NOPP), please ask our Privacy Officer for more explanations or more details.

### **B. What we mean by your medical information**

Each time you visit us, or any doctor's office, hospital, clinic, or any other designated "healthcare providers", information is collected about you and your physical and mental health. It may be information about your past, present or future health or conditions, or the tests and treatment you received from us or from others, or about payment for healthcare. The information we collect from you is called, in the law, **PHI** which stands for **P**rotected **H**ealth **I**nformation. This information goes into your medical or healthcare record or file at the provider's office.

In our ministry your PHI is likely to include these kinds of information:

- Your history. As a child, in school and at work, marriage and personal history.
- Reasons you came for treatment. Your problems, complaints, symptoms, or needs.
- Diagnoses. Diagnoses are the medical terms for your problems or symptoms.
- A treatment plan. A list of the treatments and any other services which we think will be best to help you.
- Progress notes. Each time you come in we write down some things about how you are doing, what we notice about you, and what you tell us.
- Records we get from others who treated you or evaluated you.
- Psychological test scores, school records, and other reports.
- Information about medications you took or are taking.
- Legal matters.
- Billing and insurance information.

This list is just to give you an overview of the typical information found in a healthcare record. There may be other kinds of information that go into your healthcare record.

We use this information for many purposes. For example, we may use it:

- To plan your care and treatment.
- To decide how well our treatments are working for you.
- When we talk with other healthcare professionals who are also treating you such as your family doctor or the professional who referred you to us.
- To show that you actually received the services from us which we billed to you or to your health insurance company.
- For teaching and training other healthcare professionals.
- To improve the way we do our job by measuring the results of our work.

When you understand what is in your record and what it is used for you can make better decisions about who, when, and why others should have this information.

Although your health record is the physical property of the healthcare practitioner or facility that collected it, the information belongs to you. You can read it and if you want a copy we can make one for you. Oregon law prescribes the fees to be charged for copying and delivering requested records.

In some very rare situations, you cannot see all of what is in your records. If you find anything in your records that you think is incorrect or believe that something important is missing you can ask us to amend (add information to) your record although in some rare situations we don't have to agree to do that. If you want, our Privacy Officer can explain more about this.

### **C. Privacy and the laws**

We are also required to tell you about privacy because of the privacy regulations of a federal law, the **H**Health **I**nsurance **P**ortability and **A**ccountability **A**ct of 1996 (**HIPAA**). This portion of the law was mandated to be effective after April 14, 2003.

The HIPAA law requires us to keep your **P**ersonal **H**ealthcare **I**nformation (PHI) private and to give you this notice of our legal duties and our privacy practices which is called the **N**otice of **P**rivacy **P**ractices (**NOPP**). We will obey the rules of this notice as long as it is in effect. This law is in a current state of amendment and change. If we need to issue a new version of our NOPP, the rules of the new NOPP will apply to all the PHI we keep. If we change the NOPP we will post the new Notice of Privacy Practices in our office where everyone can see.

### **D. How your protected health information can be used and shared**

When your information is accessed by your Ministry Service Provider (MSP) or others in our office on an "as needed basis" and used by us to make decisions about your care, it is called, in the law, "use." If the information is shared with or sent to others outside this office, then it is called, in the law, "disclosure." Except in some special circumstances, when we use your PHI here or disclose it to others we share only the minimum necessary PHI needed for those other people to do their jobs. The law gives you rights to know about your PHI, how it is used and to have a say in how it is disclosed (shared) and so we will explain to you more about what we do with your information.

We use and disclose PHI for several reasons. Mainly, we will use and disclose it for routine purposes and we will explain more about these below. For other uses we must tell you about them and have a written **Authorization** from you unless the law allows or requires us to make the disclosure without your authorization. However, the law also says that there are some uses and disclosures that don't need your **Consent** or **Authorization**.

### **1. Uses and disclosures of PHI in healthcare with your consent**

You will be asked to sign a separate **Consent & Release Form** to allow us to use and share your PHI. In almost all cases we intend to use your PHI here or share your PHI with other people or organizations to provide treatment to you, arrange for payment for our services, or some other business functions called health care operations. Together these routine purposes are called **TPO** (**T**reatment, **P**ayment, or Health Care **O**perations) and the **Consent & Release Form** allows us to use and disclose your PHI for TPO. Take a minute to re-read that last sentence until it is clear because it is very important. Next we will tell you more about TPO.

#### 1a. For treatment, payment, or health care operations.

We need information about you and your condition to provide care to you. You have to agree to let us collect the information and to use it and share it to care for you properly. Therefore, you must sign the **Consent & Release Form** before we begin to treat you because if you do not agree and consent we cannot treat you (as per the HIPAA federal law). When you come to LifeCare Collaborative Counseling Team (CCT), some people in our office may collect information about you and all of it may go into your healthcare records here. Generally, we may use or disclose your PHI for three purposes: treatment, obtaining payment, and what are called healthcare operations. Let's see what these mean.

#### For treatment

We use your medical information to provide you with counseling treatments, ministry or services. These might include individual, family, or group therapy, psychological, educational, or vocational testing, treatment planning, or measuring the benefits of our services.

We may share or disclose your PHI to others who provide treatment to you. We are likely to share your information with your personal physician. If you are being treated by a team we can share some of your PHI with them so that the services you receive will be able to work together. The other professionals treating you will also enter their findings, the actions they took, and their plans into your medical record and so we all can decide what treatments work best for you and make up a Treatment Plan. We may refer you to other professionals or consultants for services we cannot provide. When we do this we need to tell them some things about you and your conditions. We will get back their findings and opinions and those will go into your healthcare records here. If you receive treatment in the future from other professionals we can also share your PHI with them. These are some examples so that you can see how we use and disclose your PHI for treatment.

#### For payment

We may use your information to bill you, your insurance, or others so we can be paid for the treatments we provide to you. We may contact your insurance company to check on exactly what your insurance covers. We may have to tell them about your diagnoses, what treatments you have received, and the changes we expect in your conditions. We will need to tell them about when we met, your progress, and other similar things.

#### For health care operations

There are a few other ways we may use or disclose your PHI. These are called health care operations. For example, we may use your PHI to see where we can make improvements in the care and services we provide. We may be required to supply some information to some government health agencies so they can study disorders and treatment and make plans for services that are needed. If we do, your name and personal information will be removed from what we send.

#### 1b. Other uses in healthcare

**Appointment Reminders.** We may use and disclose medical information to reschedule or remind you of appointments for treatment or other care. If you want us to call or write to you only at your home or your work or prefer some other way to reach you, we usually can arrange that. Please put your request in writing so it can be part of your record.

**Treatment Alternatives.** We may use and disclose your PHI to tell you about or recommend possible treatments or alternatives that may be of help to you.

Other Benefits and Services. We may use and disclose your PHI to tell you about health-related benefits or services that may be of interest to you.

Research. We may use or share your information to do research to improve treatments. For example, comparing two treatments for the same disorder to see which works better or faster or costs less. In all cases your name, address and other personal information will be removed from the information given to researchers. If they need to know who you are we will discuss the research project with you and you will have to sign a special Authorization form before any information is shared. (Note: CCT has never participated in this type of study to date.)

Business Associates. There are some jobs we hire other businesses to do for us. In the law, they are called our Business Associates. Examples include an answering service and an accountant. These business associates may need to know your name and very limited PHI to do their jobs properly. To protect your privacy they have agreed to safeguard your information.

## **2. Uses and disclosures that require your Authorization**

If we want to use your information for any purpose besides the TPO or those we described above, we need your permission on an **Authorization Form**. We don't expect to need this very often.

If you do authorize us to use or disclose your PHI, you can revoke (cancel) that permission, in writing, at any time. After the time your Authorization is revoked, we will not use or disclose your information for the purposes that we agreed to. Of course, we cannot take back any information we had already disclosed with your permission or that we had used in our office.

## **3. Uses and disclosures of PHI from mental health records that don't require a Consent or Authorization**

The law lets us use and disclose some of your PHI **without** your consent or authorization in some cases. Here are examples of when we might have to share your information.

### When required by law

There are some federal, state, or local laws which require us to disclose PHI.

- We have to report suspected child abuse.
- If you are involved in a lawsuit or legal proceeding and we receive a subpoena, discovery request, or other lawful process we may have to release some of your PHI. We will only do so after trying to tell you about the request, consulting your lawyer, or trying to get a court order to protect the information they requested.
- We have to disclose some information to the government agencies which check on us to see that we are obeying the privacy laws.

### For Law Enforcement Purposes

We may release medical information, if asked to do so by a law enforcement official, to investigate a crime or criminal.

### For public health activities

We might disclose some of your PHI to agencies which investigate diseases or injuries.

### For specific government functions

We may disclose PHI of military personnel and veterans to government benefit programs relating to eligibility and enrollment. We may disclose your PHI to Workers Compensation and Disability programs, to correctional facilities if you are an inmate, and for national security reasons.

### To Prevent a Serious Threat to Health or Safety

If we come to believe that there is a serious threat to your health or safety or that of another person or the public we can disclose some of your PHI. We will only do this to persons who can prevent the danger.

#### **4. Uses and disclosures where you have an opportunity to object**

We can share some information about you with your family or other people closely involved in your life. We will only share information with those involved in your care and anyone else you choose such as close friends or clergy. We will ask you about whom you want us to tell and specifically what information you permit regarding your condition or treatment. You can tell us what you want and we will honor your wishes as long as it is not against the law.

If it is an emergency, so we cannot ask if you disagree, we can share information if we believe that it is what you would have wanted and if we believe it will help you if we do share it. If we do share information, in an emergency, we will tell you as soon as we can. If you don't approve we will stop, as long as it is not against the law.

#### **5. An accounting of disclosures**

When we disclose your PHI we keep some records of the individual(s) to whom we sent it, when we sent it, and what we sent. You can get an accounting (a list) of many of these disclosures.

#### **E. Your rights regarding your health information**

1. You can ask us to communicate with you about your health and related issues in a particular way or at a certain place which is more private for you. For example, you can ask us to call you at home, and not at work to schedule or cancel an appointment. We will try our best to do as you ask.
  2. You have the right to ask us to limit what we tell people involved in your care or the payment for your care, such as family members and friends. While we don't have to agree to your request, if we do agree, we will keep our agreement except if it is against the law, or in an emergency, or when the information is necessary to treat you.
  3. You have the right to look at the health information we have about you such as your medical and billing records. You can even get a copy of these records. Oregon law prescribes the fees to be charged for copying and delivering requested records. Contact our Privacy Officer to arrange how to see your records.
  4. If you believe the information in your records is incorrect or missing important information, you can ask us to make some kinds of changes (called amending) to your health information. You have to make this request in writing and send it to our Privacy Officer. You must tell us the reasons in writing that you want to make the changes.
  5. You have the right to a copy of this notice. If we change this NOPP we will post the new version in our office and you can always get a copy of the NOPP from the Privacy Officer.
  6. You have the right to file a complaint if you believe your privacy rights have been violated. You can file a complaint with our Privacy Officer and with the federal Secretary of the Department of Health and Human Services. All complaints must be in writing. Filing a complaint will not change the health care we provide to you in any way.
- Also, you may have other rights which are granted to you by the laws of Oregon and these may be the same or different from the rights described above. If you have a specific question regarding the law(s), our Privacy Officer will be happy to discuss these situations with you now or as they arise.