

Arrowhead Psychological & Behavioral Sciences, LLC

Notice of 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

Arrowhead Psychological & Behavioral Sciences, LLC 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 mental health provider.

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 clinic. 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 clinic, such as sharing, employing, applying, utilizing, examining, and analyzing information that identifies you.

"**Disclosure**" applies to activities outside of our clinic, 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 we are asked for information for purposes outside of treatment, payment and health care operations, we will obtain an authorization from you before releasing this information. We will also need to obtain an authorization before releasing your therapy notes. "**Therapy notes**" are notes your therapist/counselor or doctor have made

about your conversation during a private, group, joint, or family counseling session, which they have kept separate from the rest of your medical record. These notes are given a greater degree of protection than PHI.

You may revoke all such authorizations (of PHI or therapy 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.

Uses and Disclosures with Neither Consent nor Authorization:

Arrowhead Psychological & Behavioral Sciences, LLC may use or disclose PHI without your consent or authorization in the following circumstances:

- **Child Abuse:** If we have cause to believe that a child has been, or may be, abused, neglected, or sexually abused, your doctor or therapist must make a report of such immediately to the Montana Department of Public Health and Human Services, Child and Family Services, or to any local or state law enforcement agency.
- **Adult and Domestic Abuse:** If we have cause to believe that an elderly or disabled person is in a state of abuse, neglect, or exploitation, we must immediately report such to the Department of Public Health and Human Services.
- **Health Oversight:** If a complaint is filed against our clinic or an individual employee of Arrowhead Psychological & Behavioral Sciences, LLC with the Montana State Board of Examiners of Psychologists, they have the authority to subpoena confidential mental health information from us 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 and treatment and the records thereof, such information is privileged under state law, and we will not release information, without written authorization from you or your personal or legally appointed representative, 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:** If we determine that there is a probability of imminent physical injury by you to yourself or others, or there is a probability of immediate mental or emotional injury to you, we may disclose relevant confidential mental health information to medical or law enforcement personnel.
- **Worker's Compensation:** If you file a worker's compensation claim, we may disclose records relating to your diagnosis and treatment to your employer's insurance carrier.

IV. Patient's Rights and Psychologist's/Counselor'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 and therapy notes in our mental health and billing records used to make decisions about you for as long as the PHI is maintained in the record. We may deny your access to PHI under certain circumstances (specifically, access to raw neuropsychological test protocols), but in some cases you may have this decision reviewed. On your request, we will discuss with you the details of the request and denial 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 for which you have neither provided consent nor authorization (as described in Section III of this Notice). 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 our clinic upon request, even if you have agreed to receive the notice electronically.

Psychologist's/Counselor's Duties:

Arrowhead Psychological & Behavioral Sciences, LLC is 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.

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 make every effort to notify you of changes that could affect our handling of your PHI.

V. Questions and Complaints

If you 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 John A.

Schaack, MS, LCPC at Arrowhead Psychological & Behavioral Sciences, LLC at 406-294-9510.

If you believe that your privacy rights have been violated and wish to file a complaint with our clinic, you may send your written complaint by mail, fax, or e-mail to John A. Schaack at the address/fax/e-mail address listed on this letterhead.

You may also send a written complaint to the Secretary of the U.S. Department of Health and Human Services. The person 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 December 1, 2003.

Arrowhead Psychological & Behavioral Sciences, LLC will limit the uses or disclosures that we will make as follows:

Release of raw neuropsychological test protocols (raw data) to anyone other than a qualified mental health professional, except in the case of a court order requiring us to release this data. Raw data refers to the actual test materials and recording forms on which the test copyrighted test items are printed. This material is considered to be the property of the psychologist, not the patient, since open access to the tests themselves can damage the validity of the test due its content being exposed to the public. Exposing the test content to the public makes them potentially useless, as would exposing the items to the SAT or ACT tests in educational settings. This practice is mandated by the Montana State Board of Examiners of Psychologists.

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 mail or e-mail.

My signature below indicates that I have received the **Notice of Policies and Practices to Protect the Privacy of Your Health Information** form, have reviewed the form, and have had any of my questions about the information outlined in the form answered for me.

Patient or Guardian Signature

Date

