



Karen Pierpoint, MS, LMFT

Marriage and
Family Therapist

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HIPAA Notification of Privacy Practices

THIS NOTICE DESCRIBES HOW YOUR MENTAL HEALTH RECORDS MAY BE USED AND/OR DISCLOSED AND HOW YOU CAN OBTAIN ACCESS TO THIS INFORMATION. PLEASE READ IT CAREFULLY.

I. Introduction

The Law provides extremely strong privileged communication protections for conversations between you and your therapist in the context of your established professional relationship. There is a difference between privileged conversations and documentation in your mental health records. Records are kept, documenting your care as required by law, by professional standards, and by other review procedures. HIPAA very clearly defines what kind of information is to be included in your “designated medical record” as well as some other material, known as “Psychotherapy Notes.” Psychotherapy notes are not accessible to insurance companies and other third-party reviewers, and in some cases not to the client him/herself.

HIPAA provides privacy protections about any of your personal health information that could personally identify you. This protection is referred to as “protected health information” or PHI. PHI consists of three (3) components: *treatment*, *payment*, and *health care operations*.

Treatment refers to activities in which therapists provide, coordinate, or manage your mental health care or other services related to your mental health care. Examples include a psychotherapy session, psychological testing, or talking to your primary care physician about your medication or overall medical condition.

Payment is when Karen Pierpoint obtains reimbursement for your mental health care.

Health care operations are activities related to the performance of Karen Pierpoint’s practice.

The *use* of your protected health information refers to activities Karen Pierpoint’s office conducts for scheduling appointments, keeping records, and other tasks *within* our office related to your care. *Disclosures* refer to activities you authorize which occur *outside* this office, such as the sending of your protected health information (PHI) to other parties (i.e., your primary care physician; the school your child attends).

II. Uses and Disclosures of Protected Health Information Requiring Authorization

The State of California requires authorization and consent for treatment, payment, and health care operations. HIPAA does nothing to change this legal requirement. Your therapist may disclose PHI for the purposes of treatment, payment, and health care operations, authorizing Karen Pierpoint to provide treatment and to conduct the administrative steps associated with your care (i.e., file insurance for you).

Additionally, if at any time you request that we send any of your PHI of any sort to anyone outside this office, you will always first sign a specific authorization to release information to this outside party. A copy of that authorization form is available upon request. This requirement of signing an additional authorization form is an added protection to help make sure that your PHI is kept strictly confidential. An example of this type of release of information might be your request that your therapist talk to your child's school teacher about his/her ADHD condition and what the teacher might do to be of help to your child. Before Karen Pierpoint talks to that teacher, you will have first signed the proper authorization for her to do so.

There is a third, special authorization provision potentially relevant to the privacy of your records: Karen Pierpoint's psychotherapy notes. In recognition of the importance of the confidentiality of conversations between therapist and client in treatment settings, HIPPA permits keeping "psychotherapy notes" separate from the over all "designated medical record." "Psychotherapy notes" are your therapist's notes "recorded in any medium by a mental health provider documenting and analyzing the contents of a conversation during a private, group, or joint family counseling session and that are separated from the rest of the individual's medical record." "Psychotherapy notes" are necessarily more private and contain much more personal information about you, which creates the need for increased security of these notes. "Psychotherapy notes" are not the same as "progress notes" which provide the following information about your care each time you have an appointment here: medication prescriptions and monitoring, appointment times, the modalities of care, frequency of treatment furnished, results of tests, and any summary of your diagnosis, functional status, treatment plan, symptoms, prognosis, and progress to date.

Certain payors of care, such as Medicare and Worker's Compensation, do require the release of both your progress notes and the therapist's psychotherapy notes in order to pay for your care. If Karen Pierpoint is forced to submit your psychotherapy notes in addition to your progress notes for reimbursement for services rendered, you will sign an additional authorization directing her to release her psychotherapy notes. Most of the time she will be able to limit reviews of your PHI to only your "designated record set", which includes the following: all identifying paperwork you completed when you first started your care here, all billing information, a summary of your first appointment, your mental status examination, your individualized comprehensive treatment plan, your discharge summary, progress notes, reviews of your care by managed care companies, results of psychological testing, and any authorized letters or summaries of care that you have authorized Karen Pierpoint to release on your behalf. Please note that the actual test questions or raw data of psychological tests, which are protected by copyright laws and the need to protect clients from unintended, potentially harmful use, are not part of your "designated mental health record."

You may, in writing, revoke all authorizations to disclose PHI at any time. You cannot revoke an authorization for an activity already done that you instructed Karen Pierpoint to do. If you sign an authorization to release information as a condition for obtaining insurance, you cannot revoke it if you are using that insurance to pay for your therapy.

III. Business Associates Disclosures

HIPAA requires that Karen Pierpoint train and monitor the conduct of those performing ancillary administrative services for her practice, and refers to these people as “Business Associates.” In her practice, “business associates” are her bookkeeper, the cleaning crew, her computer consultants, and the insurance biller. In compliance with HIPAA, Karen Pierpoint has signed formal contracts with these business associates that very clearly define the importance of the protection of all mental health information as an absolute condition of providing their services. She trains them in privacy practices, monitors their compliance, and corrects any errors, if they should occur.

IV. Uses and Disclosures Not Requiring Consent or Authorization

By law, PHI *may* be released without your consent or authorization concerning:

- Suspected sexual or physical abuse of a child
- Suspected elder abuse
- Suspected abuse of a dependent adult
- Judicial or Administrative proceedings (i.e., if you are ordered here by the court for an independent child custody evaluation)
- Serious threat to your life or safety, or to the life or safety of another
- Workers Compensation Claims (If you seek to have your care reimbursed under Workers Compensation, all of your care is automatically subject to review by your employer and/or insurers)
- Reasons of national security or terrorism, or health oversight activities

Karen Pierpoint will never release any information of any sort for marketing purposes.

V. Client’s Rights and Karen Pierpoint’s Duties

You have a right to the following:

- *The right to request restrictions* on certain uses and disclosures of your personal health information. Karen Pierpoint may not agree to grant your request, but if she does agree, such restrictions shall apply unless the agreement is changed in writing;
- *The right to receive confidential communication by alternate means and at alternative locations.* For example, you may not want your bills sent to your home address, so Karen Pierpoint will send them to another location of your choosing if you make the request in writing. Karen Pierpoint assumes that you agree to being contacted by telephone or voice mail to schedule appointments and to leave cancellation alerts, unless you request an alternative way of contacting you and make your request in writing.
- *The right to inspect and copy* your protected health information in your designated mental health record set and any billing records for as long as PHI is maintained in the record. Please give her sufficient notice so that this can be arranged at mutual convenience; (You will be charged \$1.00 per page for Karen to locate and have your health information copied if you want the copies mailed to you).
- *The right to amend* material in your protected health information, although Karen Pierpoint may deny an improper request and/or respond to any amendment(s) you make to your record of care;
- *The right to an accounting of unauthorized disclosures* of your protected health information;
- *The right to a paper copy* of notices/information from Karen Pierpoint even if you have previously

- requested electronic transmission of notices/information, and;
- *The right to revoke your authorization* of your protected health information except to the extent that action previously authorized has already been taken.

For more information on how to exercise each of these aforementioned rights, please do not hesitate to ask Karen Pierpoint for further assistance on these matters. She is required by law to maintain the privacy of your PHI and to provide you with a notice of your Privacy Rights and her duties regarding your PHI. She reserves the right to change her privacy policies and practices as needed with these current designated practices being applicable until you receive a revision of her policies when you come for your future appointment(s). Karen Pierpoint's duties in these matters include maintaining the privacy of your PHI, providing you this notice both of your rights and of her privacy practices with respect to your PHI, and abiding by the terms of this notice unless it is changed and you are so notified. If for some reason you desire a copy of her internal office policies for executing privacy practices, please let Karen Pierpoint know and she will get you a copy of these documents, which are kept on file for auditing purposes.

VI. Complaints

Karen Pierpoint is the appointed "Privacy Officer" for her practice per HIPAA regulations. If you have any concerns of any sort that she may have compromised your privacy rights, please do not hesitate to speak to her immediately about this matter. You will always find Karen Pierpoint willing to talk to you about preserving the privacy of your PHI. You may also send a written complaint to the Secretary of the U.S. Department of Health and Human Services. Karen Pierpoint will not retaliate if you send in a complaint.

VII. Effective Date

This notice shall go into effect January 1, 2007, and remain so unless new notice provisions effective for all protected health information are enacted accordingly.