

# NOTICE OF PRIVACY PRACTICES OF DOMINION PSYCHIATRIC ASSOCIATES, PLLC

Effective April 14, 2003

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

We are required by law to maintain the privacy of your protected health information (PHI) and to provide you with notice of your privacy rights and my legal duties and privacy practices with respect to your PHI. We are required to abide by the terms of this notice with respect to your PHI but reserve the right to change the terms of this notice and make the new notice provisions effective for all PHI that we maintain. We keep a copy of the current notice containing the effective date in the waiting room of Dominion Psychiatric Associates, PLLC.

### UNDERSTANDING YOUR PERSONAL HEALTH INFORMATION

Each time you visit a hospital, physician, mental health professional or other health care provider, a record of your visit is made. Typically, this record contains your symptoms, examination and test results, diagnoses, treatment, and in the case of a mental health professional, psychotherapy notes, and a plan for future care or treatment. This information, often referred to as your health or medical record, serves as a:

- Basis for planning your care and treatment.
- Means of communication among the many health professionals who contribute to your care.
- Legal document describing the care you received.
- Means by which you or a third-party payer can verify that services billed were actually provided.
- A tool in educating health professionals.
- A source of data for medical research.
- A source of information for public health officials charged with improving the health of the nation.
- A source of data for facility planning and marketing.
- A tool with which we can assess and continually work to improve the care we render and the outcomes we achieve.

Understanding what is in your record and how your health information is used helps you to:

- Ensure its accuracy.
- Better understand who, what, when, where, and why others may access your health information.
- Make more informed decisions when authorizing disclosure to others.

### YOUR HEALTH INFORMATION RIGHTS

Although your health record is the physical property of Dominion Psychiatric Associates, PLLC, the facility that compiled it, the information belongs to you. You have the following privacy rights:

1. The right to request restrictions on the use and disclosure of your PHI to carry out treatment, payment or health care operations.  
You should note that we are not required to agree to be bound by any restrictions that you request but are bound by each restriction that we do agree to.
2. To receive confidential communication of your PHI unless we determine that such disclosure would be harmful to you.
3. To inspect and copy your PHI unless we determine in our professional judgment that the access requested is reasonably likely to endanger your life or physical safety or that of another person.
4. To amend your PHI upon your written request to us setting forth your reasons for the requested amendment. We have the right to deny the request if the information is complete or has been created by another entity.  
We are required to act on your request to amend your PHI within sixty (60) days but this deadline may be extended for another thirty (30) days upon written notice to you. If we deny your requested amendment we will provide you with written notice of your decision and the basis for our decision. You will then have the right to submit a written statement disagreeing with our decision which will be maintained with your PHI. If you do not wish to submit a statement of disagreement you may request that we provide your request for amendment and our denial with any future disclosures of your PHI.
5. Upon request to receive an accounting of disclosures of your PHI made within the past 6 years of your request for an accounting. Disclosures that are exempted from the accounting requirement include the following:
  - Disclosures necessary to carry out treatment, payment and health care operations.
  - Disclosures made to you upon request.
  - Disclosures made pursuant to your authorization.
  - Disclosures made for national security or intelligence purposes.
  - Permitted disclosures to correctional institutions or law enforcement officials.
  - Disclosures that are part of a limited data set used for research, public health or health care operations.We are required to act on your request for an accounting within sixty (60) days but this headline may be extended for another thirty (30) days upon written notice to you of the reason for the delay and the date by which we will provide the accounting. You are entitled to one (1) accounting in any twelve (12) month period free of charge.
6. To receive a paper copy of this privacy notice.
7. The right to complain to us and to the Secretary of the U.S. Department of Health and Human Services (HHS) if you believe your privacy rights have been violated. You may submit your complaint to us in writing setting out the alleged violation. We are prohibited by law from retaliating against you in any way for filing a complaint with us or HHS.

## Uses and Disclosures

Your written authorization is required before we can use or disclose our psychotherapy notes, which are defined as our notes documenting or analyzing the contents of your conversations during our counseling sessions and that are separated from the rest of your clinical file. Psychotherapy notes do not include medication prescription and monitoring, counseling session start and stop times, the modalities and frequencies of treatment furnished, results of clinical tests and any summary of the following items: diagnosis, functional status, the treatment plan, symptoms, prognosis and progress to date.

It is our policy to protect the confidentiality of your PHI to the best of our ability and to the extent permitted by law. There are times however, when use or disclosure of your PHI including psychotherapy notes, is permitted or mandated by law even without your authorization.

Situations where we are not required to obtain your consent or authorization for use or disclosure of your PHI psychotherapy notes include the following circumstances:

- By our providers or office staff for treatment, payment or health care operations as they relate to you.  
*For example:* Information obtained by your provider will be recorded in your record and used to determine the course of treatment that should work best for you. Your provider will document in your record your work together and when appropriate they will provide a subsequent counselor or health care provider with copies of various reports that should assist him or her in treating you once we have terminated our therapeutic relationship.  
*For example:* A bill may be sent to you or a third-party payer. The information on or accompanying the bill may include information that identifies you, as well as your diagnosis, procedures, and supplies used.
  - In the event of an emergency to any treatment provider who provides emergency treatment to you.
  - To defend ourselves in a legal action or other proceeding brought by you against us.
  - When required by the Secretary of the Department of Health and Human Services in an investigation to determine our compliance with the privacy rules.
  - When required by law in so far as the use or disclosure complies with and is limited to the relevant requirements of such law.  
*For example:* To a public health authority or other government authority authorized by law to receive reports of child abuse or neglect.
- If we reasonably believe an adult individual to be the victim of abuse, neglect or domestic violence, to a governmental authority, including a social services agency authorized by law to receive such reports to the extent the disclosure is required by or authorized by law or you agree to the disclosure and we believe in the exercise of our professional judgment disclosure is necessary to prevent serious harm to you or other potential victims. If we make such a report we are obligated to inform you unless we believe informing the adult individual will place the individual at risk of serious injury.
- In the course of any judicial or administrative proceeding in response to:
    - An order of a court or administrative tribunal so long as only the PHI expressly authorized by such order is disclosed, or
    - A subpoena, discovery request or other lawful process, that is not accompanied by an order of a court or administrative tribunal so long as reasonable efforts are made to give you notice that your PHI has been requested or reasonable efforts are made to secure a qualified protective order, by the person requesting the PHI.
  - Child custody cases and other legal proceedings in which your mental health or condition is an issue are the kinds of suits in which your PHI may be requested.
  - In addition, we may use your PHI in connection with a suit to collect fees for our services.
  - In compliance with a court order or court ordered warrant, or a subpoena or summons issued by a judicial officer, a grand jury subpoena or summons, a civil or an authorized investigative demand or similar process authorized by law provided that the information sought is relevant and material to a legitimate law enforcement inquiry, the request is specific and limited in scope to the extent reasonably practicable in light of the purpose for which the information is sought and de-identified information could not be reasonably used.
  - To a health oversight agency for oversight activities authorized by law as they may relate to us (i.e., audits; civil, criminal or administrative investigations, inspections, licensure or disciplinary actions; civil, administrative, or criminal proceedings or actions).
  - To a coroner or medical examiner for the purpose of identifying a deceased person, determining a cause of death, or other duties as authorized by law.
  - To funeral directors consistent with applicable law as necessary to carry out their duties with respect to the decedent.
  - To the extent authorized by and the extent necessary to comply with laws relating to workers compensation or other similar programs established by law.
  - If use or disclosure is necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the public and the disclosure is made to a person or persons reasonably able to prevent or lessen the threat, including the target of the threat.
  - To a public health authority that is authorized by law to collect or receive such information for the purposes of preventing or controlling a disease, injury or disability, including, but not limited to, the reporting of disease, injury, vital events such as birth, death, and the conduct of public surveillance, public health investigations, and public health interventions.
  - To a person who may have been exposed to a communicable disease or may otherwise be at risk of contracting or spreading a disease or condition, if the covered entity or public health authority is authorized by law to notify such persons as necessary in the conduct of a public health intervention or investigation.
  - To a public health authority or other appropriate governmental authority authorized by law to receive reports of child abuse or neglect.
  - To a law enforcement official if we believe in good faith that the PHI constitutes evidence of criminal conduct that occurs on our premises.
  - Using our best judgment, to a family member, other relative or close personal friend or any other person you identify, we may disclose PHI that is relevant to that person's involvement in your care or payment related to your care.
  - To authorized federal officials for the conduct of lawful intelligence, counter-intelligence, and other national security activities authorized by the National Security Act and implementing authority.
  - To Business Associates under a written agreement requiring Business Associates to protect the information. Business Associates are entities that assist with or conduct activities on our behalf including individuals or organizations that provide legal, accounting, administrative, and similar functions.

We may contact you with appointment reminders or information about treatment alternatives or other health related benefits and services that may be of interest to you.

If you have any questions and would like additional information you should bring this to your provider's attention at the first opportunity. Alternatively, the Privacy Officer for our practice will be glad to respond to your questions or request for information. Please send your request in writing to Privacy Officer, Dominion Psychiatric Associates, PLLC 2580 Potters Road, Virginia Beach, VA 23454.