

## NOTICE OF PRIVACY AND CONFIDENTIALITY

J.C-H. Psychological Solutions, PLLC  
7703 N. Lamar Blvd Suite 230  
Austin, TX 78752

**This Notice of Privacy Practices (NPP) describes how health information about you may be used and disclosed and how you can get access to this information. Please review it carefully. If you have any questions about this NPP please contact the Compliance Officer at J.C-H. Psychological Solutions, PLLC.**

### **This NPP will explain:**

- How J.C-H. Psychological Solutions, PLLC may use and disclose your Protected Health Information (PHI);
- Our obligations related to the use and disclosure of your PHI;
- Your rights related to any PHI that J.C-H. Psychological Solutions, PLLC has or retains about you.

This NPP describes how J.C-H. Psychological Solutions, PLLC may use and disclose your PHI to carry out treatment, payment and/or health care operations and for other purposes that are permitted or required by law. It also describes your rights to access and control your PHI. PHI is information about you, including demographic information, which may identify you and that relates to your past, present or future physical or mental health or condition and related health care services.

J.C-H. Psychological Solutions, PLLC staff are required to abide by the terms of this NPP. A copy is available at J.C-H. Psychological Solutions, PLLC and at the below stated website. J.C-H. Psychological Solutions, PLLC may change the terms of this NPP, at any time. The new NPP will be effective for all PHI that J.C-H. Psychological Solutions, PLLC maintains at that time. J.C-H. Psychological Solutions, PLLC will provide you with any revised NPP by posting it on our website: <http://www.jcarterhaith.com> and making it available when you visit J.C-H. Psychological Solutions, PLLC.

### **I. Uses and Disclosures of Protected Health Information (PHI)**

On your first visit to J.C-H. Psychological Solutions, PLLC, you may be asked to complete a new patient information form and you will be required to sign an acknowledgement of NPP. A copy of the NPP will be made available to you. J.C-H. Psychological Solutions, PLLC may obtain, but is not required to, your consent for the use or disclosure of your PHI for treatment, payment and/or health care operations. J.C-H. Psychological Solutions, PLLC staff are required to obtain your authorization for the use or disclosure of your information for other specific purposes or reasons. J.C-H. Psychological Solutions, PLLC staff have listed some of the types of uses or disclosures below. Not every possible use or disclosure is covered, but all of the ways that a J.C-H. Psychological Solutions, PLLC staff member is allowed to use and disclose information will fall into one of the categories. Your PHI may be used and disclosed by your provider, our office staff and others outside of our office that are involved in your care and treatment for the purpose of providing health care services to you. Your PHI may also be used and disclosed to pay your health care bills and to support the operation of J.C-H. Psychological Solutions, PLLC. Following are examples of the types of uses and disclosures of your PHI that J.C-H. Psychological Solutions, PLLC is permitted to make.

- **Treatment.** J.C-H. Psychological Solutions, PLLC will use and disclose your PHI to provide, coordinate, or manage your health care and any related services. This includes the coordination or management of your PHI with a third party that has already obtained your permission to have access to your PHI. For example, J.C-H. Psychological Solutions, PLLC would disclose your PHI, as necessary, to a home health agency that provides care to you. J.C-H. Psychological Solutions, PLLC will also disclose PHI to other providers or health facilities that may treat you when it has the necessary permission from you to disclose your PHI. For example, your PHI may be provided to a health provider to whom you have been referred to ensure that the provider has the necessary PHI to diagnose or treat you. In addition, J.C-H. Psychological Solutions, PLLC may disclose your PHI from time-to-time to another health care provider (e.g., a specialist or laboratory) who, at the request of your provider, becomes involved in your care by providing assistance with your health care diagnosis or treatment to your provider.
- **Payment.** Your PHI will be used, as needed, to obtain payment for your health care services. This may include certain activities that your health insurance plan may undertake before it approves or pays for the health care services recommended for you such as: making a determination of eligibility or coverage for insurance benefits, reviewing services provided to you for medical necessity, and undertaking utilization review activities. For example, J.C-H. Psychological Solutions, PLLC may need to provide your insurance plan information about treatment you received, so your insurance will pay for the services.

If you instruct J.C-H. Psychological Solutions, PLLC staff, only the minimum necessary information will be communicated to the carrier. However, our staff has no control or knowledge over what insurance companies do with this information or who has access to this information. You must be made aware that submitting a mental health invoice for reimbursement

carries a certain amount of risk to confidentiality, privacy, or to future capacity to obtain health or life insurance coverage or even a job. The risk stems from the fact that mental health information is likely to be entered into a large insurance company database and is likely to be reported to the National Medical Data Bank. Accessibility to a company's database or to the National Data Bank database is always in question as computers are inherently vulnerable to break in's and unauthorized access. Medical data has been also reported to be legally accessed by enforcement and other agencies, which also puts you in a vulnerable position.

- **Health Care Operations.** J.C-H. Psychological Solutions, PLLC may use or disclose, as needed, your PHI in order to support the business activities of J.C-H. Psychological Solutions, PLLC. These activities include, but are not limited to: quality assessment activities, licensing, and employee review activities. In addition, J.C-H. Psychological Solutions, PLLC may use a sign-in sheet at the registration desk where you will be asked to sign your name. The staff of J.C-H. Psychological Solutions, PLLC may also call you by name in a lobby when your provider is ready to see you. J.C-H. Psychological Solutions, PLLC may use or disclose your PHI, as necessary, to contact you to remind you of your appointment. J.C-H. Psychological Solutions, PLLC will share your PHI with third party "business associates" that perform various activities (e.g., billing, reading of x-rays, performing lab tests, transcription services) for the practice. Whenever an arrangement between our office and a business associate involves the use or disclosure of your PHI, J.C-H. Psychological Solutions, PLLC will have a written contract that contains terms that will protect the privacy of your PHI.

## II. Uses and Disclosures of Protected Health Information That Do Not Require Your Consent or Authorization

- **Appointments and Alternatives.** J.C-H. Psychological Solutions, PLLC may use and disclose PHI to contact you as a reminder that you have an appointment for treatment or services at J.C-H. Psychological Solutions, PLLC.
- **Business Associates.** J.C-H. Psychological Solutions, PLLC may disclose your PHI to J.C-H. Psychological Solutions, PLLC business associates in order to carry out treatment, payment, or health care operations.
- **Coroners, Medical Examiners and Funeral Directors.** J.C-H. Psychological Solutions, PLLC may disclose PHI to a coroner or medical examiner to identify a deceased person or to determine the cause of death, or as otherwise permitted by law. J.C-H. Psychological Solutions, PLLC may also disclose PHI about patients of J.C-H. Psychological Solutions, PLLC to funeral directors as necessary to carry out their duties.
- **Individuals Involved in Disaster Relief:** Should a disaster occur, a J.C-H. Psychological Solutions, PLLC may disclose PHI about you to any agency assisting in a disaster relief effort so that your family can be notified about your condition, status and location.
- **Correctional Institutions.** If you are an inmate of a correctional institution or under the custody of a law enforcement official, PHI may be released about you to the correctional institution or law enforcement official if the release is necessary (1) for the institution to provide you with health care; (2) to protect your health and safety or the health and safety of others; or (3) for the safety and security of the correctional institution.
- **Health Oversight Activities.** J.C-H. Psychological Solutions, PLLC may disclose your PHI to a health oversight agency or entity for activities authorized by law, such as audits, investigations, inspections, and licensure.
- **Treatment Alternatives and Health-Related Benefits and Services.** J.C-H. Psychological Solutions, PLLC may use and disclose PHI to tell you about or recommend possible treatment options or alternatives or health-related benefits or services that may be of interest to you.
- **As Required By Law.** J.C-H. Psychological Solutions, PLLC will disclose PHI about you when required by law.
- **Individuals Involved in Your Care or Payment for Your Care.** J.C-H. Psychological Solutions, PLLC may disclose your PHI to a family member, other relative, or close personal friend who is involved in your medical care or to someone who helps pay for your care if the PHI disclosed is directly relevant to such person's involvement with your care, unless you tell us otherwise.
- **Law Enforcement.** J.C-H. Psychological Solutions, PLLC may disclose your PHI for law enforcement purposes, as required by law or in response to a valid subpoena.
- **Lawsuits and Disputes.** J.C-H. Psychological Solutions, PLLC may disclose your PHI in response to a court or administrative order. Disclosure of your PHI may be required in response to a valid subpoena, discovery request, or other lawful process provided that efforts have been made to tell you about the request or to obtain an order protecting the information requested, as required by law. In addition, J.C-H. Psychological Solutions, PLLC may disclose your PHI in pursuant to a legal proceeding by or against you. If you place your mental status at issue in litigation initiated by you, the dependent may have the right to obtain the psychotherapy records and /or testimony by J.C-H. Psychological Solutions, PLLC staff. In couple and family therapy, or when different family members are seen individually, even over a period of time, confidentiality and privilege do not apply between the couple or among family members, unless otherwise agreed upon. Our staff will use clinical judgment when revealing such information. Additionally, our staff will not release records to any outside party unless authorized to do so by all adult family members who were part of the treatment.
- **Litigation Limitation:** Due to the nature of the therapeutic process and the fact that it often involves making full disclosure with regard to many matters which may be of a confidential nature, it is agreed that should there be legal proceedings (such as, but not limited to divorce and custody disputes, injuries, lawsuits, etc.), neither you, nor your attorney, nor anyone else acting on your behalf will contact J.C-H. Psychological Solutions, PLLC staff to testify in court or at any other proceeding, nor will a disclosure of the psychotherapy records be requested unless otherwise agreed upon.

- **Organ and Tissue Donation.** J.C-H. Psychological Solutions, PLLC may disclose PHI to organizations that handle organ procurement or organ, eye or tissue transplantation or to an organ donation bank to facilitate organ or tissue donation and transplantation.
- **Public Health Activities.** J.C-H. Psychological Solutions, PLLC may disclose PHI about you for public health activities. These activities generally include the following: to prevent or control disease, injury or disability; to report births and deaths; to report child, disabled person, or elder abuse or neglect; to report reactions to medications or problems with products; to notify people of recalls of products they may be using; to notify a person who may have been exposed to a disease or may be at risk for contracting or spreading a disease or condition or to notify the appropriate government authority if we believe a patient has been the victim of abuse, neglect or domestic violence. J.C-H. Psychological Solutions, PLLC will only make this disclosure if you agree or when required or authorized by law.
- **Serious Threat to Health or Safety.** J.C-H. Psychological Solutions, PLLC may use and disclose your PHI when J.C-H. Psychological Solutions, PLLC deems it necessary to prevent a serious threat to your health and safety or the health and safety of the public or another person. In addition, J.C-H. Psychological Solutions, PLLC may disclose or use your PHI if you present a danger to property, or are gravely disabled, or when your family members communicate to J.C-H. Psychological Solutions, PLLC staff that you present a danger to others.
- **Workers' Compensation.** J.C-H. Psychological Solutions, PLLC may disclose your PHI to workers' compensation or similar programs to the extent necessary to comply with laws relating to worker's compensation or similar programs.

### III. Uses and Disclosures of Protected Health Information Based upon Your Written Authorization

**Other uses and disclosures of your PHI will be made only with your written authorization, unless otherwise permitted or required by law as described below. You may revoke this authorization, at any time, in writing, except to the extent that your provider has taken an action in reliance on the use or disclosure indicated in the authorization.**

**Research.** J.C-H. Psychological Solutions, PLLC may disclose your PHI to researchers when the research has been legally approved and protocols have been established to ensure the privacy of your PHI.

### IV. Other Uses Or Disclosures Of Protected Health Information

Other uses or disclosures not covered in this NPP will not be made without your written authorization, unless otherwise permitted or required by law. If you provide J.C-H. Psychological Solutions, PLLC with written authorization to use or disclose information, you can change your mind and revoke your authorization at any time, as long as it is in writing. If you revoke your authorization, J.C-H. Psychological Solutions, PLLC will no longer use or disclose the information. However, J.C-H. Psychological Solutions, PLLC will not be able to take back any disclosures that have been made pursuant to your previous authorization.

### Your Bill of Rights

You have the following rights regarding your PHI. To exercise any of the following rights, you must submit a written request. Forms are available on our website, <http://www.jcartherhaith.com>, or by contacting the J.C-H. Psychological Solutions, PLLC Compliance Officer at (512) 206-4263.

- **A copy of this Notice.** You may obtain a paper copy of this Notice at any time, even if you have been provided with an electronic copy. You do not have to submit a written request to obtain the Notice. Paper copies of this Notice may be obtained at any time at our office. You may obtain an electronic copy of this Notice on our web site, <http://www.jcartherhaith.com>.
- **Inspect and copy.** You may inspect and/or receive a copy of your PHI maintained by J.C-H. Psychological Solutions, PLLC. J.C-H. Psychological Solutions, PLLC may charge you a reasonable fee for copying your information.
- **Request amendment.** If you believe your PHI maintained by J.C-H. Psychological Solutions, PLLC is incorrect or incomplete, you may request an amendment to your information. J.C-H. Psychological Solutions, PLLC is not required to agree to your request.
- **Request restriction.** You may request limitations on how J.C-H. Psychological Solutions, PLLC uses and/or discloses your PHI. J.C-H. Psychological Solutions, PLLC is not required to agree to your request. If J.C-H. Psychological Solutions, PLLC agrees to your request, J.C-H. Psychological Solutions, PLLC will comply with your request unless the use or disclosure is necessary in order to provide you with emergency treatment or is otherwise required by law.
- **Receive confidential communications.** You may request communications from J.C-H. Psychological Solutions, PLLC regarding your PHI be provided to you in a certain way or at a certain location. For example, you may prefer to receive mail regarding your PHI at an address other than your usual mailing address. You must specify how or where you wish to be contacted.
- **Accounting of disclosures.** You may request a list of disclosures made by J.C-H. Psychological Solutions, PLLC of your PHI to persons or entities other than for the purposes of treatment, payment or health care operations, or pursuant to your specific authorization. This list will contain each disclosure J.C-H. Psychological Solutions, PLLC has made for the past six

(6) years, but not prior to September 11, 2011. If you make more than one request in a 12-month period, J.C-H. Psychological Solutions, PLLC may charge you a reasonable fee.

#### **J.C-H. Psychological Solutions, PLLC Responsibilities**

J.C-H. Psychological Solutions, PLLC is required by law to maintain the privacy of your health information and to provide you with notice of its legal duties and privacy practices with respect to your health information. J.C-H. Psychological Solutions, PLLC is required by law to abide by the terms of this notice. J.C-H. Psychological Solutions, PLLC reserves the right to change the terms of this notice and to make new notice provisions effective for all protected health information it maintains. Revised notices will be posted in all J.C-H. Psychological Solutions, PLLC offices and on our website, as well as given to all active patients.

#### **Complaints and Reporting Violations**

You may complain to the Secretary of the United States Department of Health and Human Services at 200 Independence Avenue S.W., Washington, D.C. 20201, to TDSHS (800) 832-9623, and to the J.C-H. Psychological Solutions, PLLC Compliance Officer (at the address below) if you believe that your privacy rights have been violated under HIPAA. J.C-H. Psychological Solutions, PLLC will take no retaliatory action against you if you file a complaint about our privacy practices.

#### **Contact**

If you have questions about this notice or any complaints, please contact our Compliance Officer at 7703 N. Lamar Blvd. Ste. 230 Austin, TX 78752 (512) 206-4263. Violation of the Confidentiality Law by a program is a crime. Suspected violations of the Confidentiality Law may be reported to the United State Attorney in the district where the violation occurs.

**Effective Date:** This notice comes into effect on January 31st, 2013. **Acknowledgement:** I hereby acknowledge that I received a copy of this notice.