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# Sidney W. Binks III, Ph.D.

Neuropsychologist/Clinical Psychologist

Neuropsychological Assessment  
Psychoeducation Assessment  
Forensic Assessment

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## NOTICE OF POLICIES AND PRACTICES TO PROTECT THE PRIVACY OF YOUR HEALTH INFORMATION

### OVERVIEW

This notice provides you with information about how your mental health records may be used, the rights you have as a patient, and my legal duty as a provider of treatment. I am required to provide you with this notice under the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule, which took effect on April 14, 2003. This law is designed to protect the confidentiality of your treatment and records created as part of your treatment. Please review it carefully. Let me know if you have any questions or would like additional information. If you do not sign this consent form agreeing to what is in this notice, I cannot treat you.

#### I. Uses and Disclosures for Treatment, Payment, and Health Care Operations

As part of your treatment, I will record, maintain, and use individually identifiable health care information about you. This may include information describing your history, symptoms, test results, diagnoses, treatment, treatment plan, billing, and health insurance information.

I may disclose your protected health information (PHI) for treatment, payment, and health care operations purposes with your consent. Treatment is when I provide or coordinate your health care. An example of treatment would be when I consult with another health care provider, such as your family physician or another therapist.

Your PHI may be disclosed in order to collect payment for services provided or to determine eligibility or coverage.

Health Care Operations are activities that relate to the performance and operation of my practice. Examples of health care operations include quality assessment and improvement activities, business-related matters such as audits and administrative services, care coordination, accreditation, certification, licensing or credentialing activities.

#### II. Uses and Disclosures Requiring Authorization

I will not use or disclose your medical information for any reason except those described in this Notice without your written consent. I may use or disclose PHI for purposes outside of treatment, payment, and health care operations when your appropriate written authorization is obtained.

I will also need to obtain a separate authorization before releasing your psychotherapy notes. Psychotherapy notes are notes that I write about your conversations during a private, group, joint, or family psychotherapy sessions, which I keep separate from the rest of your medical record. These notes are given a greater degree of protection than other PHI.

You have a right to refuse to authorize releasing your information to others, with certain exceptions which are listed below. You may revoke all such authorizations at any time, provided each revocation is in writing, but this will not affect prior authorized uses or disclosures.

#### III. Uses and Disclosures with Neither Consent nor Authorization

I may use or disclose PHI without your consent or authorization in the following circumstances, as required by state and Federal law:

\* **Healthcare Operations:** If you request that I submit bills to an insurance company for payment, you are deemed to have consented to the disclosure of specific information, including dates of service, name, policy number, diagnosis, services offered, prognosis, progress, medications prescribed, and the patient's relationship to the subscriber of the insurance. Only the minimum information necessary to obtain reimbursement will be provided.

\* **Child Abuse:** If I have reason to suspect that a child is abused or neglected, I am required by law to report the matter immediately to the District of Columbia Child Protective Services. I will discuss this with you as appropriate.

\* **Abuse of Elderly or Incapacitated Adults.** When I have reason to suspect that an incapacitated adult (e.g. someone who is not able to advocate for himself or herself) is being abused, neglected or exploited, I am required by law to make a report and provide relevant information to the District of Columbia Government. You will be notified of this action unless I believe that it would put you at risk of serious harm.

Initial: \_\_\_\_\_ Date: \_\_\_\_\_ Page 1 of 3

\* **Judicial or Administrative Proceedings (Court Orders):** If you are involved in a court proceeding and a request is made for information about your treatment, I will not release information without your written authorization. If I receive a subpoena for your records, I am required to respond. I will attempt to contact you first to see if you consent to such release. If you object, you may file a motion with the clerk of the court to move to quash (block) the subpoena. Notify me as soon as possible; I am then required to place your records in a sealed envelope and provide them to the clerk of the court so that the court can determine whether the records should be released.

\* **Serious Threat to Health or Safety of Others:** If you communicate to me a specific and immediate threat to cause serious bodily injury or death to an identified or to a readily identifiable person, and I believe you have the intent and ability to carry out that threat immediately or imminently, I must take steps to protect the threatened person.

\* **Danger to Self:** I can break confidentiality if you (or your child) are in danger of hurting yourself, in order to keep you (or your child) safe. This may include notifying emergency personnel.

\* **Worker's Compensation:** If you file a worker's compensation claim, I am required by law, upon request, to submit your relevant PHI to you, your employer, the insurer, or a certified rehabilitation provider.

\* **Supervision:** I may discuss your treatment with colleagues to improve the quality of your care. However, your name or other identifying information that could identify you will not be used.

\* **Debt Collection:** Your name can be reported to a collection agency and/or a credit bureau if you fail to pay your bill. You will be notified before such a report is made.

\* **Legal Defense:** Disclosure may be made if I must arrange for legal consultation if a patient takes legal action against me.

\* **Quality Assurance:** If you are using insurance to pay for part or all of your treatment, an insurance company can periodically review records to insure quality care.

#### IV. 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, I can send your bills to an address other than your home if you request this.

· **Right to Inspect Records** - You have the right to inspect your records, including PHI and billing records for as long as the PHI is maintained in the record. I generally keep records for five years after your last visit here. Because these are professional records, they can be misinterpreted and/or upsetting to untrained readers. For this reason, I require that you initially review them with me or have them forwarded to another mental health professional so you can discuss the contents. I may deny your access to PHI and psychotherapy notes, but in some cases you may have this decision reviewed. One reason for denial is if I believe that releasing such information would likely cause substantial harm to you (or your child if your child is the patient). 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; if so, we will provide you with a written explanation.

· **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). We must provide you with the accounting within 60 days of your written request.

· **Right to a Paper Copy** - You have the right to request a copy of this notice from me.

#### V. Privacy Safeguards

I have developed appropriate administrative, technical, and physical safeguards to protect the privacy of your Protected Health Information. These including placing locks on file cabinets, shredding documents with identifying information, using passwords on computers, as well as other safeguards.

#### VI. Effective Date, Restrictions and Changes to Privacy Policy

This notice went into effect on April 14, 2003. I may revise my privacy policies, as permitted or required by law. These revisions, which may

be retroactive, will apply to all PHI that we maintain. I will provide you with a revised notice.

VII. Uses and Disclosures Involving Personal Representatives

Where an incapacitated patient has a guardian or legal representative with authority to make health care decisions for the patient, I must treat the guardian or legal representative as the patient with respect to PHI. If the patient is a minor child, I must treat the parent (or legal guardian) as the patient with respect to PHI. However, if I have reasonable belief that a parent, guardian, or legal representative has subjected or may subject the patient to abuse or neglect or otherwise endanger the patient, and I believe that it is not in the patient's best interest to release such information, I may elect not to treat the parent or guardian as the patient and hence not disclose confidential information. A parent or guardian may allow a confidentiality agreement between the minor patient and the therapist.

VIII. Complaints

If you are concerned that we have violated your privacy rights, or you disagree with a decision made about access to your records, you may contact me, the HIPAA Privacy Officer, Sidney W. Binks III, Ph.D., to register a complaint or to obtain further information. A form to make the complaint will be provided upon request. You may also send a written complaint to the Secretary of the U.S. Department of Health and Human Services. I will not retaliate if you file a complaint.

**I AGREE TO ACCEPT THE ABOVE NOTICE OF POLICIES AND PRACTICES TO PROTECT THE PRIVACY OF MY HEALTH INFORMATION BY SIGNING BELOW:**

Sign Name \_\_\_\_\_ Witness Signature \_\_\_\_\_  
(Patient/Guardian) (Date) (Date)

Print Name \_\_\_\_\_ Witness Print Name \_\_\_\_\_  
(Patient/Guardian) (Date) (Date)