

**Benson Psychological Services, PC, PC, PC
Notice of Psychologists'/Therapists' Policies and Practices to Protect
the Privacy of Your
Health Information**

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

Privacy is a very important concern for all those who come to this office. It is also complicated because of the many federal and state laws and our professional ethics. Because the rules are so complicated, some parts of this notice are very detailed, and you probably will have to read them several times to understand them. If you have any questions, our privacy officer will be happy to help you understand our procedures and your rights. His or her name and address are at the end of this notice.

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A. Introduction: To our clients

- This notice will tell you how we handle your medical information. It tells how we use this information here in this office, how we share it with other professionals and organizations, and how you can see it. We want you to know all of this so that you can make the best decisions for yourself and your family. If you have any questions or want to know more about anything in this notice, please ask our privacy officer for more explanations or more details.

B. What we mean by your medical information:

- Each time you visit us or any doctor’s office, hospital, clinic, or other health care provider, information is collected about you and your physical and mental health. It may be information about your past, present, or future health or conditions, or the tests and treatment you got from us or from others, or about payment for health care. The information we collect from you is called **“PHI,”** which stands for **“protected health information.”** This information goes into your **medical or health care records** in our office.

In this office, your PHI is likely to include these kinds of information:

- Your history: Things that happened to you as a child; your school and work experiences; your marriage and other personal history.
- Reasons you came for treatment: Your problems, complaints, symptoms, or needs.
- Diagnoses: These are the medical terms for your problems or symptoms.
- A treatment plan: This is a list of the treatments and other services that we think will best help you.
- Progress notes: Each time you come in, we write down some things about how you are doing, what we notice about you, and what you tell us.
- Records we get from others who treated you or evaluated you.
- Psychological test scores, school records, and other reports.
- Information about medications you took or are taking.
- Legal matters.
- Billing and insurance information There may also be other kinds of information that go into your health care records here.
- We use PHI for many purposes. For example, we may use it:
 - To plan your care and treatment.
 - To decide how well our treatments are working for you.
 - When we talk with other health care professionals who are also treating you, such as your family doctor or the professional who referred you to us.
 - To show that you actually received services from us, which we billed to you or to your health insurance company.
 - For teaching and training other healthcare professionals.
 - For medical or psychological research.
 - For public health officials trying to improve health care in this area of the country.
 - To improve the way we do our job by measuring the results of our work.
- When you understand what is in your record and what it is used for, you can make better decisions about who, when, and why others should have this information.
- Although your health care records in our office are our physical property, the information belongs to you. You can read your records, and if you want a copy we can make one for you (but we may charge you for the costs of copying and mailing, if you want it mailed to you). In some very rare situations, you cannot see all of what is in your records. If you find anything in your records that you think is incorrect or believe that something important is missing, you can ask us to amend (add information to) your records, although in some rare situations we don’t have to agree to do that. If you want, our privacy officer, whose name is at the end of this notice, can explain more about this.

C. Privacy and the laws about privacy

- We are required to tell you about privacy because of a federal law, the Health Insurance Portability and Accountability Act of 1996 (HIPAA). HIPAA requires us to keep your PHI private and to give you this notice about our legal duties and our privacy practices.
- We will obey the rules described in this notice. If we change our privacy practices, they will apply to the entire PHI we keep. We will also post the new notice of privacy practices in our office where everyone can see. You or anyone else can also get a copy from our privacy officer at any time. It is also posted on our website at www.bensonpsychologicalservices.com.

D. How your protected health information can be used and shared:

- Except in some special circumstances, when we use your PHI in this office or disclose it to others, we share only the **minimum necessary** PHI needed for those other people to do their jobs. The law gives you rights to know about your PHI, to know how it is used, and to have a say in how it is shared. So we will tell you more about what we do with your information. Mainly, we will use and disclose your PHI for routine purposes to provide for your care, and we will explain more about these below. For other uses, we must tell you about them and ask you to sign a written authorization form. However, the law also says that there are some uses and disclosures that don't need your consent or authorization. "Use" applies only to activities within Benson Psychological Services, PC, PC, such as sharing, employing, applying, utilizing, examining, and analyzing information that identifies you. "Disclosure" applies to activities outside of Benson Psychological Services, PC, PC, such as releasing, transferring, or providing access to information about you to other parties.

1. Uses and disclosures with your consent:

- After you have read this notice, you will be asked to sign a separate **consent form** to allow us to use and share your PHI. In almost all cases we intend to use your PHI here or share it with other people or organizations to provide treatment to you, arrange for payment for our services, or some other business functions called "health care operations." In other words, we need information about you and your condition to provide care to you. You have to agree to let us collect the information, use it, and share it to care for you properly. Therefore, you must sign the consent form before we begin to treat you. If you do not agree and consent we cannot treat you.

a. The basic uses and disclosure: For treatment, payment, and health care operations

- **For treatment:** We use your medical information to provide you with psychological treatments or services. These might include individual, family, or group therapy; psychological, educational, or vocational testing; treatment planning; or measuring the benefits of our services. We may share your PHI with others who provide treatment to you. We are likely to share your information with your personal physician. If a team is treating you, we can share some of your PHI with the team members, so the services you receive will work best together. The other professionals treating you will also enter their findings, the actions they took, and their plans into your medical record, so we all can decide what treatments work best for you and make up a treatment plan. We may refer you to other professionals or consultants for services we cannot provide. When we do this, we need to tell them things about you and your conditions. We will get back their findings and opinions, and those will go into your records here. If you receive treatment in the future from other professionals, we can also share your PHI with them. These are some examples so you can see how we use and disclose your PHI for treatment.
- **For payment:** "Payment" refers to our activities to obtain reimbursement for health care services. We may use your information to bill you, your insurance, or others, so we can be paid for the treatments we provide to you. We may contact your insurance company to find out exactly what your insurance covers. We may have to tell them about your diagnoses, what treatments you have received, and the changes we expect in your conditions. We will need to tell them about when we met, your progress, and other similar things.

- **For health care operations:** Using or disclosing your PHI for health care operations goes beyond our care and your payment. For example, we may use your PHI to see where we can make improvements in the care and services we provide. We may be required to supply some information to some government health agencies, so they can study disorders and treatment and make plans for services that are needed. If we do, your name and personal information will be removed from what we send.

b. Other uses and disclosures in health care

- **Appointment reminders:** We may use and disclose your PHI to reschedule or remind you of appointments for treatment or other care. If you want us to call or write to you only at your home or your work, or you prefer some other way to reach you, we usually can arrange that. Just tell us.
- **Treatment alternatives:** We may use and disclose your PHI to tell you about or recommend possible treatments or alternatives that may be of help to you.
- **Other benefits and services:** We may use and disclose your PHI to tell you about health-related benefits or services that may be of interest to you.
- **Research:** We may use or share your PHI to do research to improve treatments—for example, comparing two treatments for the same disorder, to see which works better or faster or costs less. In all cases, your name, address, and other personal information will be removed from the information given to researchers. If they need to know who you are, we will discuss the research project with you, and we will not send any information unless you sign a special authorization form.
- **Business associates:** We hire other businesses to do some jobs for us. In the law, they are called our “business associates.” Examples include a copy service to make copies of your health records, and a billing service to figure out, print, and mail our bills. These business associates need to receive some of your PHI to do their jobs properly. To protect your privacy, they have agreed in their contract with us to safeguard your information.
- **Other:** We will also obtain an authorization from you before using or disclosing PHI in a way that is not described in this Notice.

2. Uses and disclosures that require your authorization

- If we want to use your information for any purpose besides those described above, we need your permission on an **authorization form**. An “authorization form” is written permission above and beyond the general consent that permits only specific disclosures. In those cases 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 also need to obtain an authorization before releasing psychotherapy notes. Some therapists may maintain a separate file of “psychotherapy notes,” which are notes your therapist has made about you during a private, group, joint, or family counseling session that are kept separate from your medical record. These notes are given a greater degree of protection than PHI. Not all counselors maintain this separate file, nor is this separate file maintained for all patients. We don’t expect to need authorization forms very often. If you do allow us to use or disclose your PHI, you can cancel that permission (of PHI or psychotherapy notes) in writing at any time. We would then stop using or disclosing your information for that purpose. You may not revoke an authorization to the extent that (1) we have relied on that authorization (i.e., already released that information with your permission); or (2) if the authorization was obtained in a condition of obtaining insurance coverage, and the law provides the insurer the right to contest the claim under the policy.

3. Uses and disclosures that do not require your consent or authorization

- The law lets us use and disclose some of your PHI without your consent or authorization in some cases. Here are some examples of when we might do this:
 - a. **When required by law:** There are some federal, state, or local laws that require us to disclose PHI.
 - b. **Child Abuse:** We have to report suspected child abuse. If in our professional capacity we gain knowledge of or have reasonable cause to suspect a child is abused or neglected or has died as a result of abuse or neglect, we are required by law to report the circumstances to the North Dakota Department of Human Services. **Adult and Domestic Abuse:** If we have knowledge or reasonable cause to suspect that an adult with developmental disabilities or mental illness to whom I am providing services is being abuse, neglected, or exploited, we are required by law to report the circumstances to the North Dakota Protection and Advocacy Project.
 - c. **Health Oversight:** If the State Board of Psychologist Examiners subpoenas me, I must appear as a witness and bring copies of patient records. We also have to disclose some information to the government agencies that check on us to see that we are obeying the privacy laws.
 - d. **Judicial or Administrative Proceedings:** If you are involved in a court proceeding and a request is made for information about your evaluation, diagnosis and treatment, and the records thereof, such information is privileged under state law and I must not release your information without your written authorization or a court order. We will only disclose your PHI after trying to tell you about the request, consulting your or our lawyer, or trying to get a court order to protect the information they requested. This privilege does not apply when you are being evaluated for a third party or where the evaluation is court ordered. We will inform you in advance if this is the case.
 - e. **Serious Threat to Health or Safety:** We may disclose your confidential information to protect you or others from a serious threat of harm by you. We will only do this to persons who can prevent the danger.
 - f. **Worker's Compensation:** If you file a worker's compensation claim, we may disclose any information including subsequent progress reports, records, bills, and other information concerning mental health care services to the North Dakota Worker's Compensation Bureau.
 - g. **For public health activities:** We may disclose some of your PHI to agencies that investigate diseases or injuries.
 - h. **Relating to decedents:** We may disclose PHI to coroners, medical examiners, or funeral directors, and to organizations relating to organ, eye, or tissue donations or transplants.
 - i. **For specific government functions:** We may disclose PHI of military personnel and veterans to government benefit programs relating to eligibility and enrollment. We may disclose your PHI to workers' compensation and disability programs, to correctional facilities if you are an inmate, or to other government agencies for national security reasons.
 - j. **Other:** There may be additional disclosures of PHI that we are required to or permitted by law to make without your consent or authorization. However, the disclosures listed above are the most common. We will disclose your PHI when the use and disclosure without your consent or authorization is allowed under other sections of Section 164.512 of the Privacy Rule and the state's confidentiality law.

4. Uses and disclosures where you have an opportunity to object

- We can share some information about you with your family or close others. We will only share information with those involved in your care and anyone else you choose, such as close friends or

clergy. We will ask you which persons you want us to tell, and what information you want us to tell them, about your condition or treatment. You can tell us what you want, and we will honor your wishes as long as it is not against the law

- If it is an emergency, and so we cannot ask if you disagree, we can share information if we believe that it is what you would have wanted and if we believe it will help you if we do share it. If we do share information, in an emergency, we will tell you as soon as we can. If you don't approve we will stop, as long as it is not against the law.

E. Your rights concerning your health information:

- **Right to Receive Confidential Communications by Alternative Means and at Alternative Locations:** You can ask us to communicate with you about your health and related issues in a particular way or at a certain place that is more private for you. For example, you can ask us to call you at home (and not at work) to schedule or cancel an appointment. We will try our best to do as you ask.
- **Right to Request Restrictions:** You have the right to ask us to limit what we tell people involved in your care or with payment for your care, such as family members and friends. We don't have to agree to your request, but if we do agree, we will honor it except when it is against the law, an emergency, or when the information is necessary to treat you.
- **Right to Inspect and Copy:** You have the right to look at the health information we have about you, such as your medical and billing records used to make decisions about you for as long as the PHI is maintained in the record. You can get a copy of these records, but we may charge you. On your request, your treatment provider will discuss with you the details of the request process.
- **Right to Amend:** If you believe that the information in your records is incorrect or missing something important, you can ask us to make additions to your records to correct the situation for as long as the PHI is maintained in the record. You have to make this request in writing and send it to our privacy officer (see below). You must also tell us the reasons you want to make the changes.
- **Right to a Paper Copy:** You have the right to a paper copy of this notice, even if you have agreed to receive the notice electronically. If we change this notice, we will post the new one in our waiting area, and you can always get a copy from the privacy officer.
- **Right to Restrict Disclosures When You Have Paid for Your Care Out-of-Pocket:** You have the right to restrict certain disclosures of PHI to a health plan when you pay out-of-pocket in full for our services.
- **Right to Be Notified if There is a Breach of Your Unsecured PHI:** You have the right to be notified if: (a) there is a breach in use or disclosure of your PHI in violation of the HIPAA Privacy Rule) involving your PHI; (b) that PHI has not been encrypted to government standards; and (c) our risk assessment fails to determine that there is a low probability that your PHI has been compromised.
- **Right to Opt out of Fundraising Communications:** You have a right to decide that you would not like to be included in fundraising communications that we may send out.
- You may have other rights that are granted to you by the laws of our state, and these may be the same as or different from the rights described above. We will be happy to discuss these situations with you now or as they arise.

F. Psychologist's/Therapist's Duties

- We are required by law to maintain the privacy of PHI and to provide you with a notice of our legal duties and privacy practices with respect to PHI. We reserve the right to change the terms of this

notice; change privacy policies and practices described in this notice, and make the new notice provisions effective for all PHI that we maintain. 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 post the revised policies and procedures in the office of each therapist/clinician. You are welcome to a copy of these policies and procedures at any time.

G. If you have questions or problems

If you have questions about this notice, disagree with a decision that is made regarding access to your records, or have other concerns about your privacy rights, you may contact our privacy officer (See Below). If you need more information or have questions about the privacy practices described above, please speak to the privacy officer. You have the right to file a complaint if you believe your privacy rights have been violated. You can file a complaint with our privacy officer and with the Secretary of the U.S. Department of Health and Human Services. All complaints must be in writing. Filing a complaint will not change the health care we provide to you in any way, nor will we take any actions against you if you complain.

The effective date of this notice is September 23, 2013.

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