

LUSH Families and Couples

OHIO HIPAA NOTICE FORM

Notice of Policies and Practices to Protect the Privacy of Your Health Information

THIS NOTICE DESCRIBES HOW PSYCHOLOGICAL AND MEDICAL INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY. THIS INFORMATION IS BEING PROVIDED TO YOU AS REQUIRED BY LAW.

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

LUSH Families and Couples and its staff may *use* or *disclose* your *protected health information (PHI)*, for *treatment, payment, and health care operations* purposes with your *consent*. To help clarify these terms, here are some definitions: “*PHI*” refers to information in your health record that could identify you. “*Treatment, Payment and Health Care Operations*”

- *Treatment* is when LUSH Families and Couples or its staff provide, coordinate or manage your health care and other services related to your health care. An example of treatment would be when LUSH Families and Couples and its staff consult with another health care provider, such as your family physician or another psychologist/counselor.
- *Payment* is when LUSH Families and Couples and its staff obtain reimbursement for your healthcare. Examples of payment are when LUSH Families and Couples and its staff disclose your PHI to your health insurer to obtain reimbursement for your health care or to determine eligibility or coverage.
- *Health Care Operations* are activities that relate to the performance and operation of LUSH Families and Couples and its staff. Examples of health care operations are quality assessment and improvement activities, business-related matters such as audits and administrative services, and case management and care coordination.
- “*Use*” applies only to activities within LUSH Families and Couples and its staff such as sharing, employing, applying, utilizing, examining, and analyzing information that identifies you.
- “*Disclosure*” applies to activities outside of LUSH Families and Couples and its staff, such as releasing, transferring, or providing access to information about you to other parties.

II. Uses and Disclosures Requiring Authorization

LUSH Families and Couples and its staff may use or disclose PHI for purposes outside of treatment, payment, and health care operations when your appropriate authorization is obtained. An “*authorization*” is written permission above and beyond the general consent that permits only specific disclosures. In those instances when LUSH Families and Couples is asked for information for purposes outside of treatment, payment and health care operations, LUSH Families and Couples will obtain an authorization from you before releasing this information. LUSH Families and Couples will also need to obtain an authorization before releasing your psychotherapy notes. “*Psychotherapy notes*” are notes a LUSH Families and Couples counselor has made about our conversation during a private, group, joint, or family counseling session, which LUSH Families and Couples has kept separate from the rest of your medical record. These notes are given a greater degree of protection than PHI.

You may revoke all such authorizations (of PHI or psychotherapy notes) at any time, provided each revocation is in writing. You may not revoke an authorization to the extent that (1) LUSH Families and couples has relied on that authorization; or (2) if the authorization was obtained as a condition of obtaining Insurance coverage, and the law provides the insurer the right to contest the claim under the policy.

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III. Uses and Disclosures with Neither Consent nor Authorization

LUSH Families and Couples may use or disclose PHI without your consent or authorization in the following circumstances:

Child Abuse: If, in my professional capacity, a LUSH Families and Couples counselor know or suspect that a child under 18 years of age or a mentally retarded, developmentally disabled, or physically impaired child under 21 years of age has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect, I am required by law to immediately report that knowledge or suspicion to the Ohio Public Children Services Agency, or a municipal or county peace officer.

Adult and Domestic Abuse: If a LUSH Families and Couples counselor have reasonable cause to believe that an adult is being abused, neglected, or exploited, or is in a condition which is the result of abuse, neglect, or exploitation, I am required by law to immediately report such belief to the County Department of Job and Family Services.

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 LUSH Families and Couples will not release this information without written authorization from you or your persona or legally-appointed representative, or a court order. The privilege does not apply when you are being evaluated for a third party or where the evaluation is court ordered. You will be informed in advance if this is the case.

Serious Threat to Health or Safety: If a LUSH Families and Couples counselor believes that you pose a clear and substantial risk of imminent serious harm to yourself or another person, LUSH Families and Couples may disclose your relevant confidential information to public authorities, the potential victim, other professionals, and/or your family in order to protect against such harm. If you communicate to LUSH Families and Couples an explicit threat of inflicting imminent and serious physical harm or causing the death of one or more clearly identifiable victims, and a LUSH Families and Couples counselor believes you have the intent and ability to carry out the threat, then LUSH Families and Couples is required by law to take one or more of the following actions in a timely manner: 1) take steps to hospitalize you on an emergency basis, 2) establish and undertake a treatment plan calculated to eliminate the possibility that you will carry out the threat, and initiate arrangements for a second opinion risk assessment with another mental health professional, 3) communicate to a law enforcement agency and, if feasible, to the potential victim(s), or victim's parent or guardian if a minor, all of the following information: a) the nature of the threat, b) your identity, and c) the identity of the potential victim(s).

Worker's Compensation: If you file a worker's compensation claim, LUSH Families and Couples may be required to give your mental health information to relevant parties and officials.

IV. Patient's Rights and Counselor's Duties

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, LUSH Families and Couples is 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, you may not want a family member to know that you are seeing me. Upon your request, LUSH Families and Couples will send your bills to another address.)

Right to Inspect and Copy – You have the right to inspect or obtain a copy of PHI and in my mental health and billing records used to make decisions about you for as long as the PHI is maintained in the record. LUSH Families and Couples may deny your access to PHI under certain circumstances, but in some cases, you may have this decision reviewed. On your request, LUSH Families and Couples will discuss with you the details of the request 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. LUSH Families and Couples may deny your request. On your request, LUSH Families and Couples will discuss with you the details of the amendment process.

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). On your request, LUSH Families and Couples will discuss with you the details of the accounting process.

Right to a Paper Copy – You have the right to obtain a paper copy of the notice from LUSH Families and Couples upon request, even if you have agreed to receive the notice electronically.

Counselor's Duties:

LUSH Families and Couples is required by law to maintain the privacy of PHI and to provide you with a notice of its legal duties and privacy practices with respect to PHI. LUSH Families and Couples reserve the right to change the privacy policies and practices described in this notice. Unless LUSH Families and Couples will notify you of such changes, however, LUSH Families and Couples is required to abide by the terms currently in effect. If LUSH Families and Couples revises my policies and procedures, LUSH Families and Couples will notify you in writing by mail if you are an active patient. An active patient is someone that is currently being seen, or has been seen for services within three months preceding the revision of policies and procedures.

V. Complaints

If you are concerned that LUSH Families and Couples has violated your privacy rights, or you disagree with a decision LUSH Families and Couples made about access to your records, you may contact Melissa Coan 23360 Chagrin Blvd Suite 102, Beachwood, OH 44122.

You may also send a written complaint to the Secretary of the U.S. Department of Health and Human Services. The person listed above can provide you with the appropriate address upon request.

VI. Effective Date, Restrictions and Changes to Privacy Policy

This notice will go into effect on 4-14-2003.

LUSH Families and Couples reserves the right to change the terms of this notice and to make the new notice provisions effective for all PHI that it maintains. LUSH Families and Couples will provide you with a revised notice by mail if you are an active patient.

Thank you for allowing us to serve you.

The Staff of LUSH Families and Couples