

## **Health Insurance Portability and Accountability Act (HIPAA) Notice of Policies and Practices**

*Please note that throughout this Notice, the phrase “your child” is used to denote the patient to whom mental health services are being delivered. This is the case for patients younger than 18 years of age. For older adolescent and young adult patients consenting for their own treatment, please read “you” or “your” each time you see “your child.”*

### **Introduction**

This Notice of Privacy Practices (NPP) will tell you how we handle your medical information. It describes how we use your child’s medical information in this office, how we share it with others, and how you can access it. Please note that your child’s provider and any administrative staff of Nautilus Behavioral Health, PLLC are required to comply with these privacy rules. This notice lists some common and some rare uses of health information as it pertains to a mental health practice. Because state and federal laws are very complicated, there may still be parts of the law that are not presented here. You can request more information from the Nautilus Behavioral Health, PLLC Privacy Officer (Dr. Sarah Dew-Reeves).

### **What we mean by your medical information**

Each time your child visits the office of any healthcare provider, information is collected about your child and his/her physical and/or mental health. It may be information about your child’s past, present or projected future health or conditions, or the tests or treatment that your child has received or will receive, or about payment for healthcare. Such information is called “protected health information” (PHI). This information is kept in your child’s medical record.

In this office, your PHI may include these kinds of information:

- Your child’s medical, mental health, school and social history
- Reasons you requested services for your child, including stated problems and symptoms
- Diagnoses, which are medical terms for problems or symptoms
- A treatment plan, including recommended services and treatment goals
- Progress notes, which document the general focus of appointments, key details and ongoing progress toward treatment goals
- Records we receive from others who treated or evaluated your child
- Psychological test scores, school records, and other relevant reports
- Information about medications your child took or is taking
- Records related to legal matters
- Billing and insurance information

This list includes many types of PHI, but there may be other kinds of information that also go into your medical record.

The purpose of collecting and keeping such information includes using it:

- To plan your child’s care and treatment
- To decide how well services are working for your child

- To talk with other healthcare professionals who are also treating your child, such as his/her primary care provider or psychiatrist
- To document that your child actually received the services from us that we billed to you or to your child's health insurance company
- To help prevent or reduce serious threats to anyone's health or safety
- To improve how we do our jobs by measuring the results of our work

When you understand what is in your child's record and what it is used for, you can make more informed decisions about who, when, and why others should have this information.

### **Privacy and the law**

We are, in part, required to tell you about privacy because of the privacy regulations of a federal law, the Health Insurance Portability and Accountability Act of 1996 (HIPAA). The HIPAA law requires us to keep your child's PHI private and to make this Notice of Privacy Practices (NPP) available to you to inform you of our legal duties and our privacy practices. We will obey the rules of this notice as long as it is in effect, but if we change it, then the rules of the new NPP will apply to the entire PHI we keep. If we change the NPP, we will post the new NPP on our website and in the office. You can also get a copy from our Privacy Officer at any time.

### **How your child's protected health information can be used and shared**

When an individual employed by this office reads your child's information, this is called "use." If the information is shared with or sent to others outside the office, that is called "disclosure."

Except in some special circumstances, when we use your child's PHI here (in the office) or disclose it to others, we share only the minimum PHI needed for the purpose it is being used. The law gives you rights to know about your child's PHI, how it is used, and to have a say in how it is disclosed. The following describes uses and disclosures of PHI.

### **Uses and disclosures of PHI that require authorization**

If your child's PHI will be used and/or disclosed for any purpose besides those described above, we need your authorization. Your "authorization" is written permission that extends beyond the general consent you have given for your child to receive services at Nautilus Behavioral Health, PLLC. This usually occurs if you would like us to disclose PHI for some purpose, to an individual or organization not included above. For example, you may want your child's teacher to be able to speak with your child's psychologist or you may ask your child's psychiatrist to send a treatment summary to your child's psychologist. In these situations, we will ask you what PHI you want shared with whom. We will honor your wishes as long as it is not against the law. You will provide authorization allowing this voluntary/elective disclosure of PHI to an individual or organization by completing a Release of Information/Authorization for Disclosure Form. You may revoke your authorization for voluntary/elective disclosure at any time by submitting your request in writing.

### **Uses and disclosures of PHI that do not require authorization**

We need information about your child and your concerns to provide services to you. Although you must consent for your child's treatment, we do not need additional authorization to use your child's PHI for the following purposes.

For treatment: We use your child's PHI to provide him/her with therapy, assessment or group services. Use of your child's PHI helps with treatment planning and ongoing care.

If a family member or close friend calls for scheduling or billing/payment issues, we are unable to obtain your preference about disclosing PHI and, in our best judgment, we do not believe that you would object, we may communicate the minimum PHI necessary to facilitate scheduling and payment. Unless you notify us otherwise, we may leave voicemails about scheduling, billing and payment on your home phone voicemail (if applicable).

For payment: We may use and disclose your child's PHI to bill for services rendered. We may contact your child's insurance company to submit a claim, discuss his/her benefits or obtain authorization for services. PHI disclosed in this situation is generally restricted to your child's name (and your name), relevant personal identifiers (address, date of birth, member ID number, etc.), diagnosis and treatment codes, dates of service and treatment progress.

For health care operations: We may use your child's basic identifying information within Nautilus Behavioral Health, PLLC for scheduling, appointment reminders and billing. We may also use your child's PHI to see where we can make improvements in our services.

In addition to the aforementioned operations, there are some services that other businesses, called our "business associates," provide for us. Examples include the company responsible for our phone system (voice over IP provided by Intermedia), the company who provides our email and cloud-based data storage (Microsoft/Office 365 for Business), the company who provides our cloud-based practice management and electronic medical record (Theranest) and the company who processes our insurance claims electronically (Office Ally). For assessment, we have additional business associates, a list of whom is available upon request. Please note that "cloud-based" means that data are stored on servers connected to the internet and are not stored locally on our computers.

We have entered into a HIPAA Business Associate Agreement (BAA) with the aforementioned companies. Under these BAAs, our business associates are obligated by federal law to protect your child's PHI from unauthorized use or disclosure. Steps taken to this end include business associates employing numerous security measures and training their staff on maintaining confidential records and preventing misuse or unauthorized disclosure of these records. While our business associates use appropriate security measures to protect PHI, security cannot be guaranteed. However, they are required to inform us and take corrective action in the event of any unauthorized disclosure.

For abuse and neglect: We are required by law to immediately report known or suspected child abuse, neglect or abandonment to the Florida Department of Children and Families. We are also required by law to immediately report the known or suspected abuse, neglect or abandonment of vulnerable adults (e.g., elderly, incapacitated) to the Florida Abuse Hotline.

For health and safety: We are required by law to report clear and probable threat of physical harm or death to yourself, others or society. The relevant PHI may be disclosed to the potential victim(s), appropriate family member (i.e., legal guardian of individuals under 18 years of age), law enforcement or other appropriate authorities (e.g., 911, Emergency Department or crisis evaluation providers).

For legal issues: We will share your child's PHI if state or federal laws require it. This may include disclosing information to the Department of Health and Human Services if it wants to see whether we are complying with federal privacy laws. We may disclose your child's PHI for law enforcement and special government functions (e.g., military, national security, etc.).

If you/your child are involved in a court proceeding and a request is made for information about your child's diagnosis or treatment and medical records, we will not release your child's PHI without your written authorization or a court order. If we receive a subpoena for records or testimony, we will notify you and you have the option to file a motion opposing the subpoena. However, while awaiting the judge's decision, we are required to give the requested PHI to the Clerk of Court in a sealed envelope. Your privilege of information does not apply in situations involving court ordered and third party evaluations.

If requested, we must disclose records relevant to worker's compensation claims to the employer, insurance carrier, authorized qualified rehabilitation provider or attorney of the employer or insurance carrier.

Per state law, we are required to report misconduct of other healthcare professionals (mental and physical health providers). If you describe serious unprofessional conduct by another health professional, we are required by law to tell you how to make a report against that provider with the Department of Health (DOH). If you (the caregiver) are a psychologist, we are required to make a report if we learn information that suggests you pose a risk to public safety.

If a complaint is filed against us with the Florida Department of Health (DOH) on behalf of the Board of Psychology, DOH can subpoena PHI from us relevant to that complaint.

### **Your rights**

As a patient at Nautilus Behavioral Health, PLLC, you have the following rights:

Right to request a copy of your child's medical record: Although your child's medical record itself is the physical property of the healthcare practitioner or facility that collected it, the information that is in it belongs to you (provided that your child is under 18 years of age). You can request a copy of your child's medical record in writing and we will provide you with a treatment summary or a copy of the records. We will charge a reasonable fee for the cost of generating a written treatment summary, copying and/or mailing records.

In some instances, you cannot see all of the information contained in your child's records. For example, if a psychologist believes that an element of the record could be emotionally damaging for a patient or caregiver to read or if the record contains copyrighted psychological assessment materials, the record would only be shared with a trained professional who will interpret the record for the family. There may be other reasons we deny a request to see a portion of your child's medical record. However, we will always provide a written treatment summary upon request.

Right to request changes to your child's medical record: If you find anything in your child's records that you think is incorrect or believe that something important is missing, you can ask us to amend or append your child's record. In some situations, we might not agree to make revisions or

additions. The Privacy Officer can explain more about this process, at your request.

Right to request restrictions on use and disclosure: You can ask us not to use or disclose your child's PHI. For example, if you self-pay in full for mental health services, you can ask that we not share information about your child's services to your child's health insurer. We can comply with this request unless the law requires us to disclose the information.

Requests for restrictions must be made in writing and include the information you would like limited, whether you want to limit our use, disclosure or both and to whom you want the limits to apply. We are not required to agree to this request and may decline if agreeing would affect your child's care or be in conflict with existing laws.

Right to request confidential communication: You can ask us to contact you in a specific way (e.g., call you only at your work phone number, mail correspondence to an alternate address, etc.). We will agree to all reasonable requests. Requests should be made in writing and should specify how or where you wish to be contacted.

Right to accounting of disclosures: When we disclose your PHI, we may keep records of whom we sent it to, when we sent it, and what we sent. You can get an accounting (list) of many of these disclosures.

Right to file a complaint: If you have a problem with how your child's PHI has been handled or if you believe your child's privacy rights have been violated, contact the Privacy Officer, Dr. Sarah Dew-Reeves, using the information presented on the first page of this notice. You may also file a complaint with us and with the Secretary of the federal Department of Health and Human Services. We will not take any actions against you if you complain.

Right to choose someone to act for you: For patients under 18 years of age, his/her legal guardian is the person who will exercise the patient's rights and make choices about the patient's PHI. For patients over 18 years of age who have given someone medical power of attorney or who have a legal guardian, that person can exercise the patient's rights and make choices about the patient's PHI.

Right to a copy of this notice: You can request a paper copy of this Notice of Privacy Practices from us even if you have agreed to receive this notice from us electronically.

The effective date of this notice is July 1, 2016.

If you need more information or have questions about the privacy practices described above, please speak to Dr. Sarah Dew-Reeves, the Privacy Officer for Nautilus Behavioral Health, PLLC, using contact information included on the first page.