

Notice of Privacy Practices

CENTER FOR COMPASSION AND WELLBEING, PLLC (CCW)

Dr. Martha Bergen, Ph.D.

TEXAS HIPAA NOTICE FORM

Notice of Psychologist's 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

Martha Bergen, Ph.D./CCW 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 Martha Bergen, Ph.D./CCW provides, coordinates or manages your health care and other services related to your health care. An example of treatment would be when Martha Bergen, Ph.D./CCW consults with another health care provider, such as your family physician or another psychologist.
 - Payment is when Martha Bergen, Ph.D./CCW obtains reimbursement for your healthcare. Examples of payment are when Martha Bergen, Ph.D./CCW discloses 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 Martha Bergen, Ph.D./CCW's practice. 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 Martha Bergen, Ph.D./CCW's office, such as sharing, employing, applying, utilizing, examining, and analyzing information that identifies you.
- *"Disclosure"* applies to activities outside of Martha Bergen, Ph.D./CCW's office, such as releasing, transferring, or providing access to information about you to other parties.
- *"Authorization"* is your written permission to disclose confidential mental health information. All authorizations to disclose must be on a specifically required legal form.

II. Other Uses and Disclosures Requiring Authorization

Martha Bergen, Ph.D./CCW 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 Martha Bergen, Ph.D./CCW is asked for information for purposes outside of treatment, payment and health care operations, Martha Bergen, Ph.D./CCW will obtain an authorization from you before releasing this information. Martha Bergen, Ph.D./CCW will also need to obtain an authorization before releasing your psychotherapy notes. "Psychotherapy notes" are notes Martha Bergen, Ph.D./CCW has made about our conversations during a private, group, joint, or family counseling session, which Martha Bergen, Ph.D./CCW 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) Martha Bergen, Ph.D./CCW 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.

Martha Bergen, Ph.D./CCW will also obtain an authorization from you before using or disclosing PHI in a way that is not described in this Notice.

III. Uses and Disclosures with Neither Consent nor Authorization

Martha Bergen, Ph.D./CCW may use or disclose PHI without your consent or authorization in the following circumstances:

- *Child Abuse*: If Martha Bergen, Ph.D./CCW has cause to believe that a child has been, or may be, abused, neglected, or sexually abused, Martha Bergen, Ph.D./CCW must make a report of such within 48 hours to the Texas Department of Protective and Regulatory Services, the Texas Youth Commission, or to any local or state law enforcement agency.
- *Adult and Domestic Abuse*: If Martha Bergen, Ph.D./CCW has cause to believe that an elderly or disabled person is in a state of abuse, neglect, or exploitation, Martha Bergen, Ph.D./CCW must immediately report such to the Department of Protective and Regulatory Services.
- *Health Oversight*: If a complaint is filed against Martha Bergen, Ph.D./CCW with the State Board of Examiners of Psychologists, they have the authority to subpoena confidential mental health information from Martha Bergen, Ph.D./CCW relevant to that complaint.
- *Judicial or Administrative Proceedings*: If you are involved in a court proceeding and a request is made for information about your diagnosis and treatment and the records thereof, such information is privileged under state law, and Martha Bergen, Ph.D./CCW will not release information, without written authorization from you or your personal 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 you communicate to Martha Bergen, Ph.D./CCW, a specific threat of imminent harm against another individual or if Martha Bergen, Ph.D./CCW believes that there is clear, imminent risk of physical or mental injury being inflicted against another individual, Martha Bergen, Ph.D./CCW may make disclosures that Martha Bergen, Ph.D./CCW believes are necessary to protect that individual from harm. If Martha Bergen, Ph.D./CCW believes that you present an imminent, serious risk of physical or mental injury or death to yourself, Martha Bergen, Ph.D./CCW may make disclosures Martha Bergen, Ph.D./CCW considers necessary to protect you from harm. The opportunity to consent may be obtained retroactively in emergency situations.
- *Worker's Compensation:* Martha Bergen, Ph.D./CCW may disclose protected health information regarding you as authorized by and to the extent necessary to comply with laws relating to worker's compensation or other similar programs, established by law, that provide benefits for work-related injuries or illness without regard to fault.

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. This includes certain narrowly defined disclosures to law enforcement agencies, to a health oversight agency (such as HHS or a state department of health), to a coroner or medical examiner, for public health purposes relating to disease or FDA-regulated products, or for specialized government functions such as fitness for military duties, eligibility for VA benefits, and national security and intelligence. Martha Bergen, Ph.D./CCW may provide your PHI to a family member, friend, or other person that you indicate is involved in your care or the payment for your health care, unless you object in whole or in part.

IV. Patient's Rights and Psychologist'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. However, Martha Bergen, Ph.D./CCW 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 a therapist. On your request, Martha Bergen, Ph.D./CCW will send your bills to another address). Reasonable requests will be accommodated.
- *Right to Inspect and Copy:* You have the right to inspect and/or obtain a copy of your PHI in our mental health and billing records used to make decisions about you for as long as the PHI is maintained in our records and Psychotherapy Notes. Martha Bergen, Ph.D./CCW may deny your access to PHI under certain circumstances, but in some cases, you may have this decision reviewed. The primary reason for denial of request to inspect or copy PHI may be concern that the information contained in the PHI might cause serious harm to you. You may also request that a copy of your PHI be released to another treatment provider. On your request, Martha Bergen, Ph.D./CCW will discuss with you the details of the request process. Martha Bergen, Ph.D./CCW may provide

you with a copy of your record, or a summary of it, if you agree to receive a summary, within 30 days of receiving your written request, and Martha Bergen, Ph.D./CCW may charge a reasonable, cost based fee for doing so.

- *Right to Amend:* You have the right to request an amendment of PHI for as long as the PHI is maintained in the record. Martha Bergen, Ph.D./CCW may deny your request. On your request, Martha Bergen, Ph.D./CCW 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. On your request, Martha Bergen, Ph.D./CCW 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 this notice from Martha Bergen, Ph.D./CCW upon request, even if you have agreed to receive the notice electronically.
- *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 services.
- *Right to Be Notified if There is a Breach of Your Unsecured PHI:* You have a right to be notified if: (a) there is a breach or disclosure of your PHI in violation of the HIPAA Privacy Rule involving your PHI; (b) the PHI has not been encrypted to government standards; and (c) Martha Bergen, Ph.D./CCW's risk assessment fails to determine that there is a low probability that your PHI has been compromised. This notification may include an accounting of what occurred and ways that you may protect yourself and your personal information.

Psychologist's Duties:

- Martha Bergen, Ph.D./CCW is required by law to maintain the privacy of PHI and to provide you with a notice of Martha Bergen, Ph.D./CCW's legal duties and privacy practices with respect to PHI.
- Martha Bergen, Ph.D./CCW reserves the right to change the privacy policies and practices described in this notice. Unless Martha Bergen, Ph.D./CCW notifies you of such changes, Martha Bergen, Ph.D./CCW is required to abide by the terms currently in effect.
- If Martha Bergen, Ph.D./CCW revises policies and procedures, Martha Bergen, Ph.D./CCW will post a revised copy in the office and provide you with a copy upon request.

V. Questions and Complaints

If you have questions about this notice, disagree with a decision Martha Bergen, Ph.D./CCW makes about access to your records, or have other concerns about privacy rights, you may contact Martha Bergen, Ph.D./CCW. If you believe that your privacy rights have been violated and wish to file a complaint with Martha Bergen, Ph.D./CCW's office, you may send your written complaint to Martha Bergen, Ph.D./CCW's office address. If you are concerned that Martha Bergen, Ph.D./CCW has violated your privacy rights, or you disagree with a decision made about access to your records, you may

contact the Texas Board of Examiner's of Psychologists at 512-305-7700. You may also send a written complaint to the Secretary of the U.S. Department of Health and Human Services at 200 Independence Ave., SW, Washington DC, 20201 or by calling 1-877-696-6775.

You have specific rights under the Privacy Rule. It is your right to file a complaint if needed and there will be no retaliation for such a filing.

VI. Effective Date

This notice will go into effect on July 01, 2020. Martha Bergen, Ph.D./CCW reserves the right to change the terms of this notice and to make the new notice provisions effective for all PHI maintained. Martha Bergen, Ph.D./CCW will provide you with a revised notice by making it available at the office and by providing a copy upon request.

BY CLICKING ON THE CHECKBOX BELOW I AM AGREEING THAT I HAVE READ, UNDERSTOOD AND AGREE TO THE ITEMS CONTAINED IN THIS DOCUMENT. THIS NOTICE DESCRIBES HOW HEALTH INFORMATION MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY.