

## NOTICE OF PRIVACY PRACTICES

**OCAM and its providers are herein collectively referred to as ‘We’ or as “your provider”**

**THIS NOTICE DESCRIBES HOW HEALTH INFORMATION MAY BE USED AND DISCLOSED AND HOW YOU CAN ACCESS YOUR INFORMATION. PLEASE REVIEW IT CAREFULLY.**

**I. MY PLEDGE REGARDING HEALTH INFORMATION:** We understand that health information about you and your healthcare is personal. We are committed to protecting health information about you. Your health record contains personal information about you and your health. This information (that may identify you and that relates to your past, present, or future physical and/or mental health and related health care services) is referred to as Protected Health Information (PHI). We create a record of the care and services you receive at OCAM. We need this record to provide you with quality care and to comply with legal and billing requirements. This Notice of Privacy Practices (Notice) applies to all of the records of your care generated by OCAM and describes how we may use and disclose your PHI in accordance with applicable law and the APA code of Ethics. It also describes your rights to gain access to and control you PHI. We are required by law to maintain the privacy of your PHI and to provide you with this Notice. We are required to abide by the terms of this Notice. We can change the terms of this Notice at any time, and any new Notice will be effective for all PHI we maintain at the time. The new Notice will be available upon request and in our office.

**II. HOW WE MAY USE AND DISCLOSE HEALTH INFORMATION ABOUT YOU:** The following categories describe different ways that we use and disclose health information. Federal privacy regulations allow health care providers who have a direct treatment relationship with the patient/client to use or disclose the patient/client’s PHI without the patient’s written authorization to carry out the health care provider’s own treatment, payment, or health care operations. For each category of uses or disclosures we will explain what we mean and try to provide an example. Not every use or disclosure in a category will be listed. However, all of the ways we are permitted to use and disclose information will fall within one of the categories.

**For Treatment:** The word “treatment” includes, among other things, the coordination and management of health care providers with a third party, consultations between health care providers, and referrals of a patient for health care from one health care provider to another. For example, if a clinician were to consult with another licensed health care provider about your condition, we would be permitted to use and disclose your personal health information, which is otherwise confidential, in order to assist the clinician in diagnosis and treatment of your mental health condition. Disclosures for treatment purposes are not limited to the minimum necessary standard because therapists and other health care providers need access to the full record and/or full and complete information in order to provide quality care.

**For Payment:** We may use and disclose your PHI so that we can receive payment for the services we provided to you. Examples of payment-related activities are: processing claims with your insurance company, and participating in medical necessity or utilization reviews. If it becomes necessary to use collection processes to address lack of payment for services, we will only disclose the minimum amount of PHI necessary for the purposes of collecting fees.

**For Health Care Operations:** We may use or disclose your PHI as needed in order to support business activities including, but not limited to, quality assessment activities, employee reviews, licensing, and conducting or arranging for other business activities. For example, we may share your PHI with third parties that perform billing or typing services , provided we have a written contract with the party that requires it to safeguard the privacy of your PHI.

**For Lawsuits and Disputes:** If you are involved in a lawsuit, we may disclose health information in response to a court or administrative order. We may also disclose health information about your child in response to a subpoena, discovery request, or other lawful process by someone else involved in the dispute, but only if efforts have been made to tell you about the request or to obtain an order protecting the information requested.

### **III. CERTAIN USES AND DISCLOSURES REQUIRE YOUR AUTHORIZATION:**

1. **Psychotherapy Notes.** We keep “psychotherapy notes” as that term is defined in 45 CFR § 164.501, and any use or disclosure of such notes requires your Authorization unless the use or disclosure is: a. For use in treating you or your child. b. For use in training or supervising mental health practitioners to help them improve their skills in group, joint, family, or individual counseling or therapy. c. For use in defense in legal proceedings instituted by

you. d. For use by the Secretary of Health and Human Services to investigate compliance with HIPAA. e. Required by law and the use or disclosure is limited to the requirements of such law. f. Required by law for certain health oversight activities pertaining to the originator of the psychotherapy notes. g. Required by a coroner who is performing duties authorized by law. h. Required to help avert a serious threat to the health and safety of others.

2. Marketing Purposes. As psychologists, we are not permitted to and we will not use or disclose your PHI for marketing purposes.
3. Sale of PHI. As psychologists, we will not sell your PHI.

**IV. CERTAIN USES AND DISCLOSURES DO NOT REQUIRE YOUR AUTHORIZATION.** Subject to certain limitations in the law, we can use and disclose your or your child's PHI without your Authorization for the following reasons:

1. When disclosure is required by state or federal law, and the use or disclosure complies with and is limited to the relevant requirements of such law.
2. When there is a serious threat to your health and safety or the health and safety of another individual or the public. We have to report suspected child, elder, or dependent adult abuse, some instances of suicidal ideation, and some instances of homicidal ideation. We will only share information with a person or organization whom we believe is able to prevent or reduce the threat.
3. When there is a medical emergency and disclosure to medical personnel is required in order to prevent serious harm (we will try to provide you a copy of this notice as soon as reasonably possible after the resolution of the emergency).
4. For health oversight activities, including audits and investigations. Oversight agencies seeking this information include government agencies, organizations that provide financial assistance to the office (such as third-party payers based on your prior consent) and peer review organizations performing utilization and quality control.
5. For judicial and administrative proceedings, including responding to a court or administrative order, although our preference is to obtain an Authorization from you before doing so.
6. For law enforcement purposes or with a law enforcement official, including reporting crimes occurring at OCAM.
7. To coroners or medical examiners when such individuals are performing duties authorized by law.
8. For research purposes, including studying and comparing the mental health of patients who received one form of therapy versus those who received another form of therapy for the same condition. Identifying information is never used in such circumstances.
9. Specialized government functions, including, ensuring the proper execution of military missions; protecting the President of the United States; conducting intelligence or counter-intelligence operations; or, helping to ensure the safety of those working within or housed in correctional institutions.
10. For workers' compensation purposes. Although our preference is to obtain an Authorization from you, we may provide your PHI in order to comply with workers' compensation laws.
11. Appointment reminders and health related benefits or services. We may use and disclose your or your child's PHI to contact you to remind you that you have an appointment. We may also use and disclose your PHI to tell you about treatment alternatives, or other health care services or benefits that we offer.
12. We are allowed or required to share your or your child's information in other ways – usually in ways that contribute to the public good, such as public health and research. We have to meet many conditions in the law before we can share your information for these purposes. For more information see: [www.hhs.gov/ocr/privacy/hipaa/understanding/consumers/index.html](http://www.hhs.gov/ocr/privacy/hipaa/understanding/consumers/index.html).

**V. AUTHORIZATION FOR OTHER DISCLOSURES.**

1. If we or you want to use or disclose (send, share, release) your information for any other purposes, we will discuss this with you and ask you to sign an Authorization to allow this. If you consent, you may change your mind at any time. Notify your provider I in writing if you change your mind.

**VI. YOU HAVE THE FOLLOWING RIGHTS WITH RESPECT TO YOUR PHI:**

1. The Right to Request Limits on Uses and Disclosures of Your PHI. You have the right to ask your provider not to use or disclose certain PHI for treatment, payment, or health care operations purposes. We are not required to agree to your request, and we may say "no" if we believe it would affect your health care.

2. The Right to Request Restrictions for Out-of-Pocket Expenses Paid for In Full. You have the right to request restrictions on disclosures of your PHI to health plans for payment or health care operations purposes if the PHI pertains solely to a health care item or a health care service that you have paid for out-of-pocket in full.
3. The Right to Choose How We Send PHI to You. You have the right to ask your provider to contact you in a specific way (for example, home or office phone) or to send mail to a different address, and we will agree to all reasonable requests.
4. The Right to See and Get Copies of Your PHI. Other than “psychotherapy notes,” you have the right to get an electronic or paper copy of your medical record and other information that we have about you, such as your billing records. We will 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 we may charge a reasonable, cost-based fee for doing so.
5. The Right to Get a List of the Disclosures We Have Made. You have the right to request a list of instances in which we have disclosed your PHI for purposes other than treatment, payment, or health care operations, or for which you provided me with an Authorization. We will respond to your request for an accounting of disclosures within 60 days of receiving your request. The list we will give you will include disclosures made in the last six years unless you request a shorter time. We will provide the list to you at no charge, but if you make more than one request in the same year, we will charge you a reasonable cost-based fee for each additional request.
6. The Right to Correct or Update Your PHI. If you believe that there is a mistake in your PHI, or that a piece of important information is missing from your PHI, you have the right to request that we correct the existing information or add the missing information. We may say “no” to your request, but we will tell you why in writing within 60 days of receiving your request.
7. Breach Notification: If there is a breach of unsecured PHI concerning you, we are required to notify you of this breach, including what happened and what you can do to protect yourself.
8. The Right to Get a Paper or Electronic Copy of this Notice. You have the right to get a paper copy of this Notice, and you have the right to get a copy of this Notice by e-mail. And, even if you have agreed to receive this Notice via e-mail, you also have the right to request a paper copy of it.
9. COMPLAINTS: If you believe we have violated your privacy rights, you have the right to file a complaint in writing with Omaha Center for Anxiety Management, P.C., 11930 Arbor Street, Ste. 203, Omaha, NE 68144, or with the U.S. Department of Health and Human Services Office for Civil Rights by sending a letter to 200 Independence Avenue, S.W. Washington, D.C 20201, by calling 1-877-696-6775, or by visiting [www.hhs.gov/ocr/privacy/hipaa/complaints/](http://www.hhs.gov/ocr/privacy/hipaa/complaints/). I will not retaliate against you for filing a complaint.

For more information see: [www.hhs.gov/ocr/privacy/hipaa/understanding/consumers/noticepp.html](http://www.hhs.gov/ocr/privacy/hipaa/understanding/consumers/noticepp.html).

EFFECTIVE DATE OF THIS NOTICE: This notice went into effect on 07/01/2021