

Notice of Privacy Practices

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, I will be happy to help you understand our procedures and your rights.

A. Introduction: To our clients

This notice will tell you how I handle your medical information. It tells how I use this information here in this office, how I share it with other professionals and organizations, and how you can see it. I 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 me for more explanations or more details.

B. What I mean by your medical information

Each time you visit me 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 I collect from you is called "**protected health information**" which is abbreviated "**PHI**". This information goes into your **medical or health care records** in my 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 I think will best help you.
- Progress notes: Each time you come in, I write down some things about how you are doing, what I've notice about you, what you tell me, and what clinical recommendations I make for you.
- Records I 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.

I use PHI for many purposes. For example, I may use it:

- To plan your care and treatment.

- To decide how well our treatments are working for you.
- When I talk with other health care professionals who are also treating you, such as your family doctor or the professional who referred you to me.
- To show that you actually received services from me, which I may bill 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 my services for you and others 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 my practice are my physical property, the information belongs to you. You can read your records, and if you want a copy I can make one for you (but I 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 me to amend (add information to) your records, although in some rare situations I don't have to agree to do that. If you want me to, I can explain more about this.

C. Privacy and the laws about privacy

I am required to tell you about privacy because of a federal law, the Health Insurance Portability and Accountability Act of 1996 (HIPAA). HIPAA requires me to keep your PHI private and to give you this notice about my legal duties and my privacy practices. I will obey the rules described in this notice. If I change my privacy practices, they will apply to all the PHI I keep. I will also post the new notice of privacy practices in my office where everyone can see. You or anyone else can also request a copy from me at any time by phone at 650-814-7823, by writing at 4966 El Camino Real, Suite 118, Los Altos, CA 94022-1406. The most recent Notice of Privacy Policies will also be posted on our website.

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

Except in some special circumstances, when I use your PHI in this office or disclose it to others, I 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 I will tell you more about what I do with your information.

Mainly, I will use and disclose your PHI for routine purposes to provide for your care, and I will explain more about these below. For other uses, I 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.

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 me to use and share your PHI. In almost all cases I 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, I need information

about you and your condition to provide care to you. You have to agree to let me collect the information, use it, and share it to care for you properly. Therefore, you must sign the consent form before I begin to treat you. If you do not agree and consent I cannot treat you.

a. The basic uses and disclosure: For treatment, payment, and health care operations
Next I will tell you more about how your information will be used for treatment, payment, and health care operations.

For treatment. I 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 my services.

I may share your PHI with others who provide treatment to you. I am likely to share your information with your personal physician. If you are being treated by a team, I can share some of your PHI with the team members, so that 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, and so we all can decide what treatments work best for you and make up a treatment plan. I may refer you to other professionals or consultants for services I cannot provide. When I do this, I need to tell them things about you and your conditions. I 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, I can also share your PHI with them. These are some examples so that you can see how I use and disclose your PHI for treatment.

For payment. I may use your information to bill you, your insurance, or others, so I can be paid for the treatments I provide to you. I may contact your insurance company to find out exactly what your insurance covers. I may have to tell them about your diagnoses, what treatments you have received, and the changes we expect in your conditions. I 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, I may use your PHI to see where I can make improvements in the care and services I provide. I 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 I do, your name and personal information will be removed from what I send.

b. Other uses and disclosures in health care

Appointment reminders. I may use and disclose your PHI to reschedule or remind you of appointments for treatment or other care. If you want me to call or write to you only at your home or your work, or you prefer some other way to reach you, I usually can arrange that. Just tell me.

Treatment alternatives. I 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. I may use and disclose your PHI to tell you about health-related benefits or services that may be of interest to you.

Research. I 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, faster, or costs less. In all cases, your name, address, and other personal information will be removed from the information given to researchers or used by me for research. If they need to know who you are, I will discuss the research project with you, and I will not send any information unless you sign a special authorization form.

Business associates. I may hire other businesses to do some jobs for me. In the law, they are called “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 agree in their contract with me to safeguard your information and I will make sure they are instructed in the proper way to do that.

2. Uses and disclosures that require your authorization

If I want to use your information for any purpose besides those described above, I need your permission on an **authorization form** before using or disclosing psychotherapy notes. I don’t expect to need this very often. If you do allow me to use or disclose your PHI, you can cancel that permission in writing at any time. I would then stop using or disclosing your information for that purpose. Of course, I cannot take back any information I have already disclosed or used with your permission.

3. Uses and disclosures that don’t require your consent or authorization

The law lets me 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 me to disclose PHI:

- I have to report suspected abuse or neglect of children age 17 and under. In California, this includes reporting to authorities if I find out someone is viewing or has viewed of child pornography.
- I have to report suspected abuse or neglect of an elder (age 65 or older) or dependent adult (for example, a person with developmental disability). However, I do not have to report information that I receive about elder/dependent adult abuse if the following conditions are met:
 - I have been told about the abuse by the elder or dependent adult.
 - I am not aware of any independent evidence confirming the abuse or neglect.
 - The elder or dependent adult has been diagnosed with a mental illness or dementia or has been conserved for a similar cause, AND
 - In my clinical judgment I do not have a reasonable suspicion that the abuse occurred.
- If in my clinical judgment you pose a serious danger to yourself or others I am required to seek hospitalization for you if possible, to notify any intended victim(s), and to notify appropriate authorities such as the police.
- If you are involved in a lawsuit or legal proceeding, and I receive a subpoena, discovery request, or other lawful process, I may have to release some of your PHI. I will only do so after trying to tell you about the request, consulting your lawyer, and/or trying to get a court order to protect the information they requested.

b. Health Oversight.

If a complaint is filed against me by the California Board of Psychology, the Board has the authority to subpoena confidential mental health information relevant to that complaint. Other government agencies may also have the authority to subpoena my records to ensure my compliance with the law.

c. For law enforcement purposes

I may release medical information if asked to do so by a law enforcement official to investigate a crime or criminal.

d. For public health activities

I may disclose some of your PHI to agencies that investigate diseases or injuries.

e. Relating to decedents

I may disclose PHI to coroners, medical examiners, or funeral directors, and to organizations relating to organ, eye, or tissue donations or transplants.

f. For specific government functions

I may disclose PHI of military personnel and veterans to government benefit programs relating to eligibility and enrollment. I 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.

g. To prevent a serious threat to health or safety

If I come to believe that there is a serious threat to your health or safety, or that of another person or the public, I can disclose some of your PHI. I will only do this to persons who can prevent the danger.

h. Worker's compensation

I may disclose health information about you to comply with the state's Worker's Compensation Law.

i. Military and Veterans

If you are a member of the U.S. military armed forces I may disclose your PHI to authorized military command authorities. I may also disclose information about you for the purpose of determining your eligibility for benefits provided by the Department of Veterans Affairs.

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

I can share some information about you with your family or close others. I will only share information with those involved in your care and anyone else you choose, such as close friends or clergy. I will ask you which persons you want me to tell, and what information you want me to tell them, about your condition or treatment. You can tell me what you want, and I will honor your wishes as long as it is not against the law.

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

5. An accounting of disclosures I have made.

When I disclose your PHI, I will keep some records of to whom I sent it to, when I sent it, and what I sent. You can get an accounting (a list) of many of these disclosures.

E. Regarding email, social media, text messaging, and other electronic media

I maintain an email address for the business of my practice but I do not use that email address to communicate with clients. If you email me, you are sending your PHI across unprotected networks. I cannot protect your information in transit or even in my email box despite electronic protections. This is even more true of less secure means of electronic communication like texting. Therefore, I ask clients to not contact me by these methods. I recommend that all communications between us take place by phone and voicemail. If, despite this recommendation, you contact me by insecure electronic means, my reply will come by phone.

Despite the interconnectivity offered by social media, I cannot protect your confidentiality in a social media environment. Therefore, I do not accept friend or connection requests on social media from clients (past or present). If you extend a connection request to me through social media, I will decline, deny, or ignore that request as I am able on that format. I will then delete any record of your request if I am able to. However, a record of that request and our connection may linger beyond my control in an electronic format accessible by that company.

F. Your rights concerning your health information

1. **Right to Request Confidential Communications.** You can ask me 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 me to call you at home, and not at work, to schedule or cancel an appointment. I will try our best to do as you ask.

2. **Right to Restrictions.** You have the right to ask me to limit what I tell people involved in your care or with payment for your care, such as family members and friends. I don't have to agree to your request, but if I do agree, I will honor it except when it is against the law, or in an emergency, or when the information is necessary to treat you. You have the right to restrict certain disclosures of PHI to a health plan if you pay out-of-pocket in full for your healthcare service.

3. **Right to Inspect and Copy.** You have the right to look at the health information I have about you, such as your medical and billing records. You can get a copy of these records, but I may charge you. Contact me to arrange how to see your records. (See below.)

4. **Right to Amend.** If you believe that the information in your records is incorrect or missing something important, you can ask me to make additions to your records to correct the situation. You have to make this request in writing and send it to me. You must also tell me the reason you want to make the changes.

5. Right to Accounting of Disclosures. You have a right to request list of disclosures that have been made regarding your PHI. To request a list of disclosures send a letter to:
Eric FitzMedrud, Ph.D., 4966 El Camino Real, Suite 118, Los Altos, CA 94022-1406.

6. Right to Paper Copy. You have the right to a copy of this notice. You can request a copy from me by mail.

7. Right to Complaint. You have the right to file a complaint if you believe your privacy rights have been violated. If you have any complaints or questions regarding these procedures, please contact me. I will get back to you in a timely manner. You may submit a complaint to the California Board of Psychology. If you file a complaint, I will not retaliate in any way. To contact the Board of Psychology, you may call (866) 503-3221 or download the Consumer Complaint Form at the following website (last accessed 01/03/2014):

<http://www.psychboard.ca.gov/consumers/filecomplaint.shtml>

then, complete, sign, and mail the form to:

Board of Psychology
2005 Evergreen Street, Suite 1400
Sacramento, CA 95815

8. Right to Notification of Breach. You have the right to be notified if there is breach of your unsecured PHI. If you feel your privacy rights have been violated you may also file a complaint with the U.S. Dept. of Health and Human Services. Instructions for their complaint process can be found online (last accessed 01/03/2014) at:

<http://www.hhs.gov/ocr/privacy/hipaa/complaints/>

Direct all correspondence to:

Eric FitzMedrud, Ph.D., PSY#23669
4966 El Camino Real, Suite 118
Los Altos, CA 94022-1406

Filing a complaint will not change the health care I provide to you in any way.

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. I will be happy to discuss these situations with you now or as they arise.

F. If you have questions or problems

If you need more information or have questions about the privacy practices described above, please speak to me. If you have a problem with how your PHI has been handled, or if you believe your privacy rights have been violated, contact me. As stated above, you have the right to file a complaint with us and with the Secretary of the U.S. Department of Health and Human Services. I promise that I will not in any way limit your care here or take any actions against you if you complain. If you have any questions or problems about this notice or my health information privacy policies, please contact by phone at 650-814-7823.