

# Notice of Privacy Policies

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## **Contents**

<b>1</b>	<b>Duty to Safeguard your Health Info</b>	<b>2</b>
<b>2</b>	<b>Routine Uses</b>	<b>2</b>
<b>3</b>	<b>Non-Disclosure</b>	<b>3</b>
3.1	Exceptions . . . . .	4
<b>4</b>	<b>How to complain about my privacy practices:</b>	<b>5</b>

**This notice describes how health information about you may be used and disclosed and how you can get access to this information. Please review it carefully.**

## **1 I have a legal duty to safeguard your Protected Health Information (PHI)**

I am legally required to protect the privacy of your health information. This information is called “protected health information,” or “PHI” for short, and it includes information that can be used to identify a patient and about past or present health care that I provide. Privacy is a very important concern for anyone in psychotherapy or psychoanalysis. This notice will tell you about how I handle information about you. I reserve the right to change this notice and the terms of my privacy policy at any time. Any changes will apply to the information I already have. Any changes will be posted on my website, at [www.psychotherapy-and-psychoanalysis.com](http://www.psychotherapy-and-psychoanalysis.com). Also, you may request a copy of my privacy policy at any time.

During our work together, you will be giving me information about yourself. This ranges from your name to details of your life experience and private thoughts and fantasies. It is my policy (in most instances, but see exceptions below) to write down as little as possible about you. It is a rare situation in which it is advantageous to have many details of what you disclose in psychotherapy written down on paper or in a computer. If you give me information from other sources (for instance, medical information from other healthcare providers, personal journals, or photos) we will need to get very clear on the status of these documents — whether I will keep them, copy them, view and then destroy, or return them to you uncopied. If you wish me to bill an insurance company for my services, my records will also include a diagnosis (using professional terminology). Some insurance companies require further information. For billing purposes, I also keep a record of our appointments and payments. Much of the information I have about you will be only in my memory. This information is Protected Health Information.

## **2 Routine Uses**

I routinely use the information about you to help you, to keep track of billing, and to improve the way I do my work by evaluating the results of my work.

Although your health record is the physical property of the healthcare provider

who collected it, the information belongs to you. You can inspect, read, or review it. If you want a copy, I can make one for you but will charge you for costs such as copying, mailing, and any time these take for me. Since I do not maintain an office staff for these tasks, the cost of my time will be charged at my ordinary full fee for clinical work. You may expect, however, that if you request a copy of your record, I will want first to discuss with you the meaning of your request in the context of our work, and your thoughts about what it might or might not contain. Please ask if you would like further explanation about this.

Some of my notes are not part of your health record. They are separate from your health record and are designed for my own professional development. These notes are not your information and belong to me. They are not available for inspection, review, or copying.

In some circumstances, I may seek (at my own expense, unless otherwise negotiated with you) consultation with another professional colleague. My intent in these situations is to learn better how to be helpful to my patients. I take care to choose someone who does not know you. In many instances, this will be a professional colleague in another city.

I also periodically provide certain professional colleagues with a list of my current patients and their phone numbers (sometimes annotated with the frequency of our sessions or other details) so that they could contact my patients in an emergency if I were unable to do so myself. We have never yet had to use this list.

### **3 I DO NOT DISCLOSE your Private Healthcare Information WITHOUT YOUR PERMISSION**

**Not** to other healthcare providers (though if you were referred to me by a colleague, I will usually say something like "Thank you for the person you referred to me last week".)

**Not** to family members, friends, attorneys, professional licensing boards, teachers, etc.

**Not** to insurance companies

Even when you give me written permission to disclose information to someone else, I make every effort to disclose the minimum necessary information unless we have had an opportunity to discuss the matter and you wish me to disclose everything.

I am a solo private practitioner and have no office staff. Accordingly, in normal circumstances, no one but me has access to your records or details of your treatment. I do my own billing, do not use a receptionist, and do my own bookkeeping. I use electronic billing for some insurance companies. If you use medical insurance benefits, you are authorizing me to submit billing information (whatever is required by your insurance company). I may submit this electronically. Although I will use the most professional and confidential methods available, electronic transmission of confidential information has some risks.

If you *email* me, I will reply (usually with as little personal information as possible). Since I use a complicated set of email servers (including, most importantly, Google's Gmail service), it is possible—even likely—that messages to and from me will be stored on my computer and/or a server somewhere. As far as I know, this information is safe, secure & protected from internet search engines, but the potential for leaking information is increased by email communications. *Please don't use email to communicate anything personal to me unless you are willing to accept those risks.*

If you leave me a *voice mail* message, your message is stored on a computer owned by the company that offers the service. (I currently use AT&T voice mail but am investigating alternatives) As far as I know, these messages are relatively secure, however, any private information left in a voice mail message to anyone, anywhere, is a potential breach of privacy, especially in light of recent disclosures of data collection by the National Security Administration (NSA). If you are uncomfortable with this level of privacy, please do not leave me detailed, personal health information in a voice mail message. If you leave me a message asking me to return your call, I will do so.)

Furthermore, your *contact information* is likely to be stored in encrypted, password protected form, in my billing software, in my computer address book, in my mobile phone, and in a backup system. I have begun using Gmail's "Contacts" feature to provide me with an alternative way of reaching my patients in the event of a computer failure. This seems secure enough to me for my own personal information, but if you are uncomfortable with these storage methods, please let me know and we can try to work out something that will meet both our needs.

### **3.1 Exceptions**

Possible, but unlikely, Exceptions to My Normal Level of Privacy:

- There is a possibility that, under strange circumstances, it might be necessary at some point to have someone else do my billing, or to work on my

computer database.

- If an account is delinquent, I may employ a collections agency or an attorney to assist me in collecting for unpaid balance for professional services. It is also conceivable that a thorough IRS audit might look at bank records and billing records. These, however, would not (to my knowledge) include any clinical information.
- I will disclose information about you if I am required by law to do so. I am required by law to report to the appropriate authorities if you report to me the abuse (severe enough to count as abuse under Tennessee law) of a child, elderly, or other person who is particularly vulnerable and has protected status under the law.
- If I receive a subpoena from a court, requesting records or for me to appear in court concerning your treatment, I will notify you. It will be your responsibility to take legal measures, *at your expense*, to block the subpoena. *You will be charged for my time preparing for testimony or being available for court.*
- If I believe that you are an eminent danger to yourself or others, I am required to notify whomever necessary in order to try to prevent harm.
- It is also possible that I will want to write about something from our work together. If I am unable to conceal your identity by changing details (age, gender, etc.) that would not alter the point I am making, I will not use the example. If I have any doubt about whether your identity would be adequately concealed, I will contact you to ask your permission or simply use some other example in my writing (or, perhaps, not publish my ideas on the matter).

#### **4 How to complain about my privacy practices:**

If you think that I have violated your privacy rights, or you disagree with a decision I have made about access to your PHI, you may file a complaint with me. You may also send a written complaint to:

Secretary of the Department of Health and Human Services  
Office for Civil Rights  
U.S. Department of Health and Human Services  
601 East 12th Street, Room 248

4 HOW TO COMPLAIN ABOUT MY PRIVACY PRACTICES:

Kansas City, MO 64106  
OCRCComplaint@hhs.gov  
(816) 426-3686 (fax)

I will take no retaliatory action against you if you file a complaint about my privacy practices.

This notice is dated 26 May 2017 (a further revision of the first 1 January 2006 version) and supersedes all others, written or oral.

**Signatures:**

\_\_\_\_\_  
(signature of patient or responsible party)

\_\_\_\_\_  
(print name of patient or responsible party)

\_\_\_\_\_  
(date)