



## PRIVACY NOTICE

### Notice of Exeter Counseling Center's Policies and Practices to Protect the Privacy of Your Health Information

THIS NOTICE DESCRIBES HOW PSYCHOLOGICAL INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW CAREFULLY.

#### I. Uses and Disclosures for Treatment, Payment, and Health Care Operations

Exeter Counseling Center (ECC) 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 your therapist provides, coordinates or manages your health care and other services related to your health care. An example of treatment would be when he/she consults with another health care provider, such as your family physician or another therapist.
  - Payment* is when ECC obtains reimbursement for your healthcare. Examples of payment are when ECC 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 your therapist'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 Exeter Counseling Center such as sharing, employing, applying, utilizing, examining, and analyzing information that identifies you.
- “*Disclosure*” applies to activities outside of Exeter Counseling Center, such as releasing, transferring, or providing access to information about you to other parties.

#### II. Uses and Disclosures Requiring Authorization

ECC 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 your therapist is asked for information for purposes outside of treatment, payment and health care operations, she/he will obtain an authorization from you before releasing this information.

You may revoke all such authorizations of PHI at any time, provided each revocation is in writing. You may not revoke an authorization to the extent that (1) ECC 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.

#### III. Uses and Disclosures with Neither Consent nor Authorization

ECC may use or disclose PHI without your consent or authorization in the following circumstances:

- **Child Abuse:** If your therapist has a reason to suspect that a child has been abused or neglected, he/she is required by law to report this to the Bureau of Child and Family Services.
- **Adult and Domestic Abuse:** If your therapist suspects or has a good faith reason to believe that any incapacitated adult has been subject to abuse, neglect, self neglect or exploitation, or is living in hazardous conditions, she/he is required by law to report that information to the Commissioner of the Department of Health and Human Services.
- **Health Oversight:** If the New Hampshire Board of Mental Health Practice is conducting an investigation, then ECC is required to disclose your mental health records upon receipt of a subpoena from the Board.
- **Judicial or Administrative Proceedings:** If you are involved in a court proceeding and a request is made for information about the professional services provided at ECC and/or the records thereof, such information is privileged under state law, and your therapist will not release information without your written authorization, 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 have communicated to your therapist a serious threat of physical violence against a clearly identified or reasonably identifiable victim or victims, or if you have made a serious threat of substantial damage to real property, she/he is required by law to take reasonable precautions to provide protection from such threats by warning the victim or victims of your threat and to notify the police department closest to your residence or the potential victim's residence, or obtain your civil commitment to the state mental health system.

#### IV. Patient's Rights and Therapist'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 about you. However, ECC 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 in counseling. Upon your request, ECC will send your bills to another address.)
- *Right to Inspect and Copy* - You have the right to inspect or obtain a copy (or both) of PHI in ECC.s mental health and billing records used to make decisions about you for as long as the PHI is maintained in the record. On your request, your therapist will discuss with you the details of the request process.
- *Right to Amend* - You have the right to request an amendment of PHI for as long as the PHI is maintained in the record. ECC may deny your request. On your request, your therapist 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 for which you have provided neither consent nor authorization (as described in Section III of this Notice). On your request, your therapist 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 ECC upon request, even if you have agreed to receive the notice electronically.

##### Therapist's Duties:

- Your therapist is required by law to maintain the privacy of PHI and to provide you with a notice of his/her legal duties and privacy practices with respect to PHI.
- ECC reserves the right to change the privacy policies and practices described in this notice. Unless you are notified of such changes, however, ECC is required to abide by the terms currently in effect.
- If ECC revises its policies and procedures, your therapist will notify you at your next appointment.

#### V. Questions and Complaints

If you have questions about this notice, disagree with a decision your therapist makes about access to your records, or have other concerns about your privacy rights, please discuss your concerns with your therapist first, and if still not satisfied, you may contact Exeter Counseling Center's privacy officer at 603-778-7433 X25. If you believe that your privacy rights have been violated and wish to file a complaint with ECC, you may send your written complaint to Privacy Officer, Exeter Counseling Center, 163 Water St., Exeter, NH 03833. You may also send a written complaint to the Secretary of the U.S. Department of Health and Human Services. The ECC Privacy Officer can provide you with the appropriate address upon request.

You have specific rights under the Privacy Rule. ECC and/or your therapist will not retaliate against you for exercising your right to file a complaint.

#### VI. Effective Date, Restrictions and Changes to Privacy Policy

This notice will go into effect on April 14, 2003.

ECC reserves the right to change the terms of this notice and to make the new notice provisions effective for all PHI that we maintain. ECC will provide you with a revised notice at the first appointment after such change.