

HIPAA NOTICE OF PRIVACY PRACTICES

Child & Family Guidance Center of Texoma 804 E. Pecan Grove Road, Sherman, TX 75090
Telephone: 903-893-7768, Fax: 903-893-4979, e-mail: help@cfgcenter.org

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I. 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.

II. IT IS CFGC'S LEGAL DUTY TO SAFEGUARD YOUR PROTECTED HEALTH INFORMATION (PHI).

By law CFGC is required to ensure that your PHI is kept private. The PHI constitutes information created or noted by CFGC that can be used to identify you. It contains data about your past, present, or future health or condition, the provision of health care services to you, or the payment for such health care. CFGC is required to provide you with this Notice about our privacy procedures. This Notice must explain when, why, and how CFGC would use and/or disclose your PHI. **Use** of PHI means when CFGC shares, applies, utilizes, examines, or analyzes information within its practice; PHI is **disclosed** when CFGC releases, transfers, gives, or otherwise reveals it to a third party outside this practice. With some exceptions, CFGC may not use or disclose more of your PHI than is necessary to accomplish the purpose for which the use or disclosure is made; however, CFGC is always legally required to follow the privacy practices described in this Notice.

Please note that CFGC reserves the right to change the terms of this Notice and its privacy policies at any time. Any changes will apply to PHI already on file with CFGC. Before CFGC makes any important changes to its policies, CFGC will immediately change this Notice and post a new copy of it in the office and on its website. You may also request a copy of this Notice from CFGC or you can view a copy of it in the office or on the website, which is located at www.cfgcenter.org.

III. HOW CFGC WILL USE AND DISCLOSE YOUR PHI

CFGC will use and disclose your PHI for many different reasons. Some of the uses or disclosures will require your prior written authorization; others, however, will not. Below you will find the different categories of CFGC's uses and disclosures, with some examples.

A. Uses and Disclosures Related to Treatment, Payment, or Health Care Operations Do Not Require Your Prior Written Consent.

CFGC may use and disclose your PHI without your consent for the following reasons:

- 1. For treatment.** CFGC may disclose your PHI to physicians, psychiatrists, psychologists, and other licensed health care providers who provide you with health care services or are otherwise involved in your care. Example: If a psychiatrist is treating you, CFGC may disclose your PHI to her/him in order to coordinate your care.
- 2. For health care operations.** CFGC may disclose your PHI to facilitate the efficient and correct operation of center practices. Examples: Quality control - CFGC might use your PHI in the evaluation of the quality of health care services that you have received or to evaluate the performance of the health care professionals who provided you with these services. CFGC may also provide your PHI to its attorneys, accountants, consultants, and others to make sure that CFGC is in compliance with applicable laws.
- 3. To obtain payment for treatment.** CFGC may use and disclose your PHI to bill and collect payment for the treatment and services CFGC provided to you. Example: CFGC might send your PHI to your insurance company or health plan in order to get payment for the health care services that a therapist has provided to you. CFGC could also provide your PHI to business associates, such as billing companies, claims processing companies, and others that process health care claims for our office.
- 4. Other disclosures.** Examples: Your consent is not required if you need emergency treatment, provided that your CFGC therapist attempts to get your consent after treatment is rendered. In the

event that CFGC tries to get your consent, but you are unable to communicate with CFGC (for example, if you are unconscious or in severe pain), but CFGC thinks that you would consent to such treatment if you could, CFGC may disclose your PHI.

B. Certain Other Uses and Disclosures Do Not Require Your Consent. CFGC may use and or disclose your PHI without your consent or authorization for the following reasons:

- 1. When disclosure is required by federal, state, or local law; judicial, board, or administrative proceedings; or law enforcement.** Example: CFGC may make a disclosure to the appropriate officials when a law requires us to report information to government agencies, law enforcement personnel and/or in an administrative proceeding.
- 2. If disclosure is compelled by a party to a proceeding before a court of law and/or administrative agency pursuant to its lawful authority.**
- 3. If disclosure is required by a search warrant lawfully issued to a governmental law enforcement agency.**
- 4. If disclosure is compelled by the patient or the patient's representative pursuant to Texas Health and Safety Codes or to corresponding federal statutes of regulations, such as the Privacy Rule that requires this Notice.**
- 5. To avoid harm.** CFGC may provide PHI to law enforcement personnel or persons able to prevent or mitigate a serious threat to the health or safety of a person or the public.
- 6. If disclosure is compelled or permitted by the fact that you are experiencing a mental or emotional condition as to be dangerous to yourself or the person or property of others, and if CFGC determines that disclosure is necessary to prevent the threatened danger.**
- 7. If a disclosure is mandated by the Texas Child Abuse and Neglect Reporting law.** For example, if CFGC has a reasonable suspicion of child abuse or neglect.
- 8. If disclosure is mandated by the Texas Elder/Dependent Adult Abuse Reporting law.** For example, if CFGC has a reasonable suspicion of elder abuse or dependent adult abuse.
- 9. If disclosure is compelled or permitted by the fact that you tell CFGC's therapist of a serious/imminent threat of physical violence by you against a reasonably identifiable victim or victims.**
- 10. For public health activities.** Example: In the event of your death, if a disclosure is permitted or compelled, CFGC may need to give the county coroner information about you.
- 11. For health oversight activities.** Example: CFGC may be required to provide information to assist the government in the course of an investigation or inspection of a health care organization or provider.
- 12. For specific government functions.** Examples: CFGC may disclose PHI of military personnel and veterans under certain circumstances. Also, CFGC may disclose PHI in the interests of national security, such as protecting the President of the United States or assisting with intelligence operations.
- 13. For research purposes.** In certain circumstances, CFGC may provide PHI in order to conduct medical research.
- 14. For Workers' Compensation Purposes.** CFGC may provide PHI in order to comply with Workers' Compensation laws.
- 15. Appointment reminders and health related benefits or services.** Examples: CFGC may use PHI to provide appointment reminders. CFGC may use PHI to give you information about alternative treatment options or other health care services or benefits we offer.
- 16. If an arbitrator or arbitration panel compels disclosure.** When arbitration is lawfully requested by either party, pursuant to subpoena *duces tectum* (e.g., a subpoena for mental health records) or any other provision authorizing disclosure in a proceeding before an arbitrator or arbitration panel.
- 17. CFGC is permitted to contact you without your prior authorization to provide appointment reminders or information about alternative or other health-related benefits and services that may be of interest to you.**
- 18. If disclosure is permitted to a health oversight agency for oversight activities authorized by law.** Example: When compelled by U.S. Secretary of Health and Human Services to investigate or assess a therapist's compliance with HIPPA regulations.
- 19. If disclosure is otherwise specifically required by law.**

C. Certain Uses and Disclosures Require You to Have the Opportunity to Object.

1. Disclosures to family, friends, or others. CFGC may provide your PHI to a family member, friend, or other individual who you indicate is involved in your care or responsible for the payment for your health care, unless you object in whole or in part. Retroactive consent may be obtained in emergency situations.

D. Other Uses and Disclosures Require Your Prior Written Authorization. In any other situation not described in Sections IIIA, IIIB, and IIIC above, CFGC will request your written authorization before using or disclosing any of your PHI. Even if you have signed an authorization to disclose your PHI, you may later revoke that authorization, in writing, to stop any future uses and disclosures (assuming that CFGC hasn't taken any action subsequent to the original authorization) of your PHI by CFGC.

IV. WHAT RIGHTS YOU HAVE REGARDING YOUR PHI

These are your rights with respect to your PHI:

A. The Right to See and Get Copies of Your PHI. In general, you have the right to see your PHI that is in CFGC's possession, or to get copies of it; however, you must request it in writing. If CFGC does not have your PHI, but knows who does, CFGC will advise you how you can get it. You will receive a response from CFGC within 30 days of us receiving your written request. Under certain circumstances, CFGC may feel it must deny your request, but if we do, we will give you, in writing, the reasons for denial. We will also explain your right to have its denial reviewed. If you ask for copies of your PHI, CFGC will charge \$25.00 for the first 20 pages and .50 cents for each additional page. This recommended fee is set by Texas State Law. CFGC may see fit to provide you with a summary or explanation of the PHI, but only if you agree to it, as well as to the cost, in advance.

B. The Right to Request Limits on Uses and Disclosures of Your PHI. You have the right to ask that CFGC limit how we use and disclose your PHI. While CFGC will consider your request, CFGC is not legally bound to agree, IF we do agree to your request, we will put those limits in writing and abide by them except in emergency situations. You do not have the right to limit the uses and disclosures that CFGC is legally required or permitted to make.

C. The Right to Choose How CFGC Sends Your PHI to You. It is your right to ask that your PHI be sent to you at an alternate address (for example, sending information to your work address rather than your home address) or by an alternate method (for example, via email instead of by regular mail). CFGC is obliged to agree to your request providing that CFGC can give you the PHI, in the format you requested, without undue inconvenience.

D. The Right to Get a List of the Disclosures CFGC Has Made. You are entitled to a list of disclosures of your PHI that CFGC has made. The list will not include uses or disclosures to which you have already consented, i.e., those for treatment, payment, or health care operations, sent directly to you, or to your family; neither will the list include disclosures made for national security purposes, to corrections or law enforcement personnel, or disclosures made before April 15, 2003. After April 15, 2003, disclosure records will be held for six years. CFGC will respond to your request for an accounting of disclosures within 60 days of receiving your request. The list CFGC gives you will include disclosures made in the previous six years (the first six-year period being 2003-2009), unless you indicate a shorter period. The list will include the date of the disclosure, to whom PHI was disclosed (including the party's address, if known), a description of the information disclosed, and the reason for the disclosure. CFGC will provide the list to you at no cost, unless you make more than one request in the same year, in which case CFGC will charge you a reasonable sum based on a set fee for each additional request.

E. The Right to Amend Your PHI. If you believe that there is some error in your PHI or that important information has been omitted, it is your right to request that CFGC correct the existing information or add the missing information. Your request and the reason for the request must be made in writing. You will receive a response within 60 days of CFGC's receipt of your request. CFGC may deny your request, in writing, if CFGC finds that: the PHI is (a) correct and complete, (b) forbidden to be disclosed, (c) not part of CFGC's records, or (d) written by someone other than CFGC. Our denial must be in writing and must state the reasons for the denial. It must also explain your right to file a written statement objecting to the denial. If you do not file a written objection, you still have the right to ask that your

request and CFGC's denial be attached to any future disclosures of your PHI. If CFGC approves your request, we will make the change(s) to your PHI. Additionally, CFGC will tell you that the changes have been made and will advise all others who need to know about the change(s) to your PHI.

F. The Right to Get This Notice by Email. You have the right to get this notice by email. You have the right to request a paper copy of it as well.

V. HOW TO COMPLAIN ABOUT CFGC'S PRIVACY PRACTICES

If, in your opinion, CFGC has violated your privacy rights, or if you object to a decision CFGC made about access to your PHI, you are entitled to file a complaint with the person listed in Section VI below. You may also send a written complaint to the Secretary of the Department of Health and Human Services at 200 Independence Avenue S.W. Washington, D.C. 20201. If you file a complaint about CFGC's privacy practices, CFGC will take no retaliatory action against you.

VI. PERSON TO CONTACT FOR INFORMATION ABOUT THIS NOTICE OR TO COMPLAIN ABOUT CFGC'S PRIVACY PRACTICES

If you have any questions about this notice or any complaints about CFGC's privacy practices, or would like to know how to file a complaint with the Secretary of the Department of Health and Human Services, please contact CFGC Executive Director or Clinical Director at 804 E. Pecan Grove Road, Sherman, TX 75090, (903) 893-7768 or bhayward@cfgcenter.org.

Note: CFGC acknowledges that state law may preempt HIPAA regulations IF the state law is more protective of an individual's privacy.