

HIPAA NOTICE OF PRIVACY PRACTICES

For Children's Sake of VA

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.

IT IS THE LEGAL DUTY OF FOR CHILDREN'S SAKE OF VA TO SAFEGUARD YOUR PROTECTED HEALTH INFORMATION (PHI).

By law FOR CHILDREN'S SAKE OF VA is required to insure that your PHI is kept private. The PHI constitutes information created or noted by FOR CHILDREN'S SAKE OF VA 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. FOR CHILDREN'S SAKE OF VA is required to provide you with this Notice about privacy procedures. This Notice must explain when, why, and how FOR CHILDREN'S SAKE OF VA would use and/or disclose your PHI. Use of PHI means when FOR CHILDREN'S SAKE OF VA shares, applies, utilizes, examines, or analyzes information within the practice; PHI is disclosed when FOR CHILDREN'S SAKE OF VA releases, transfers, gives, or otherwise reveals it to a third party outside the practice. With some exceptions, FOR CHILDREN'S SAKE OF VA 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, FOR CHILDREN'S SAKE OF VA is always legally required to follow the privacy practices described in this Notice.

Please note that FOR CHILDREN'S SAKE OF VA reserves the right to change the terms of this Notice and these privacy policies at any time. Any changes will apply to any PHI already on file with For Children's Sake of VA. Before FOR CHILDREN'S SAKE OF VA makes any important changes to these policies, FOR CHILDREN'S SAKE OF VA will immediately change this Notice and post a new copy of it in each office. You may also request a copy of this Notice from For Children's Sake of VA, or you can view a copy of it in any office.

I. HOW FOR CHILDREN'S SAKE OF VA WILL USE AND DISCLOSE YOUR PHI.

FOR CHILDREN'S SAKE OF VA 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 uses and disclosures, with some examples.

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

FOR CHILDREN'S SAKE OF VA may use and/or disclose your PHI without your consent for the following reasons

- **For treatment.** FOR CHILDREN'S SAKE OF VA 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, FOR CHILDREN'S SAKE OF VA may disclose your PHI to her/him in order to coordinate your care.
- **For health care operations.** FOR CHILDREN'S SAKE OF VA may disclose your PHI to facilitate the efficient and correct operation of my practice. Examples: Quality control - FOR CHILDREN'S SAKE OF VA 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. FOR CHILDREN'S SAKE OF VA may also provide your PHI to my attorneys, accountants, consultants, and others to make sure that FOR CHILDREN'S SAKE OF VA is in compliance with applicable laws.
- **To obtain payment for treatment.** FOR CHILDREN'S SAKE OF VA may use and disclose your PHI to bill and collect payment for the treatment and services FOR CHILDREN'S SAKE OF VA provided you. Example: FOR CHILDREN'S SAKE OF VA might send your PHI to your insurance company or health plan in order to get payment for the health care services that FOR CHILDREN'S SAKE OF VA has provided to you. FOR CHILDREN'S SAKE OF VA could also provide your PHI to business associates, such as billing companies, claims processing companies, and others that process health care claims for the agency.
- **Other disclosures.** Examples: Your consent isn't required if you need emergency treatment provided that FOR CHILDREN'S SAKE OF VA attempts to get your consent after treatment is rendered. In the event that FOR CHILDREN'S SAKE OF VA tries to get your consent but you are unable to communicate with anyone in the agency (for example, if you are unconscious or in severe pain) but FOR CHILDREN'S SAKE OF VA thinks that you would consent to such treatment if you could, FOR CHILDREN'S SAKE OF VA may disclose your PHI.

II. Certain Other Uses and Disclosures Do Not Require Your Consent.

FOR CHILDREN'S SAKE OF VA may use and/or disclose your PHI without your consent or authorization for the following reasons:

- **When disclosure is required by federal, state, or local law; judicial, board, or administrative proceedings; or, law enforcement.** Example: FOR CHILDREN'S SAKE OF VA may make a disclosure to the appropriate officials when a law requires me to report information to government agencies, law enforcement personnel and/or in an administrative proceeding.
 - **If disclosure is compelled by a party to a proceeding before a court of an administrative agency pursuant to its lawful authority.**
 - **If disclosure is required by a search warrant lawfully issued to a governmental law enforcement agency.**
 - **If disclosure is compelled by the patient or the patient's representative pursuant to Virginia Health and Safety Codes or to corresponding federal statutes of regulations, such as the Privacy Rule that requires this Notice.**
 - **To avoid harm.** FOR CHILDREN'S SAKE OF VA 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.
 - **If disclosure is compelled or permitted by the fact that you are in such mental or emotional condition as to be dangerous to yourself or the person or property of others, and if FOR CHILDREN'S SAKE OF VA determines that disclosure is necessary to prevent the threatened danger.**
 - **If disclosure is mandated by the Virginia Child Abuse and Neglect Reporting law.** For example, if FOR CHILDREN'S SAKE OF VA has a reasonable suspicion of child abuse or neglect.
 - **If disclosure is mandated by the Virginia Elder/Dependent Adult Abuse Reporting law.** For example, if FOR CHILDREN'S SAKE OF VA has a reasonable suspicion of elder abuse or dependent adult abuse.
 - **If disclosure is compelled or permitted by the fact that you tell me of a serious/imminent threat of physical violence by you against a reasonably identifiable victim or victims.**
 - **For public health activities.** Example: In the event of your death, if a disclosure is permitted or compelled, FOR CHILDREN'S SAKE OF VA may need to give the county coroner information about you.
 - **For health oversight activities.** Example: FOR CHILDREN'S SAKE OF VA 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.
 - **For specific government functions.** Examples: FOR CHILDREN'S SAKE OF VA may disclose PHI of military personnel and veterans under certain circumstances. Also, FOR CHILDREN'S SAKE OF VA may disclose PHI in the interests of national security, such as protecting the President of the United States or assisting with intelligence operations.
 - **For Workers' Compensation purposes.** FOR CHILDREN'S SAKE OF VA may provide PHI in order to comply with Workers' Compensation laws.
 - **Appointment reminders and health related benefits or services.** Examples: FOR CHILDREN'S SAKE OF VA may use PHI to provide appointment reminders. FOR CHILDREN'S SAKE OF VA may use PHI to give you information about alternative treatment options, or other health care services or benefits FOR CHILDREN'S SAKE OF VA offers.
 - **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.
 - **FOR CHILDREN'S SAKE OF VA 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.**
 - **If disclosure is required or 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 my compliance with HIPAA regulations.
 - **If disclosure is otherwise specifically required by law.**

III. CERTAIN OTHER USES AND DISCLOSURES REQUIRE THAT YOU HAVE THE OPPORTUNITY TO OBJECT

- **Disclosures to family, friends, or others.** After giving you a prior opportunity to orally authorize (or refuse authorization), FOR CHILDREN'S SAKE OF VA 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.

IV. OTHER USES AND DISCLOSURES REQUIRE YOUR PRIOR WRITTEN AUTHORIZATION

- **In any other situation not described in** Sections IIIA, IIIB, and IIIC above, FOR CHILDREN'S SAKE OF VA 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 FOR CHILDREN'S SAKE OF VA hasn't taken any action subsequent to the original authorization) of your PHI by me.

V. YOUR RIGHTS REGARDING YOUR PHI

- **The Right to See and Get Copies of Your PHI.** In general, you have the right to see your PHI that is in my possession, or to get copies of it; however, you must request it in writing. If FOR CHILDREN'S SAKE OF VA does not have your PHI, but FOR CHILDREN'S SAKE OF VA knows who does, FOR CHILDREN'S SAKE OF VA will advise you how you can get it. You will receive a response from me within 30 days of my receiving your written request. Under certain circumstances, FOR CHILDREN'S SAKE OF VA may be compelled to deny your request, but if so, FOR CHILDREN'S SAKE OF VA will give you, in writing, the reasons for the denial. FOR CHILDREN'S SAKE OF VA will also explain your right to have my denial reviewed. If you ask for copies of your PHI, FOR CHILDREN'S SAKE OF VA will charge you not more than \$.25 per page. FOR CHILDREN'S SAKE OF VA 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.
- **The Right to Request Limits on Uses and Disclosures of Your PHI.** You have the right to ask that FOR CHILDREN'S SAKE OF VA limits the use and disclosure of your PHI. While FOR CHILDREN'S SAKE OF VA will consider your request, FOR CHILDREN'S SAKE OF VA is not legally bound to agree. If FOR CHILDREN'S SAKE OF VA does agree to your request, FOR CHILDREN'S SAKE OF VA 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 FOR CHILDREN'S SAKE OF VA is legally required or permitted to make.
- **The Right to Choose How FOR CHILDREN'S SAKE OF VA 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). FOR CHILDREN'S SAKE OF VA is obliged to agree to your request providing that FOR CHILDREN'S SAKE OF VA can give you the PHI, in the format you requested, without undue inconvenience.
- **The Right to Get a List of the Disclosures FOR CHILDREN'S SAKE OF VA Has Made.** You are entitled to a list of disclosures of your PHI that FOR CHILDREN'S SAKE OF VA 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. FOR CHILDREN'S SAKE OF VA will respond to your request for an accounting of disclosures within 60 days of receiving your request. The list FOR CHILDREN'S SAKE OF VA 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 their address, if known), a description of the information disclosed, and the reason for the disclosure. FOR CHILDREN'S SAKE OF VA will provide the list to you at no cost, unless you make more than one request in the same year, in which case FOR CHILDREN'S SAKE OF VA will charge you a reasonable sum based on a set fee for each additional request.
- **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 FOR CHILDREN'S SAKE OF VA corrects 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 my receipt of your request. FOR CHILDREN'S SAKE OF VA may deny your request, in writing, if it is found that: the PHI is (a) correct and complete, (b) forbidden to be disclosed, (c) not part of my records, or (d) written by someone other than me. My 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 my denial be attached to any future disclosures of your PHI. If FOR CHILDREN'S SAKE OF VA approves your request, FOR CHILDREN'S SAKE OF VA will make the change(s) to your PHI. Additionally, FOR CHILDREN'S SAKE OF VA will tell you that the changes have been made, and FOR CHILDREN'S SAKE OF VA will advise all others who need to know about the change(s) to your PHI.
- **The Right to Get This Notice by Email.** You have the right to receive this notice by email. You have the right to request a paper copy of it, as well.

VI. HOW TO COMPLAIN ABOUT MY PRIVACY PRACTICES

If, in your opinion, FOR CHILDREN'S SAKE OF VA may have violated your privacy rights, or if you object to a decision FOR CHILDREN'S SAKE OF VA 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 Office of Civil Rights, 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 my privacy practices, FOR CHILDREN'S SAKE OF VA will take no retaliatory action against you.

VII. PERSON TO CONTACT FOR INFORMATION ABOUT THIS NOTICE OR TO COMPLAIN ABOUT MY PRIVACY PRACTICES

If you have any questions about this notice or any complaints about For Children's Sake of VAs privacy practices, or would like to know how to file a complaint with the Office of Civil Rights of the U.S. Department of Health and Human Services within 180 days of the suspected violation by me of your privacy rights or later, if you demonstrate good cause please contact me at 14014 Sullyfield Circle, Suite B, Chantilly, VA 20151-1689 (703) 817-9890.

VIII. EFFECTIVE DATE OF THIS NOTICE

This notice went into effect on April 14, 2003.

I acknowledge receipt of this notice:

Client Name: _____

Signature: _____

Date: _____

Therapist Name: _____

Signature: _____

Date: _____