

Carolina Psychological Associates, P.A.  
5509-B West Friendly Avenue  
Suite 106  
Greensboro, NC 27410-4249

## NORTH CAROLINA NOTICE FORM

### Notice of Psychologists'/Psychotherapists' Policies and Practices to Protect the Privacy of Your Health Information

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

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

I may *use* or *disclose* your *protected health information (PHI)*, for *treatment, payment, and health care operations* 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 I provide, coordinate or manage your health care and other services related to your health care. An example of treatment would be when I consult with another health care provider such as your family physician or another psychologist.
  - Payment* is when I obtain reimbursement for your healthcare. Examples of payment are when I disclose 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 my 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 my [office, clinic, practice group, etc.] such as sharing, employing, applying, utilizing, examining, and analyzing information that identifies you.
- “*Disclosure*” applies to activities outside of my [office, clinic, practice group, etc.] such as releasing, transferring, or providing access to information about you to other parties.

#### II Uses and Disclosures Requiring Authorization

I 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 I am asked for information for purposes outside of treatment, payment, and health care operations, I will obtain an authorization from you before releasing this information.

- Must sign and authorization for:
  - a. Most uses and disclosures of psychotherapy notes (if you keep separate psychotherapy notes)
  - b. Uses and disclosures of PHI for marketing purposes (e.g. sending communications to your list of clients about new services you are offering); and
  - c. Disclosures that constitute a sale of PHI

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) have 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

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

- **Child Abuse:** If you give me information which leads me to suspect child abuse, neglect, or death due to maltreatment, I must report such information to the county Department of Social Services. If asked by the Director of Social Services to turn over information from your records relevant to a child protective services investigation, I must do so.
- **Adult and Domestic Abuse:** If information you give me gives me reasonable cause to believe that a disabled adult is in need of protective services, I must report this to the Director of Social Services.
- **Health Oversight:** The North Carolina Psychology Board has the power, when necessary, to subpoena relevant records should I be the focus of an inquiry.
- **Judicial or Administrative Proceedings:** If you are involved in a court proceeding, and a request is made for information about the professional services that I have provided you and/or the records thereof, such information is privileged under state law, and I must not release this information without your written authorization, or a court order. This 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:** I may disclose your confidential information to protect you or others from a serious threat of harm by you.
- **Workers Compensation:** If you file a workers' compensation claim, I am required by law to provide your mental health information relevant to the claim to your employer and the North Carolina Industrial Commission.

### IV. Patient's Rights and Psychologist's Duties

#### Patient's Rights:

Per North Carolina Law, (effective 01/01/2012), mental health and medical providers may share client information with other mental health providers, without obtaining the client's written consent, when necessary to coordinate care and treatment. This applies between mental health providers and other health care providers (such as psychiatrists, primary care physicians and pediatricians) regulated by the 1996 Health Insurance Portability and Accountability Act. This allows a referring psychologist or physician to be informed about a client they have referred. We will follow this law's provisions unless you let us know otherwise.

- a. *Right to Request Restrictions* – You have the right to request restrictions on certain uses and disclosures of protected health information about you. However, I am not required to agree to a restriction you request.
- b. *Right to Receive Confidential Communication 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 seeing me. Upon your request, I will send your bills to another address.)
- c. *Right to Inspect and Copy* – You have the right to inspect or obtain a copy (or both) of PHI in my mental health and billing records used to make decisions about you for as long as PHI is maintained in the record. I may deny your access to PHI under certain circumstances, but in some cases, you may have this decision reviewed. On your request, I will discuss with you the details of the request and denial process.
- d. *Right to Amend* – You have the right to request an amendment of PHI for as long as the PHI is maintained in the record. I may deny your request. On your request, I will discuss with you the details of the amendment process.

- e. *Right to an Accounting* – You generally have the right to receive an accounting of disclosures of PHI for which you have neither provided consent nor authorization (as described in Section II of this Notice). On your request, I will discuss with you the details of the accounting process.
- f. *Right to a Paper Copy* – You have the right to obtain a copy of the notice from me upon request even if you have agreed to receive the notice electronically.

Psychotherapists' Duties:

- I am required by law to maintain the privacy of PHI and to provide you with a notice of my legal duties and privacy practices with respect to PHI.
- I reserve the right to change the privacy policies and practices described in this notice. Unless I notify you of such changes, however, I am required to abide by the terms currently in effect
- If I revise my policies and procedures, I will notify any active clients 30 days prior to the change of policy by posting in the office and written notification if one is an active client.
- I have the right to restrict certain disclosures of Protected Health Information (PHI) to a health plan if they pay out-of-pocket in full for the healthcare service. (This new right is discussed in Section E.1. of the HIPPA Final Rule document.)
- I have the right to be notified if there is a breach of their unsecured PHI.

V. Complaints

If you are concerned that I have violated your privacy rights, or you disagree with a decision I made about access to your records, you may contact Claire Huprich and/or Dr. Michie Dew, Privacy Officers at 336-272-0855. You may also send a written complaint to the Secretary of the U.S. Department of Health and Human Services. The person listed above can provide you with the appropriate address upon request.

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

This notice will go into effect on April 1, 2003. I reserve the right to change the terms of this notice and to make the new notice provisions effective for all PHI that I maintain. I will provide you with a revised notice by posted notice in the office, written notification if you are an active client at the time of the change of terms 30 days prior to the change.

Your signature below indicates that you have read this agreement and understand and agree to its terms. It also serves as acknowledgement that you have read and understand and agree with our Psychologist-Patient Services Agreement.

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Client or Parent/Guardian Signature

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Date

## CONFIDENTIALITY

The confidentiality of the material discussed in therapy will be upheld at all times. As a general rule, Carolina Psychological Associates, P.A. will not release any information without your written consent. We are a group practice. We can consult with our associates when clinically advisable. Each clinician in the group shares emergency coverage, and the clinician who is on-call will have access to information relevant to responding to emergencies.

### **THERE ARE SOME EXCEPTIONS TO THE CONFIDENTIALITY RULE:**

When a child is in treatment and the parents are divorced, and the parents have joint custody, the N.C. Attorney General's Office has advised us that as psychotherapists, we are obligated to inform both parents that the child is in treatment and the nature and course of treatment.

If a therapist suspects that child abuse or neglect has occurred, the law requires that it be reported to the proper authorities. Child abuse includes sexual exploitation and physical or mental injuries that result in impaired functioning. Child neglect includes failure to provide for the basic needs of the child (including medical care) and inappropriate discipline.

If a therapist believes you to be a clear and imminent danger to yourself or another person, she or he must take steps to prevent that occurrence. These steps may require breaking confidentiality.

In a legal proceeding, client-therapist communications are privileged. A judge can, however, order the therapist to divulge confidential information if this information is deemed necessary for the proper administration of justice. There is one exclusion; N.C. law provides that a marriage counselor is incompetent to testify in any subsequent legal action regarding divorce.

Your records can be released without your consent to prove to the appropriate agencies that Carolina Psychological Associates, P.A. is in compliance with federally mandated HIPAA privacy laws.

Your records can be released without your consent upon request from the military for purposes of national security.

Per North Carolina Law (eff. 1/1/2012), mental health and medical providers may share client information with other mental health and medical providers, without obtaining the client's written consent, when necessary to coordinate care and treatment. This applies between mental health providers and other health care providers (such as psychiatrists, primary care physicians and pediatricians) regulated by the 1999 Health Insurance Portability and Accountability Act. This allows a referring psychologist or physician to be informed about a client they have referred. We will follow this law's provisions unless you let us know otherwise.

Filing insurance always requires giving the insurance company, or third party payor, a diagnosis and the date of service. If you are covered through an employee group health plan, this information may come back to an insurance administrator at the place of employment. Sometimes insurance companies or third party payors require more extensive information before processing claims. This does not usually come back to the employer. If you are concerned about this, you should check to see how your company protects insurance information.

If the use of a collection agency or attorney is necessary to collect a past due balance, your right to confidentiality is curtailed. While no clinical information would be revealed, your name, your employer, etc. and the amount owed becomes available to the agents.

If you have any concerns regarding confidentiality, please feel free to discuss them with your therapist.

Signing below indicates that I have read and understand the limits to my confidentiality.

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Client (or parent/guardian) Signature

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Date

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(Client Copy)

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