

Mimosa Christian Counseling Center, Inc.

Notice of Privacy Practices

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 read it carefully.

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

Mimosa Christian Counseling Center, Inc (MCCC) 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 Operation*” refers to the following:
 - *Treatment* occurs when MCCC provides, coordinates or manages your health care and other services related to your health care. An example of treatment would include staff consultation with another health care provider such as your family physician or another counselor.
 - *Payment* occurs when MCCC obtains reimbursement for your health care. Examples of payment include MCCC’s disclosure of 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 our 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 our office, such as sharing, employing, applying, utilizing, examining, and analyzing information that identifies you.
- “*Disclosure*” applies to activities outside of our office, such as releasing, transferring, or providing access to information about you to other parties.

II. Uses and Disclosures Requiring Authorization

MCCC 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 MCCC is asked for information for purposes outside of treatment, payment, and health care operations, we will obtain an authorization from you before releasing this information. We also will need to obtain an authorization before releasing your psychotherapy notes. “*Psychotherapy notes*” are notes the counselor may have made about your conversation during a private, group, joint, or family counseling session, which are separate from the rest of your medical record. These notes are given a greater degree of protection than PHI. You may revoke all such authorizations (of PHI or psychotherapy notes) at any time, provided each revocation is in writing. You may not revoke an authorization to the extent that (1) we 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

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

- **Child Abuse:** If you give us information which leads us to suspect child abuse, neglect, or death due to maltreatment, we 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, we must do so.
- **Adult and Domestic Abuse:** If information you give us gives us reasonable cause to believe that a disabled adult is in need of protective services, we must report this to the Director of Social Services.
- **Health Oversight:** The North Carolina licensure boards have the power, when necessary, to subpoena relevant records should we 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 we have provided you and/or the records thereof, such information is privileged under state law, and we 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 Treat to Health or Safety.** We may disclose your confidential information to protect you or others from a serious threat of harm by you.
- **Worker's compensation** If you file a workers' compensation claim, we are 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 Counselor's Duties

Patients Rights:

- *Right to Request Restrictions* – You have the right to request restrictions on certain uses and disclosures of protected health information about you. However, we are 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 seeing a counselor. Upon your request, we 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 of our mental health and billing records used to make decisions about you for as long as the PHI is maintained in the record. We may deny your access to PHI under certain circumstances, but in some cases, you may have this decision reviewed. On your request, we will discuss with you the details of the request and denial 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. We may deny your request. On your request, we 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 neither provided consent nor authorization (as described in Section III of this Notice). On your request, we 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 the notice from MCCC upon request, even if you have agreed to receive the notice electronically.

Counselor's Duties:

- MCCC is required by law to maintain the privacy of PHI and to provide you with a notice of our legal duties and privacy practices with respect to PHI.
- MCCC reserves the right to change the privacy policies and practices described in this notice. Unless we notify you of such changes, however, we are required to abide by the terms currently in effect.
- If MCCC revises our policies and procedures, we will post a copy of the revised edition in the waiting area of the office for your review. You also may request a current edition of such policies and practices at any time.

V. Questions and Complaints

If you have questions about this notice, disagree with a decision MCCC makes about access to your record, or have other concerns about your privacy rights, you may contact Jane Rawson, Ph.D., Privacy Officer at 433-5600. If you believe that your privacy rights have been violated and wish to file a complaint with our office, you may send your written complaint to Jane Rawson, Ph.D., Privacy Officer, Mimosas Christian Counseling Center, Inc., 220 Burkemont Avenue, Morganton, NC 28655. 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. You have specific rights under the Privacy Rule. MCCC will not retaliate against you for exercising your right to file a complaint.

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

This notice will go into effect on April 5, 2004. MCCC reserves the right to change the terms of this notice and to make the new notice provisions effective for all PHI that we maintain. We will provide you with a current edition of such policies and practices upon request. We will also post a revised copy in the waiting area of the office for your review at any time. When using, disclosing or requesting PHI, MCCC will make a reasonable effort to limit PHI to the minimum necessary to accomplish the intended purpose of the use, disclosure, or request. MCCC recognizes that the requirement also applies to covered entities that request our clients' records and requires that such entities meet the standard, as required by law.