

## **NICOLE FRANCO COUNSELING OFFICE PRIVACY POLICY/HIPPA**

### **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.**

“Protected health information” (hereafter referred to as PHI) is information about you, including demographic information, that may identify you and that relates to your past, present or future physical or mental health condition and related health care services. Nicole Franco Counseling understands that your PHI information is personal and is committed to protecting your PHI and to sharing minimum necessary information required to accomplish this purpose. Nicole Franco Counseling creates a record of the care and services you receive and this notice applies to all PHI compiled about you during your care with Nicole Franco Counseling. This Notice of Privacy Practices describes how Nicole Franco Counseling can use and disclose your PHI to carry out treatment, payment or health care operations and for other purposes that are permitted or required by law (see in the body of the Notice). It also describes your rights to access and control your PHI. Nicole Franco Counseling is required to abide by the terms of this Notice of Privacy Practices and may change the terms of this notice at any time. Whenever there is an important or material change to the uses and disclosures of PHI, Nicole Franco Counseling will promptly revise and make available this notice to you.

#### **I. Uses and Disclosures of Protected Health Information (PHI):**

**Authorization:** Except as explained below, Nicole Franco Counseling will not use or disclose your protected health information for any purpose unless you have signed a form authorizing a use or disclosure. Even if you authorize this office to use or disclose your PHI, you have the right to revoke or terminate that authorization at any time. This office will consider your request, but is not required to agree to restrict the information, depending upon the circumstances.

**Uses and Disclosures of Protected Health Information:** When you consent to participate in counseling with Nicole Franco Counseling, there are many forms that you will need to complete and data that you will provide. Your PHI may be used and disclosed by Nicole Franco Counseling and/or business associates outside of this office that are involved in your care and treatment for the purpose of providing services to you. Following are examples of the types of uses and disclosures of your PHI that Nicole Franco Counseling will make.

**1. Treatment:** Nicole Franco Counseling will use and may disclose your PHI to provide, coordinate, or manage your healthcare and any related services. An example of treatment would be Nicole Franco Counseling consulting with another healthcare provider, such as your family physician or another therapist, to ensure the best possible outcomes for your care.

**2. Payment:** Your PHI will be used, as needed, to obtain payment for the services that Nicole Franco Counseling provides. This may include certain activities that your health insurance plan or service payment source may undertake before it approves or pays for the health care services recommended for you.

**3. Healthcare Operations:** Nicole Franco Counseling may use or disclose, as needed, your PHI for activities that relate to the performance and operation of Nicole Franco Counseling. Examples of health care operations are quality assessment and improvement activities and business related matters such as audits and administrative services. The law now gives Nicole Franco Counseling the right to do this without obtaining your signed release.

**4. E-Mailing of Your PHI:** Nicole Franco Counseling may transmit all or part of your PHI by unencrypted emails as a part of your continuum of treatment, however, this type of communications will only occur after the requesting individual is advised of the risk and still requests that form of communication.

## **II. Uses and Disclosures that require You are given the Opportunity to Agree or Object:**

**1. Others Involved in Your Healthcare:** Nicole Franco Counseling may use or disclose PHI to your guardian or personal representative or any other person that is directly responsible for your care. If you are unable to agree or object, Nicole Franco Counseling may disclose such information as necessary if, based on professional judgment, it would be in your best interest. Finally, Nicole Franco Counseling may use or disclose your PHI to an authorized public or private entity to assist in disaster relief efforts and to coordinate uses and disclosures to family or other individuals involved in your healthcare.

**2. Communication Barriers:** Nicole Franco Counseling may use and disclose your PHI if she attempts to obtain an authorization from you but is unable to do so due to substantial communication barriers that Nicole Franco Counseling cannot overcome and determines, using professional judgment, that you intend to provide authorization to share information.

**III. Other Required Uses and Disclosures:** Nicole Franco Counseling is permitted or required to use or disclose your PHI in the following situations *without your authorization*. These situations include:

**1. In Connection with Judicial and Administrative Proceedings:** If you are involved in a court proceeding and a request is made about the professional services provided by Nicole Franco Counseling or the records thereof, such information is privileged under state law, and will not be released without your written consent or a subpoena or 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.

**2. For Law Enforcement Purposes:** Nicole Franco Counseling may disclose your PHI in cooperation with law enforcement as defined by law. Nicole Franco Counseling will disclose your PHI when required to do so by law.

**3. Business Associate:** Nicole Franco Counseling may use business associates to help provide some services, for example: this office may contract with a company to complete and authorize credit-card payments or manage electronic scheduling through practice management software. . To protect your PHI this office requires the business associate to appropriately safeguard your information also.

**4. To Report Abuse, Neglect or Domestic Violence:** Nicole Franco Counseling may notify government authorities if she believes that a client is the victim of abuse, neglect, or domestic violence.

**5. Health Oversight Activities:** Nicole Franco Counseling may disclose PHI to a health oversight agency for activities authorized by law, such as audits; civil, administrative or criminal investigations, proceedings or actions; inspections; licensure or disciplinary actions; or other activities necessary for appropriate oversight as authorized by law.

**6. In a Medical or Psychological Emergency:** Nicole Franco Counseling may disclose PHI to direct medical service or mental health personnel if a medical or psychological emergency arises.

**7. Imminent Threat to Health or Safety:** Consistent with applicable federal and state laws, Nicole Franco Counseling may disclose your PHI if you present a serious danger of violence to yourself or another or if the disclosure is necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the public.

**8. Public Health:** Consistent with applicable federal and state laws, Nicole Franco Counseling may disclose your PHI to health or legal authorities charged with preventing or controlling disease, injury or disability.

**9. Workers Compensation:** Nicole Franco Counseling may disclose PHI to the extent authorized by and to the extent necessary to comply with laws relating to worker's compensation or other similar programs established by law.

**IV. Your Rights Regarding Protected Health Information:** Following is a statement of your rights with respect to your PHI and a brief description of how you may exercise these rights.

**1. Right to Request Limits on Uses and Disclosures of Your PHI.** You have the right to ask Nicole Franco Counseling to not to use or disclose certain PHI for treatment, payment, or health care operations purposes. Nicole Franco Counseling is not required to agree to your request, and may say "no" if it would affect your health care.

**2. The Right to See and Get Copies of Your PHI:** Other than "psychotherapy notes," you have the right to get an electronic or paper copy of your medical record and other information that Nicole Franco Counseling has about you. Nicole Franco Counseling will provide you with a copy of your record, or a summary of it, if you agree to receive a summary, within 30 days of receiving your written request, and may charge a reasonable, cost based fee for doing so. If Nicole Franco Counseling perceives that providing you access to your record constitutes a danger to self or others or would be detrimental to your mental health and progress, then Nicole Franco Counseling can use its professional judgment regarding access.

**3. Right to Amend:** You may have the right to amend your case record. This means you may request an amendment of the information in your record for as long as Nicole Franco Counseling maintains this information. This request must be in writing and provide a reason for the

amendment. In certain cases, Nicole Franco Counseling may deny your request for an amendment

**4. Right to an Accounting of Disclosures:** You have the right to receive an accounting of certain disclosures Nicole Franco Counseling has made, if any, of your PHI. This right applies to disclosures for purposes other than treatment, payment or healthcare operations as described in this Notice of Privacy Practices. By law it excludes disclosures Nicole Franco Counseling may have made to you, to family members or friends involved in your care, or for notification purposes. You have the right to receive specific information regarding these disclosures.

**5. Right to Obtain a Copy of This Notice:** You have a right to a hard copy upon request.

**V. Complaints:** If you believe your privacy rights have been violated you may contact Nicole Franco at 615.200.0684. You may also write a letter to the Secretary of Health and Human Services. There will be no retaliation for reporting or filing a complaint.

**VI. Changes to This Notice:** Nicole Franco Counseling reserves the right to change this notice at any time. Nicole Franco Counseling reserves the right to make the revised or changed notice effective for PHI information she already has about you as well as any information she receives in the future, in keeping with the law.