



NOTICE OF 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 OBTAIN ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY.

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

A BCC therapist may *use* or *disclose* your *protected health information (PHI)*, for certain *treatment, payment, and health care operations* purposes without your *authorization*. In certain circumstances, s/he can only do so when the person or business requesting your PHI provides a written request that includes certain promises regarding protecting the confidentiality of your PHI. The following definitions are provided to help clarify these terms:

- “*PHI*” refers to information in your health record that could identify you.
- “*Treatment*” is when a therapist or another healthcare provider diagnoses or treats you. An example of treatment would be when a therapist consults with another health care provider, such as your family physician or another psychologist, regarding your treatment.
- “*Payment*” is when a service provider such as BCC obtains reimbursement for your healthcare.
- “*Use*” applies only to activities within BCC such as sharing, employing, applying, utilizing, examining, and analyzing information that identifies you.
- “*Disclosure*” applies to activities outside of BCC such as releasing, transferring, or providing access to information about you to other parties.
- “*Authorization*” means written permission for specific uses or disclosures.

II. Uses and Disclosures Requiring Authorization

A therapist may use or disclose PHI for purposes outside of treatment, payment, and health care operations when your appropriate authorization is obtained. In those instances when we are asked for information for purposes outside of treatment and payment operations, your therapist will obtain an authorization from you before releasing this information. You may revoke or modify all such authorizations (of PHI or psychotherapy notes) at any time; however, the revocation or modification is not effective until we receive it.

III. Uses and Disclosures with Neither Consent nor Authorization

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

- **Child Abuse:** Whenever a therapist, in his or her professional capacity, has knowledge of or observes a child (under 18 years old) s/he knows or reasonably suspects has been the victim of child abuse or neglect, s/he must immediately report such to a police department, sheriff’s department, county probation department, or county welfare department. Also, if a therapist has knowledge of or reasonably suspects that mental suffering has been inflicted upon a child or that his or her emotional well-being is endangered in any other way, the therapist may report such to the above agencies.
- **Elder/Dependent Adult Abuse:** If a therapist, in his or her professional capacity, observes or has knowledge of an incident that reasonably appears to be physical abuse, abandonment, abduction, isolation, financial abuse, or neglect of an elder (65 years of age or older) or dependent adult; if a therapist is told by an elder or dependent adult that s/he has experienced these; or if a therapist reasonably suspects such, the therapist must report the known or suspected abuse immediately to the local ombudsman or law enforcement agency.
A therapist is not required to report an incident if the therapist has been told by an elder or dependent adult that s/he has experienced behavior constituting physical abuse, abandonment, abduction, isolation, financial abuse or neglect, and the therapist is not aware of any independent evidence that corroborates the statement that the abuse has occurred; (a) the elder or dependent adult has been diagnosed with a mental illness or dementia, or is the subject of court-ordered conservatorship because of a mental illness or dementia; and (b) in the exercise of clinical judgment, the therapist reasonably believes the abuse did not occur.
- **Health Oversight:** If a complaint is filed against a therapist with the California Board of Psychology or the California Board of Behavioral Science, the Board has the authority to subpoena confidential mental health information from the therapist relevant to that complaint.
- **Judicial or Administrative Proceedings:** If you are involved in a court proceeding and a request is made about the professional services that have been provided you, your information will not be released without (a) your written authorization or the authorization of your attorney or personal representative; (b) a court order; or (c) a subpoena duces tecum (a subpoena to produce records) where the party seeking your records provides a showing that you or your attorney have been served with a copy of the subpoena, affidavit and the appropriate notice, and you have not notified BCC that you are bringing a motion in the court to quash (block) or modify the subpoena. The privilege does not apply when you are being evaluated for a third party, or where the evaluation is court-ordered. BCC will inform you in advance if this is the case.

- **Serious Threat to Health or Safety:** If you communicate to your therapist a serious threat of physical violence against an identifiable victim, the therapist must make reasonable efforts to communicate that information to the potential victim and the police. If the therapist has reasonable cause to believe that you are in such a condition as to be dangerous to yourself or others, s/he may release relevant information as necessary to prevent the threatened danger.
- **Worker's Compensation:** If you file a worker's compensation claim, the therapist must furnish a report to your employer, incorporating his or her findings about your condition and treatment, within five working days from the date of your initial examination, and at subsequent intervals as may be required by the administrator of the Worker's Compensation Commission in order to determine your eligibility for worker's compensation.

IV. Client's Rights and Psychologist's Duties

Client's Rights:

- *Right to Request Restrictions* – You have the right to request restrictions on certain uses and disclosures of protected health information about you. However, your therapist or a BCC representative is 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 you are being seen at BCC. Upon your request, BCC will send your billing statements to another address.)
- *Right to Inspect and Copy* – You have the right to inspect and/or obtain a copy of PHI in BCC's mental health and billing records used to make decisions about you for as long as the PHI is maintained in the record. BCC may deny your access to PHI under certain circumstances, but in some cases you may have this decision reviewed. On your request, your therapist or a BCC representative will discuss with you the details of the request/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. Your therapist or a BCC representative may deny your request. On your request, your therapist or a BCC representative 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, your therapist or a BCC representative 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 upon request, even if you have agreed to receive the notice electronically.

Therapist's Duties:

- Your therapist is required by law to maintain the privacy of PHI and to provide you with a notice of his or her legal duties and privacy practices with respect to PHI.
- BCC reserves the right to change the privacy policies and practices described in this notice. Unless you are notified of such changes, however, the therapist is required to abide by the terms currently in effect.

V. Complaints

- If you are concerned that a therapist has violated your privacy rights, or you disagree with a decision he or she has made about access to your records, you may contact the Privacy Officer and/or Director at 562-903-4800.
- 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 February 1, 2008. BCC reserves the right to change the terms of this notice and to make the new notice provisions effective for all PHI that our therapists maintain. We will provide you with a revised notice by U.S. Mail.

PLEASE NOTE: Federal law requires BCC to provide you with the Notice of Privacy Policies for safeguarding your personal and protected health information. However, because the federal law is not as yet fully implemented in California, we will follow California state law where it is as protective or more protective of your privacy than HIPAA, and where HIPAA allows us to use California state law.

I have received a copy of Biola Counseling Center's Privacy Notice.

Printed Name of Client _____ Date _____

Signature of Client (or responsible party) _____

Relationship to Client _____

It is your right to refuse to sign this notice. Please initial here _____ if you do not wish to sign for receipt of the notice.