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Policy Regarding Protection of Your Health Information (Privacy Notice)

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

- 1) In 1996, Congress passed the Health Insurance Portability and Accountability Act (HIPAA) regarding procedures protecting client's rights related to health records, including mental health. HIPAA has three parts. The "**privacy rule**" focuses on when and to whom confidential patient information can be disclosed. The "**transaction rule**" addresses technical aspects of the electronic process and requires use of standardized formats whenever health care transactions, such as claims, are sent or received electronically. The "**security rule**" seeks to assure the security of confidential electronic patient information. For psychologists, this refers to access to offices, access to files and computers, as well as the processes used to keep electronic information secure. Protected Health Information (PHI) under HIPAA refers to any information that identifies the client. As related to my practice, this information includes Diagnostic Interviews, Psychological Evaluations, Family Assessments, Therapy Summaries, Treatment Plans/Updates, Discharge Summaries, Test Protocols, Consultation Notes, Emails, Claim Forms, Insurance EOBs, Client Intake Forms, financial records and Correspondence with persons/agencies with written client consent. Records received from other persons/agencies also become part of the patient's PHI. PHI will only be released by consent of the client or client's guardian. In situations where the client is a ward of the state of Nebraska, the caseworker is presumed to be the legal guardian.
- 2) "Defy the Cycle" is a common name used by providers at 4535 Normal Blvd, Ste 295. Although we work in the same space and utilize the same marketing, each provider is an independent mental health practice. Our records and billing are separate from each other. Providers do not share information with each other without written consent of the client or client's guardian. To provide the best possible care for clients, it is sometimes helpful to consult another mental health professional. When this is done, I will discuss the case without using names and in a manner protecting the identity of the client. A note of the consultation will become PHI and placed in the client's file.
- 3) I will only release a client's PHI with a signed release from the client or client's guardian in the case of a minor. Only information specifically identified on the signed release will be sent from this office. A copy of the signed release becomes part of the patient's file and PHI. The release allows the client to restrict the information disclosed by identifying it on the form. I, of course, has no control over information once it is released. If the client uses commercial insurance to managed care benefits to pay for services, it is my policy to release the least amount of information possible that will allow claims to be paid. Information typically includes dates of service, length and type of treatment provided, address, date of birth, social security number, and diagnosis. If companies request more information, I will consult with you before sending information.
- 4) I may need to disclose PHI without your consent in certain circumstances. In cases of suspected child abuse or neglect, I am required by law to make a report. In cases where the client threatens to seriously harm him

or herself or others, I am obligated to take steps to keep the client and others identified by threat safe. In some court proceedings, I may be required to present PHI in response to a court order or subpoena.

- 5) I submit insurance claims through the Electronic Medical Records Program, Therapy Appointment. TA uses a clearing house, Office Ally, to handle claims that are submitted electronically. I may use a company or individual to clean the office. All employees and contractors are trained in confidentiality issues and they have signed a Business Associate Agreement, agreeing to abide by my procedures. I will sanction employees or contractors who do not follow her procedures related to PHI, including discussion of infractions at the least, requiring further training, or termination of services as the last resort.
- 6) As a solo practice, I maintain responsibility for amending policies and procedures related to client records as laws change. I am also the person to contact if a client has a complaint about his/her health record.
- 7) I will honor client requests to have copies of their health records but are encouraged to sit down with me, as some information in the file needs interpretation and can be misunderstood if taken out of context. You may also be charged a reasonable fee for preparation of your records.
- 8) My clients have the right to request information in their file be amended or changed if they feel it is incorrect. I will discuss the request with the client and make changes if the information provided by the client was misinterpreted or the client has data to suggest that a wrong assumption was made by me. Changes will not be made in the areas of psychological reports where expertise in test interpretation is involved or where my comments about impressions based on observations. If a request for an amendment to PHI is not made, I will document the reason in writing and place it in the patient's file and give a copy of the denial to the client/guardian.
- 9) I will provide any accounting at the client's request of any information that is sent out regarding their record and who has had access to their medical file. A form designed to track this information and can be viewed by the client upon request.
- 10) You have the right to receive PHI by alternative means and at alternative locations. For example, you may want statements sent to a certain address to keep others in your family from knowing you are seeing me.
- 11) Records that are generated on paper are locked in a filing cabinet in a room that is locked when the premises are vacant. Components that are on paper are later scanned and stored on my personal computer. My personal computer is password-protected, and it is backed up on HIPAA compliant Carbonite. Reports, treatment plans, session notes, and discharge summaries are generated and stored in an Electronic Medical Records Program (Therapy Appointment). This program is also password protected.
- 12) I utilize an internet based faxing system (S-Fax).
- 13) Right to Restrict Disclosures When You Have Paid for Your Care out of Your Pocket- You have the right to restrict certain disclosures of PHI to a health plan when you pay out of pocket in full for my services.
- 14) Right to Be Notified if There is a Breach of Your Unsecured PHI- You have the right to be notified if: (a) there is a breach (a use or disclosure of you PHI in violation of the HIPAA Privacy Rule) involving your PHI; (b) that PHI has not been encrypted to government standards; and (c) my risk assessment fails to determine that there is a low probability that your PHI has been compromised.
- 15) I encourage clients to limit content sent via email or text in order to safeguard personal information.