

Maureen A. Malcolm, M.A., LPC
Form 3-1. HIPPA Privacy Statement

HIPAA PRIVACY STATEMENT: NOTICE OF PRIVACY RIGHTS

This notice contains information concerning how confidential mental health treatment information concerning you may be used and disclosed and how you can obtain access to this information in accordance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA). Please review it carefully and let us know any questions that you may have concerning this notice. During the process of providing services to you, *Maureen A. Malcolm* will obtain and use mental health and medical information concerning you that is both confidential and privileged. Ordinarily this confidential information will be used in the manner that is described in this statement, and will not be disclosed without your consent, except for the circumstances described in this Notice.

I. USES AND DISCLOSURES OF PROTECTED INFORMATION

a. General Uses and Disclosures Not Requiring the Client's Consent: *Maureen A. Malcolm* will use and disclose protected health information in the following ways:

i. Treatment: Treatment refers to the provision, coordination, or management of mental health care and related services by one or more health care providers. For example, *Maureen A. Malcolm* may use your information to plan your course of treatment and consult with other health care professionals or their staff concerning services needed or provided to you.

ii. Payment: Payment refers to the activities undertaken by a health care provider to obtain or provide reimbursement for the provision of health care. For example, *Maureen A. Malcolm* and other health care professionals will use information that identifies you, including information concerning your diagnosis, services provided to you, dates of services, and services needed by you, and may disclose such information to insurance companies, to businesses that review bills for health care services and handle claims for payment of health care benefits in order to obtain payment for services. If you are covered by Medicaid, information may be provided to the State of Colorado's Medicaid program, including but not limited to your treatment, condition, diagnosis, and services received.

iii. Health Care Operations: Health Care Operations means activities undertaken by health insurance companies, businesses that administer health plans, and companies that review bills for health care services in order to process claims for health care benefits. These functions include management and administrative activities. For example, such companies may use your health information in monitoring of service quality, staff training and evaluation, medical reviews, legal services, auditing functions, compliance programs, business planning and accreditation, certification, licensing, and credentialing activities.

iv. Contacting the Client: *Maureen A. Malcolm* may contact you to remind you of appointments and to tell you about treatments or other services that might be of benefit to you.

v. Required by Law: *Maureen A. Malcolm* will disclose protected health information when required by law. This includes, but is not limited to: 1. Reporting child abuse or neglect to the Department of Human Services or to law enforcement. 2. When court ordered to release information. 3. When there is a legal duty to warn of a threat that a client has made of imminent physical violence, health care professionals are required to notify the potential victim of such a threat, and report it to law enforcement. 4. When a client is imminently dangerous to herself/himself or to others, or is gravely disabled, health care professionals may have a duty to hospitalize the client in order to obtain a 72-hour evaluation of the client. 5. When required to report a threat to the national security of the United States.

vi. Health Oversight Activities: Your confidential, protected health information may be disclosed to health oversight agencies for oversight activities authorized by law and necessary for the oversight of the health care system, government health care benefit programs, regulatory programs, or determining compliance with program standards.

vii. Crimes On the Premises or Observed by *Maureen A. Malcolm*: Crimes that are observed by *Maureen A. Malcolm* that are directed toward *Maureen A. Malcolm*, or occur on *Maureen A. Malcolm's* business premises will be reported to law enforcement.

viii. Business Associates: Confidential health care information concerning you, provided to insurers, or to plans for purposes of payment for services that you receive may be disclosed to business associates. For example, some administrative, clinical, quality assurance, billing, legal, auditing, and practice management services may be provided by contracting with outside entities to perform those services. In those situations, protected health information will be provided to those contractors as is needed to perform their contracted tasks. Business associates are required to enter into an agreement maintaining privacy of the protected health information released to them.

ix. Research: Protected health information concerning you may be used with your permission for research purposes if the relevant provisions of the federal HIPAA privacy regulations are followed.

x. Involuntary Clients: Information regarding clients who are being treated involuntarily, pursuant to law, will be shared with other treatment providers, legal entities, third party payers, and others, as necessary to provide the care and management coordination needed in compliance with Colorado law.

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xi. Family Members: Except for certain minors, incompetent clients, or involuntary clients, protected health information cannot be provided to family members without the client's consent. In situations where family members are present during a discussion with the client, and it can be reasonably inferred from the circumstances that the client does not object, information may be disclosed in the course of the discussion. However, if the client objects, protected health information will not be disclosed.

xii. Emergencies: In life-threatening emergencies, *Maureen A. Malcolm* will disclose information necessary to avoid serious harm or death.

b. Client Release of Information or Authorization: *Maureen A. Malcolm* and other health care professionals may not use or disclose protected health information in any way without a signed release of information or authorization. When you sign a release of information or an authorization, it may later be revoked, provided that the revocation is in writing. The revocation will apply, except to the extent *Maureen A. Malcolm* has already taken action in reliance thereon.

II. YOUR RIGHTS AS A CLIENT

a. Access to Protected Health Information: You have the right to receive a summary of confidential health information concerning you with regard to mental health services needed or provided to you. There are some limitations to this right, which will be provided to you at the time of your request, if any such limitation applies. To make a request, ask *Maureen A. Malcolm* for the appropriate request form.

b. Amendment of Your Record: You have the right to request *Maureen A. Malcolm* or your health care professionals amend your protected health information. *Maureen A. Malcolm* is not required to amend the record if it is determined that the record is accurate and complete. There are other exceptions, which will be provided to you at the time of your request, if relevant, along with the appeal process available to you. To make a request, ask *Maureen A. Malcolm* for the appropriate request form.

c. Accounting of Disclosures: You have the right to receive an accounting of certain disclosures *Maureen A. Malcolm* has made regarding your protected health information. However, that accounting does not include disclosures that were made for the purpose of treatment, payment, or health care operations. In addition, the accounting does not include disclosures made to you, disclosures made pursuant to a signed authorization, or disclosures made prior to April 14, 2003. There are other exceptions that will be provided to you, should you request an accounting. To make a request, ask *Maureen A. Malcolm* for the appropriate request form.

d. Additional Restrictions: You have the right to request additional restrictions on the use or disclosure of your health information. *Maureen A. Malcolm* does not have to agree to that request, and there are certain limits to any restriction, which will be provided to you at the time of your request. To make a request, ask *Maureen A. Malcolm* for the appropriate request form.

e. Alternative Means of Receiving Confidential Communications: You have the right to request that you receive communications of protected health information from *Maureen A. Malcolm* by alternative means or at alternative locations. For example, if you do not want *Maureen A. Malcolm* to mail bills or other materials to your home, you can request that this information be sent to another address. There are limitations to the granting of such requests, which will be provided to you at the time of the request process. To make a request, ask *Maureen A. Malcolm* for the appropriate request form.

f. Copy of This Notice: You have a right to receive another copy of this notice upon request.

III. ADDITIONAL INFORMATION

a. Privacy Laws: *Maureen A. Malcolm* is required by state and federal law to maintain the privacy of protected health information. In addition, *Maureen A. Malcolm* is required by law to provide clients with notice of its legal duties and privacy practices with respect to protected health information. That is the purpose of this notice.

b. Terms of the Notice and Changes to the Notice: *Maureen A. Malcolm* is required to abide by the terms of this notice, or any amended notice that may follow. *Maureen A. Malcolm* reserves the right to change the terms of its notice and to make the new notice provisions effective for all protected health information that it maintains. When the notice is revised, the revised notice will be posted in service delivery sites and will be available upon request.

c. Complaints Regarding Privacy Rights: If you believe *Maureen A. Malcolm* has violated your privacy rights, you have the right to complain to *Maureen A. Malcolm*. Please submit a statement, in writing, concerning your complaint and the basis for it to the following:

Maureen A. Malcolm
ATTN: HIPAA Complaints
8800 Ralston Rd
Arvada CO 80002

You also have the right to complain to the United States Secretary of Health and Human Services by sending your complaint to:
US Department of Health and Human Services
ATTN: Office of Civil Rights

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200 Independence Avenue SW
Room 515F; HHH Building
Washington DC 20201

It is the policy of *Maureen A. Malcolm* that there will be no retaliation for your filing a complaint.

d. Additional Information: If you desire additional information about your privacy rights with *Maureen A. Malcolm* please ask any questions you may have.

IV. CONFIDENTIALITY OF ALCOHOL AND DRUG ABUSE PATIENT RECORDS

a. The confidentiality of alcohol and drug abuse patient records maintained by *Maureen A. Malcolm* is protected by federal law and regulations. Generally, the counselor may not say to a person outside the counseling practice that a patient attends counseling, or disclose any information identifying a patient as an alcohol or drug abuser unless: i. The patient consents in writing. ii. The disclosure is allowed by a court order. iii. The disclosure is made to medical personnel in a medical emergency or to other qualified personnel for research, audit, or program evaluation.

b. Violation of the Federal Law and Regulations by a Program is a Crime: Suspected violations may be reported to appropriate authorities in accordance with federal regulations.

c. Federal law and regulations do not protect any information about a crime committed by a patient either at the program or against any person who works for the program or about any threat to commit such a crime. Disclosure may be made concerning any threat made by a client to commit imminent physical violence against another person to the potential victim who has been threatened and to law enforcement.

d. Federal law and regulations do not protect any information about suspected child abuse or neglect from being reported under state law to appropriate state or local authorities.

V. EFFECTIVE DATE

a. This notice is effective April 14, 2003.

I have read the preceding information and understand these disclosures. I have received a copy of this Disclosure Statement and Notice of Privacy Rights and agree to the aforementioned terms:

Client Name:

Client Signature: _____ Date: _____

Therapist/Witness: _____ Date: _____