



Privacy Policy (HIPAA)

Note: This Privacy Policy applies only to healthcare services (psychotherapy) and not to court related assessments, special master services or parenting coordinator services.

Notice of Psychologists' 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 GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY.

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

Premier Psychological Counseling & Consulting, PC (Premier PCC/Premier TMS) 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 Operations”
 - *Treatment* is when Premier PCC/Premier TMS provides, coordinates or manages your health care and other services related to your health care. An example of treatment would be when your provider consults with another health care provider, such as your family physician or another psychologist.
 - *Payment* is when Premier PCC/Premier TMS obtains reimbursement for your healthcare. Examples of payment are when Premier PCC/Premier TMS disclose 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

Premier PCC/Premier TMS 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 Premier PCC/Premier TMS are asked for information for purposes outside of treatment, payment and health care operations, Premier PCC/Premier TMS will obtain an authorization from you before releasing this information. Premier PCC/Premier TMS will also need to obtain an authorization before releasing your psychotherapy notes. “Psychotherapy notes” are notes your provider has made about your conversation during a private, group, joint, or family counseling session, which has been kept 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) Premier PCC/Premier TMS or your individual provider has relied on



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COUNSELING & CONSULTING, PC

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o: 435.216.9290 | 435.865.9119 | f: 435.865.9115

1490 E Foremaster Dr., Suite 340 – St. George, Utah 84790

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

Premier PCC/Premier TMS or your individual practitioner may use or disclose PHI without your consent or authorization in the following circumstances:

☐ **Child Abuse:** If your practitioner reason to believe that a child has been subjected to incest, molestation, sexual exploitation, sexual abuse, physical abuse, or neglect, or observes child being subjected to conditions or circumstances which would reasonably result in sexual abuse, physical abuse, or neglect, your practitioner must immediately notify the nearest peace officer, law enforcement agency, or the Office of the Utah Division of Child and Family Services.

☐ **Adult and Domestic Abuse:** If your practitioner has reason to believe that a vulnerable adult (defined below) is suffering from abuse, neglect, abandonment or exploitation, he/she is required by law to make a report to either the Utah Adult Protective Services intake, or the nearest law enforcement agency as soon as I become aware of the situation.

A “vulnerable adult” means an elder adult, or an adult who has a mental or physical impairment which substantially affects his or her ability to: (a) provide personal protection; (b) provide necessities such as food, shelter, clothing, or mental or other health care; (c) obtain services necessary for health, safety, or welfare; (d) carry out the activities of daily living; (e) manage his or her own resources; or (f) comprehend the nature and consequences of remaining in a situation of abuse, neglect, abandonment or exploitation.

☐ **Communicable Disease:** If your practitioner has reason to believe that you are suspected of having or are suffering from a disease that is communicable, your practitioner am required by law to report this to the local health department.

☐ **Health Oversight:** If you file a complaint against your practitioner or Premier PCC/Premier TMS with the Utah Division of Occupational and Professional Licensing, they may disclose to them information from your records relevant to the complaint.

☐ **Judicial or administrative proceedings:** If you are involved in a court proceeding and a request is made for information about the professional services that Premier PCC/Premier TMS has provided you and/or the records thereof, such information is privileged under state law, and Premier PCC/Premier TMS must not release this information without written authorization from you or your personal or legally appointed representative, 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 Threat to Health or Safety:** If you communicate to your practitioner an explicit threat to kill or inflict serious bodily injury upon a reasonably identifiable person, and you have the apparent intent and ability to carry out that threat, your practitioner has the legal duty to take reasonable precautions. These precautions may include disclosing relevant information from your mental health records which is essential to protect the rights and safety of others. Premier PCC/Premier TMS also has such a duty if you have a history of physical violence of which he/she is aware of and he/she has reason to believe there is a clear and imminent danger that you will attempt to kill or inflict serious bodily injury upon a reasonably identifiable person.

☐ **Worker’s Compensation:** If you file a worker's compensation claim, Premier PCC/Premier TMS must furnish mental health records to: (1) you or your dependents, (2) your employer, (3) the employer's workers' compensation insurance carrier, (4) the Uninsured Employers' Fund, (5) the Employers' Reinsurance Fund, (6) the Labor Commission, and (7) any attorney representing any of the above in an industrial injury or occupational disease claim.



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IV. Patient's Rights and Psychologist's Duties

Patient'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, Premier PCC/Premier TMS 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 that you are seeing me. Upon your request, Premier PCC/Premier TMS 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 in Premier PCC/Premier TMS's mental health and billing records used to make decisions about you for as long as the PHI is maintained in the record. Premier PCC/Premier TMS may deny your access to PHI under certain circumstances, but in some cases you may have this decision reviewed. On your request, Premier PCC/Premier TMS 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. I may deny your request. On your request, Premier PCC/Premier TMS 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 regarding you. On your request, Premier PCC/Premier TMS 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 Premier PCC/Premier TMS upon request, even if you have agreed to receive the notice electronically.

Psychologist's Duties: Your Psychologist,

- ☐ Is required by law to maintain the privacy of PHI and to provide you with a notice of my legal duties and privacy practices with respect to PHI.
- ☐ Premier PCC/Premier TMS reserves the right to change the privacy policies and practices described in this notice. Unless Premier PCC/Premier TMS notifies you of such changes, however, Premier PCC/Premier TMS is required to abide by the terms currently in effect.
- ☐ If Premier PCC/Premier TMS revises its policies and procedures, Premier PCC/Premier TMS will apprise you of any revisions in writing at your next appointment.

V. Questions and Complaints

If you have questions about this notice, disagree with a decision Premier PCC/Premier TMS makes about access to your records, believe that your privacy rights have been violated, or have other concerns about your privacy rights, please bring your concerns or complaint to my attention immediately, in either verbal or written form.

You may also send a written complaint to the Secretary of the U.S. Department of Health and Human Services.



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You have specific rights under the Privacy Rule. Premier PCC/Premier TMS will not retaliate against you for exercising your right to file a complaint.

VI. Effective Date, Restrictions and Changes to Privacy Policy

This notice will go into effect on 9 May 2019. Premier PCC/Premier TMS reserves the right to change the terms of this notice and to make the new notice provisions effective for all PHI that Premier PCC/Premier TMS maintains. If you are an active patient when the change is made, Premier PCC/Premier TMS will provide you with a revised notice at your next appointment within two weeks of making such a change. If you are not active, but are requesting your PHI, Premier PCC/Premier TMS will provide you with a notice of changes when you make that request.