

# **Center for Mindful Psychotherapy, Inc.**

## **NOTICE OF PRIVACY PRACTICES**

**THIS NOTICE DESCRIBES HOW MEDICAL INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY.**

The Center for Mindful Psychotherapy (*hereafter CMP*) is required by law to maintain the privacy and security of your protected health information (“PHI”) and to provide you with this Notice of Privacy Practices (“Notice”). CMP must abide by the terms of this Notice, and CMP must notify you if a breach of your unsecured PHI occurs. CMP can change the terms of this Notice, and such changes will apply to all information I have about you. The new Notice will be available upon request, in our office, and on our website.

Except for the specific purposes set forth below, CMP will use and disclose your PHI only with your written authorization (“Authorization”). It is your right to revoke such Authorization at any time by giving CMP written notice of your revocation.

**Uses (Inside Practice) and Disclosures (Outside Practice) Relating to Treatment, Payment, or Health Care Operations Do Not Require Your Written Consent.** CMP can use and disclose your PHI without your Authorization for the following reasons:

1. **For your treatment.** CMP can use and disclose your PHI to treat you, which may include disclosing your PHI to another health care professional. For example, if you are being treated by a physician or a psychiatrist, CMP can disclose your PHI to him or her to help coordinate your care, although my preference is for you to give me an Authorization to do so.
2. **To obtain payment for your treatment.** CMP can use and disclose your PHI to bill and collect payment for the treatment and services provided by CMP to you. For example, CMP might send your PHI to your insurance company to get paid for the health care services that CMP has provided to you, although our preference is for you to give CMP an Authorization to do so.
3. **For health care operations.** CMP can use and disclose your PHI for purposes of conducting health care operations pertaining to our practice, including contacting you when necessary. For example, CMP may need to disclose your PHI to our attorneys to obtain advice about complying with applicable laws.

### **Certain Uses and Disclosures Require Your Authorization.**

1. **Psychotherapy Notes.** CMP does keep “psychotherapy notes” as that term is defined in 45 CFR § 164.501, and any use or disclosure of such notes requires your Authorization unless the use or disclosure is:

- a. For our use in treating you.
  - b. For our use in training or supervising other mental health practitioners to help them improve their skills in group, joint, family, or individual counseling or therapy.
  - c. For our use in defending myself in legal proceedings instituted by you.
  - d. For use by the Secretary of Health and Human Services to investigate our compliance with HIPAA.
  - e. Required by law, and the use or disclosure is limited to the requirements of such law.
  - f. Required by law for certain health oversight activities pertaining to the originator of the psychotherapy notes.
  - g. Required by a coroner who is performing duties authorized by law.
  - h. Required to help avert a serious threat to the health and safety of others.
2. **Marketing Purposes.** As a not for profit agency, CMP will not use or disclose your PHI for marketing purposes.
3. **Sale of PHI.** As a not for profit agency, CMP will not sell your PHI in the regular course of my business.

**Certain Uses and Disclosures Do Not Require Your Authorization.** Subject to certain limitations in the law, CMP can use and disclose your PHI without your Authorization for the following reasons:

1. When disclosure is required by state or federal law, and the use or disclosure complies with and is limited to the relevant requirements of such law.
2. For public health activities, including reporting suspected child, elder, or dependent adult abuse, or preventing or reducing a serious threat to anyone's health or safety.
3. For health oversight activities, including audits and investigations.
4. For judicial and administrative proceedings, including responding to a court or administrative order, although my preference is to obtain an Authorization from you before doing so.
5. For law enforcement purposes, including reporting crimes occurring on my premises.
6. To coroners or medical examiners, when such individuals are performing duties authorized by law.
7. For research purposes, including studying and comparing the mental health of patients who received one form of therapy versus those who received

another form of therapy for the same condition.

8. Specialized government functions, including, ensuring the proper execution of military missions; protecting the President of the United States; conducting intelligence or counter-intelligence operations; or, helping to ensure the safety of those working within or housed in correctional institutions.
9. For workers' compensation purposes. Although our preference is to obtain an Authorization from you, CMP may provide your PHI in order to comply with workers' compensation laws.
10. Appointment reminders and health related benefits or services. CMP may use and disclose your PHI to contact you to remind you that you have an appointment with us. CMP may also use and disclose your PHI to tell you about treatment alternatives, or other health care services or benefits that CMP offers.

### **Certain Uses and Disclosures Require You to Have the Opportunity to Object.**

1. **Disclosures to family, friends, or others.** CMP may provide your PHI to a family member, friend, or other person that you indicate is involved in your care or the payment for your health care, unless you object in whole or in part. The opportunity to consent may be obtained retroactively in emergency situations.

### **YOUR RIGHTS YOUR REGARDING YOUR PHI**

You have the following rights with respect to your PHI:

1. **The Right to Request Limits on Uses and Disclosures of Your PHI.** You have the right to ask CMP not to use or disclose certain PHI for treatment, payment, or health care operations purposes. CMP is not required to agree to your request, and CMP may say "no" if CMP believes it would affect your health care.
2. **The Right to Request Restrictions for Out-of-Pocket Expenses Paid for In Full.** You have the right to request restrictions on disclosures of your PHI to health plans for payment or health care operations purposes if the PHI pertains solely to a health care item or a health care service that you have paid for out-of-pocket in full.
3. **The Right to Choose How I Send PHI to You.** You have the right to ask CMP to contact you in a specific way (for example, home or office phone) or to send mail to a different address, and CMP will agree to all reasonable requests.
4. **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 CMP has about you.

CMP 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 CMP may charge a reasonable, cost based fee for doing so.

**5. The Right to Get a List of the Disclosures I Have Made.**

You have the right to request a list of instances in which CMP has disclosed your PHI for purposes other than treatment, payment, or health care operations, or for which you provided me with an Authorization.

CMP will respond to your request for an accounting of disclosures within 60 days of receiving your request. The list CMP will give you will include disclosures made in the last six years unless you request a shorter time. CMP will provide the list to you at no charge, but if you make more than one request in the same year, CMP will charge you a reasonable cost based fee for each additional request.

**6. The Right to Correct or Update Your PHI.** If you believe that there is a mistake in your PHI, or that a piece of important information is missing from your PHI, you have the right to request that CMP correct the existing information or add the missing information. CMP may say “no” to your request, but CMP will tell you why in writing within 60 days of receiving your request.

**7. The Right to Get a Paper or Electronic Copy of this Notice.** You have the right get a paper copy of this Notice, and you have the right to get a copy of this notice by e-mail. And, even if you have agreed to receive this Notice via e-mail, you also have the right to request a paper copy of it.

**HOW TO COMPLAIN ABOUT CMP PRIVACY PRACTICES**

If you think CMP may have violated your privacy rights, you may file a complaint with me, as the Privacy Officer for CMP, and my address and phone number are:

Scott Balderson, Director CMP, 533A Castro Street, San Francisco, CA 94114;  
(415) 255-6181

You can also file a complaint with the U.S. Department of Health and Human Services Office for Civil Rights by:

1. Sending a letter to 200 Independence Avenue, S.W., Washington, D.C. 20201;
2. Calling 1-877-696-6775; or,
3. Visiting [www.hhs.gov/ocr/privacy/hipaa/complaints](http://www.hhs.gov/ocr/privacy/hipaa/complaints).

I will not retaliate against you if you file a complaint about my privacy practices.

**EFFECTIVE DATE OF THIS NOTICE**

This notice went into effect on September 20, 2013.