

Notice of Privacy Practices

- I. 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.**
- II. THE FAMILY THERAPY INSTITUTE OF SANTA BARBARA (FTI) HAS A LEGAL DUTY TO SAFEGUARD YOUR PROTECTED HEALTH INFORMATION (PHI).**

FTI is legally required to protect the privacy of your PHI, which includes information that can be used to identify you that FTI has created or received about your past, present, or future health or condition, the provision of health care to you, or the payment of this health care. We must provide you with this Notice about our privacy practices, and such Notice must explain how, when, and why we will “use” and “disclose” your PHI. A “use” of PHI occurs when we share, examine, utilize, apply, or analyze such information within our agency; PHI is “disclosed” when it is released, transferred, has been given to, or is otherwise divulged to a third party outside of our agency. With some exceptions, FTI may not use or disclose any more of your PHI than is necessary to accomplish the purpose for which the use or disclosure is made. And, we are legally required to follow the privacy practices described in this Notice.

However, FTI reserves the right to change the terms of this Notice and our privacy policies at any time. Any changes will apply to PHI on file with FTI already. Before we make any important changes to our policies, we will promptly change this Notice and post a new copy of it in our office. You may also request a copy of this Notice from us, or you may view a copy of it in our office waiting room.

III. HOW I MAY USE AND DISCLOSE YOUR PHI.

I will use and disclose your PHI for many different reasons. For some of these uses or disclosures, we will need your prior written authorization; for others, however, we do not. Listed below are the different categories of uses and disclosures along with some examples of each category.

A. Uses and Disclosures Relating to Treatment, Payment, or Health care Operations Do Not Require Your Prior Written Consent.

FTI can use and disclose your PHI without your consent for the following reasons:

1. **For Treatment**. FTI can use our PHI within our agency to provide you with mental health treatment, including discussing or sharing your PHI with trainees and interns. We can disclose your PHI to physicians, psychiatrists, psychologists, and other licensed health care providers who provide you with health care services or are involved in your care. For example, if a psychiatrist is treating you, we can disclose your PHI to your psychiatrist to coordinate your care.
2. **To Obtain Payment for Treatment**. FTI can use and disclose your PHI to bill and collect payment for the treatment and services provided by us to you. For example, we might send your PHI to your insurance company or health plan to get paid for the health care services that we have provided to you. We may also provide your PHI to business associates, such as billing companies, claims processing companies, and others that process our health care claims.
3. **For Health Care Operations**. FTI can use and disclose your PHI to operate our agency. For example, we might use your PHI to evaluate the quality of health care services that you received or to evaluate the performance of the health care professionals who provided such services to you. We may also provide your PHI to our accountant, attorney, consultants, or others to further our health care operations.
4. **Patient Incapacitation or Emergency**. FTI may also disclose your PHI to others without your consent if you are incapacitated or if an emergency exists. For example, your consent isn’t required if you need emergency treatment, as long as we try to get your consent but you are unable to communicate with us (for example, if you are unconscious or in severe pain) and we think that you would consent to such treatment if you were able to do so.

B. Certain Other Uses and Disclosures Also Do Not Require Your Consent or Authorization. FTI can use and disclose your PHI without your consent or authorization for the following reasons:

1. When federal, state, or local laws require disclosure. For example, FTI may have to make a disclosure to applicable governmental officials when a law requires us to report information to government agencies and law enforcement personnel about victims of abuse or neglect.
2. When judicial or administrative proceedings require disclosure. For example, if you are involved in a lawsuit or a claim for workers’ compensation benefits, we may have to use or disclose our PHI in response to a court or administrative order. We may also have to use or disclose your PHI in response to a subpoena.
3. When law enforcement requires disclosure. For example, FTI may have to use or disclose your PHI in response to a search warrant.
4. When public health activities require disclosure. For example, FTI may have to use or disclose your PHI to report to a government official an adverse reaction that you have to a medication.
5. When health oversight activities require disclosure. For example, FTI may have to provide information to assist the government in conducting an investigation or inspection of a health care provider or organization.
6. To avert a serious threat to health or safety. For example, FTI may have to use or disclose your PHI to avert a serious threat to the health or safety of others. However, any such disclosures will only be made to someone able to prevent the threatened harm from occurring.
7. For specialized government functions. If you are in the military, FTI may have to use or disclose our PHI for national security purposes, including protecting the President of the United States or conducting intelligence operations.
8. To remind you about appointments and to inform you of health-related benefits or services. For example, FTI may have to use or disclose your PHI to remind you about your appointments, or to give you information about treatment alternatives, other health care services, or other health care benefits that may be of interest to you.

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

- 1. Disclosures to Family, Friends, or Others.** FTI 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.

- D. Other Uses and Disclosures Require Your Prior Written Authorization.** In any other situation not described in sections III A,B, and C above, FTI will need your written authorization before using or disclosing any of your PHI. If you choose to sign an authorization to disclose our PHI, you can later revoke such authorization in writing to stop any future uses and disclosures (to the extent that we haven't taken any action in reliance on such authorization) of your PHI by FTI.

IV. WHAT RIGHTS YOU HAVE REGARDING YOUR PHI

You have the following rights with respect to your PHI:

- A. The Right to Request Restrictions on Uses and Disclosures.** You have the right to request restrictions or limitations on uses or disclosures of your PHI to carry out treatment, payment, or health care operations. You also have the right to request that FTI restricts or limits disclosures of your PHI to family members or friends or others involved in your care or who are financially responsible for your care. Please submit such requests to FTI in writing. We will consider your requests, but are not legally required to accept them. If we do accept your requests, we will put them in writing and will abide by them, except in emergency situations. However, be advised, that you may not limit the uses and disclosures that we are legally required to make.
- B. The Right to Choose How We Send PHI to You.** You have the right to request that FTI send confidential information to you at an alternate address (for example, sending information to your work address rather than your home address) or by alternate means. We must agree to your request so long as it is reasonable and you specify how or where you wish to be contacted, and, when appropriate, you provide us with information as to how payment for such alternate communications will be handled. We may not require an explanation from you as to the basis of your request as a condition of providing communications on a confidential basis.
- C. The Right to Inspect and Copy of Your PHI.** In most cases, you have the right to inspect and copy the PHI that FTI has about you, but you must make the request to inspect and copy such information in writing. If we don't have your PHI but we know who does, we will tell you how to get it. We will respond to your requests within 30 days of receiving it. In certain situations, we may deny your request. If we do, we will tell you, in writing, the reasons for the denial and explain your right to have the denial reviewed. If you request copies of your PHI, FTI will charge you not more than \$.25 cents for each page. Instead of providing the PHI you requested, we may provide you with a summary or explanation of the PHI as long as you agree to that and to the cost in advance.
- D. The Right to Receive a List of the Disclosures that Have been Made.** You have the right to receive a list of instances, i.e., an Accounting of Disclosures, in which we have disclosed your PHI. The list will not include disclosures made for treatment, payment, or health care operations; disclosures made to you; disclosures you authorized; disclosures incident to a use or disclosure permitted or required by the federal privacy rule; disclosures made for national security or intelligence; disclosures made to correctional institutions or law enforcement personnel; or, disclosures made before April 14, 2003. FTI will respond to your request for an Accounting of Disclosures within 60 days of receiving such request. The list we will give you will include disclosures made in the last six years unless you request a shorter time. The list will include the date the disclosure was made, to whom the PHI was disclosed (including their address, if known), a description of the information disclosed and the reason for the disclosure. FTI will provide the list to you at no charge.
- E. The Right to Amend Your PHI.** If you believe that there is a mistake in your PHI or that a piece of important information is missing, you have the right to request that FTI correct the existing information or add the missing information. You must provide the request and your reason for the request in writing. We will respond within 60 days of receiving your request to correct or update your PHI. We may deny your request in writing if the PHI is (i) correct and complete, (ii) not created by us, (iii) not allowed to be disclosed, or (iv) not part of our records. Our written denial will state the reasons for the denial and explain your right to file a written statement of disagreement with the denial. If you don't file one, you have the right to request that your request and our denial be attached to all future disclosures of your PHI. If we approve your request, we will make change to your PHI, tell you that we have done it, and tell others that need to know about the change to your PHI.
- F. The Right to Receive a Paper Copy of this Notice.** You have the right to receive a paper copy of this notice even if you have agreed to receive it via e-mail.

V. HOW TO COMPLAIN ABOUT OUR PRIVACY PRACTICES

If you think that FTI may have violated your privacy right, or you disagree with a decision made about access to your PHI, you may file a complaint with the person listed in Section VI Below. You also may send a written complain to the Secretary of the Department of Health and Human Services at 200 Independence Avenue S.W., Washington, D.C. 20201. FTI will take no retaliatory action against you if you file a complaint about our privacy practices.

VI. PERSON TO CONTACT FOR INFORMATION ABOUT THIS NOTICE OR TO COMPLAIN ABOUT PRIVACY PRACTICES:

If you have any questions about this notice or any complaints about our privacy practices, or would like to know how to file a complaint with the Secretary of the Department of Health and Human Services, please contact your FTI therapist at 111 E Arrellaga St, Santa Barbara, CA 93101.

VII. EFFECTIVE DATE OF THIS NOTICE

This notice went into effect April 14, 2003.

Patient Rights & Responsibilities

- Patients have the right to be treated with personal dignity and respect.
- Patients have the right to care that is considerate and respects member's personal values and belief system.
- Patients have the right to personal privacy and confidentiality of information.
- Patients have the right to receive information about services, practitioners, clinical guidelines, quality improvement program, and patient rights and responsibilities.
- Patients have the right to reasonable access to care, regardless of race, religion, gender, sexual orientation, ethnicity, age, or disability.
- Patients have the right to participate in an informed way in the decision making process regarding their treatment planning.
- Patients have the right to discuss with their providers the medically necessary treatment options for their condition regardless of cost or benefit coverage.
- Patients have the right for their families to participate in treatment planning as well as the right of Patients over 12 years old to participate in such planning.
- Patients have the right to individualized treatment, including
 - Adequate and humane services regardless of the source(s) of financial support,
 - Provision of services within the least restrictive environment possible,
 - An individualized treatment or program plan,
 - Periodic review of the treatment or program plan, and
 - An adequate number of competent, qualified, and experienced professional clinical staff to supervise and carry out the treatment or program plan.
- Patients have the right to participate in the consideration of ethical issues that arise in the provision of care and services, including
 - Resolving conflict,
 - Withholding resuscitative services,
 - Forgoing or withdrawing life-sustaining treatment, and
 - Participating in investigational studies or clinical trials.
- Patients have the right to designate a surrogate decision-maker if the member is incapable of understanding a proposed treatment or procedure or is unable to communicate his or her wishes regarding care.
- Patients and their families have the right to be informed of their rights in a language they understand.
- Patients have the right to voice complaints or appeals about the care provider, or privacy practices.
- Patients have the right to request to inspect and obtain a copy of their Protected Health Information (PHI), to amend their PHI, to restrict the use of their PHI, and to receive an accounting of disclosures of PHI.
- Patients have the right to make recommendations regarding patient rights and responsibilities policies.
- Patients have the right to be informed of rules and regulations concerning member's conduct.
- Patients have the responsibility to give their provider information needed in order to receive care.
- Patients have the responsibility to follow their agreed upon treatment plan and instructions for care.
- Patients have the responsibility to participate, to the degree possible, in understanding their behavioral health problems and developing with their provider mutually agreed upon treatment goals.