

Effective date: 3/12/10

Frederick Marschner, LCSW-R; CASAC

Notice of Privacy Practices

This notice describes how health information about you (as a Client of this practice) may be used and disclosed and how you can get access to your individually identifiable health information.

Please review this notice carefully.

A. Our commitment to your privacy:

I am dedicated to maintaining the privacy of your individually identifiable health information (also called *protected* health information, or PHI). In conducting my business, I will create records regarding you and the treatment and services we provide to you. I am required by law to maintain the confidentiality of health information that identifies you. I am also required by law to provide you with this notice of our legal duties and the privacy practices that I maintain in my practice concerning your PHI. By federal and state law, I must follow the terms of the Notice of Privacy Practices that I have in effect at the time.

The terms of this notice apply to all records containing your PHI that are created or retained by my practice. I reserve the right to revise or amend this Notice of Privacy Practices. Any revision or amendment to this notice will be effective for all of your records that my practice has created or maintained in the past, and for any of your records that I may create or maintain in the future. You may request a copy of my most current Notice at any time.

**B. If you have questions about this Notice, please contact:
Frederick Marschner, LCSW-R; CASAC at 716-698-0196**

C. I may use and disclose your PHI in the following ways:

The following categories describe the different ways in which I may use and disclose your PHI.

- 1. Treatment.** I may use your PHI to treat you. For example, I may use or disclose your PHI in order to treat you or to assist others in your treatment. Additionally, I may disclose your PHI to others who may assist in your care, such as your spouse, children or parents. Finally, I may also disclose your PHI to other health care providers for purposes related to your treatment.
- 2. Payment.** I may use and disclose your PHI in order to bill and collect payment for the services and items you may receive from me. For example, I may contact your health insurer to certify that you are eligible for benefits (and for what range of benefits), and I may provide your insurer with details regarding your treatment to determine if your insurer will cover, or pay for, your treatment. I also may use and disclose your PHI to obtain payment from third parties that may be responsible for such costs, such as family members. Also, I may use your PHI to bill you directly for services and items. I may disclose your PHI to other health care providers and entities to assist in their billing and collection efforts.
- 3. Health care operations.** I may use and disclose your PHI to operate my business. As examples of the ways in which I may use and disclose your information for our operations, I may use your PHI to evaluate the quality of care you received from me, or to conduct cost-management and business planning activities for my practice.
- 4. Treatment options.** I may use and disclose your PHI to inform you of potential treatment options or alternatives.
- 5. Health-related benefits and services.** I may use and disclose your PHI to inform you of health-related benefits or services that may be of interest to you.

6. Release of information to family/friends. I may release your PHI to a friend or family member that is involved in your care, or who assists in taking care of you. For example, a parent or guardian may ask that a baby sitter take their child to the pediatrician's office for treatment of a cold. In this example, the baby sitter may have access to this child's medical information.

7. Disclosures required by law. I will use and disclose your PHI when I am required to do so by federal, state or local law.

D. Use and disclosure of your PHI in certain special circumstances:

The following categories describe unique scenarios in which I may use or disclose your identifiable health information:

1. Public health risks. I may disclose your PHI to public health authorities that are authorized by law to collect information for the purpose of:

- Maintaining vital records, such as births and deaths,
- Reporting child abuse or neglect,
- Preventing or controlling disease, injury or disability,
- Reporting reactions to drugs or problems with products or devices,
- Notifying individuals if a product or device they may be using has been recalled,
- Notifying appropriate government agency(ies) and authority(ies) regarding the potential abuse or neglect of an adult patient (including domestic violence); however, I will only disclose this information if the Client agrees or I am required or authorized by law to disclose this information,
 - Notifying your employer under limited circumstances related primarily to workplace injury or illness or medical surveillance.

2. Health oversight activities. I may disclose your PHI to a health oversight agency for activities authorized by law. Oversight activities can include, for example, investigations, inspections, audits, surveys, licensure and disciplinary actions; civil, administrative and criminal procedures or actions; or other activities necessary for the government to monitor government programs, compliance with civil rights laws and the health care system in general.

3. Lawsuits and similar proceedings. I may use and disclose your PHI in response to a court or administrative order, if you are involved in a lawsuit or similar proceeding. I also may disclose your PHI in response to a discovery request, subpoena or other lawful process by another party involved in the dispute, but only if I have made an effort to inform you of the request or to obtain an order protecting the information the party has requested.

4. Law enforcement. I may release PHI if asked to do so by a law enforcement official:

- Regarding a crime victim in certain situations, if I am unable to obtain the person's agreement,
- Concerning a death I believe has resulted from criminal conduct,
- Regarding criminal conduct at my office,
- In response to a warrant, summons, court order, subpoena or similar legal process,
- To identify/locate a suspect, material witness, fugitive or missing person,
- In an emergency, to report a crime (including the location or victim(s) of the crime, or the description, identity or location of the perpetrator).

5. Deceased patients. I may release PHI to a medical examiner or coroner to identify a deceased individual or to identify the cause of death.

6. Serious threats to health or safety. I may use and disclose your PHI when necessary to reduce or prevent a serious threat to your health and safety or the health and safety of another individual or the public. Under these circumstances, I will only make disclosures to a person or organization able to help prevent the threat.

9. Military. I may disclose your PHI if you are a member of U.S. or foreign military forces (including veterans) and if required by the appropriate authorities.

10. National security. I may disclose your PHI to federal officials for intelligence and national security activities authorized by law. I also may disclose your PHI to federal and national security activities

authorized by law. I also may disclose your PHI to federal officials in order to protect the president, other officials or foreign heads of state, or to conduct investigations.

11. Inmates. I may disclose your PHI to correctional institutions or law enforcement officials if you are an inmate or under the custody of a law enforcement official. Disclosure for these purposes would be necessary: (a) for the institution to provide health care services to you, (b) for the safety and security of the institution, and/or (c) to protect your health and safety or the health and safety of other individuals.

12. Workers' compensation. I may release your PHI for workers' compensation and similar programs.

E. Your rights regarding your PHI:

You have the following rights regarding the PHI that we maintain about you:

1. Confidential communications. You have the right to request that I communicate with you about your health and related issues in a particular manner or at a certain location. For instance, you may ask that we contact you at home, rather than work. In order to request a type of confidential communication, you must make a written request to **Frederick Marschner, LCSW-R; CASAC at 716-698-0196** specifying the requested method of contact, or the location where you wish to be contacted. I will accommodate **reasonable** requests. You do not need to give a reason for your request.

2. Requesting restrictions. You have the right to request a restriction in my use or disclosure of your PHI for treatment, payment or health care operations. Additionally, you have the right to request that I restrict our disclosure of your PHI to only certain individuals involved in your care or the payment for your care, such as family members and friends. **I am not required to agree to your request;** however, if I do agree, I am bound by our agreement except when otherwise required by law, in emergencies or when the information is necessary to treat you. In order to request a restriction in our use or disclosure of your PHI, you must make your request in writing to **Frederick Marschner, LCSW-R; CASAC at 716-698-0196**. Your request must describe in a clear and concise fashion:

- The information you wish restricted,
- Whether you are requesting to limit my use, disclosure or both,
- To whom you want the limits to apply.

3. Inspection and copies. You have the right to inspect and obtain a copy of the PHI that may be used to make decisions about you, including patient medical records and billing records, but not including psychotherapy notes. You must submit your request in writing to **Frederick Marschner, LCSW-R; CASAC at 716-698-0196** in order to inspect and/or obtain a copy of your PHI. I may charge a fee for the costs of copying, mailing, labor and supplies associated with your request. I may deny your request to inspect and/or copy in certain limited circumstances; however, you may request a review of our denial. Another licensed health care professional chosen by me will conduct reviews.

4. Amendment. You may ask me to amend your health information if you believe it is incorrect or incomplete, and you may request an amendment for as long as the information is kept by or for my practice. To request an amendment, your request must be made in writing and submitted to **Frederick Marschner, LCSW-R; CASAC at 716-698-0196**. You must provide me with a reason that supports your request for amendment. I will deny your request if you fail to submit your request (and the reason supporting your request) in writing. Also, I may deny your request if you ask me to amend information that is in my opinion: (a) accurate and complete; (b) not part of the PHI kept by or for my practice; (c) not part of the PHI which you would be permitted to inspect and copy; or (d) not created by my practice, unless the individual or entity that created the information is not available to amend the information.

5. Accounting of disclosures. All of my clients have the right to request an "accounting of disclosures." An "accounting of disclosures" is a list of certain non-routine disclosures I have made of your PHI for purposes not related to treatment, payment or operations. Use of your PHI as part of the routine client care by me is not required to be documented – for example, the doctor sharing information with the nurse; or the billing department using your information to file your insurance claim. In order to obtain an accounting of disclosures, you must submit your request in writing to **Frederick Marschner, LCSW-R; CASAC at 716-698-0196**. All requests for an "accounting of disclosures" must state a time period,

which may not be longer than seven (7) years from the date of disclosure. The first list you request within a 12-month period is free of charge, but I may charge you for additional lists within the same 12-month period. I will notify you of the costs involved with additional requests, and you may withdraw your request before you incur any costs.

6. Right to a paper copy of this notice. You are entitled to receive a paper copy of my notice of privacy practices. You may ask me to give you a copy of this notice at any time. To obtain a paper copy of this notice, contact **Frederick Marschner, LCSW-R; CASAC at 716-698-0196.**

7. Right to file a complaint. If you believe your privacy rights have been violated, you may file a complaint with me or with the Secretary of the Department of Health and Human Services. To file a complaint with me, contact **Frederick Marschner, LCSW-R; CASAC at 716-698-0196.** All complaints must be submitted in writing. **You will not be penalized for filing a complaint.**

8. Right to provide an authorization for other uses and disclosures. I will obtain your written authorization for uses and disclosures that are not identified by this notice or permitted by applicable law. Any authorization you provide to me regarding the use and disclosure of your PHI may be revoked at any time *in writing*. After you revoke your authorization, I will no longer use or disclose your PHI for the reasons described in the authorization. *Please note:* I am required to retain records of your care.

Again, if you have any questions regarding this notice or our health information privacy policies, please contact **Frederick Marschner, LCSW-R; CASAC at 716-698-0196.**