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## Privacy and Other Policies

**Purpose:** *The following privacy policy is adopted to ensure that Gateway Psychiatric Services fully complies with all federal and state privacy protection laws and regulations. Protection of patient privacy is of paramount importance to this organization. Violations of any of these provisions will result in severe disciplinary action including termination of employment and possible referral for criminal prosecution.*

**Effective Date:** *This policy is in effect as of April 14, 2003.*

It is the policy of Gateway Psychiatric Services to protect the privacy of its patients in a way that is consistent with good clinical care, with patient wishes, patient safety, and California and federal laws and regulations. It is the policy of Gateway Psychiatric Services that we will adopt, maintain and comply with our Notice of Privacy Practices, which shall be consistent with HIPAA and California law.

### Notice of Privacy Practices

It is the policy of Gateway Psychiatric Services that a notice of privacy practices must be published, that this notice be provided to all patients at the first visit if possible, and that all uses and disclosures of protected health information be done in accord with this organization's notice of privacy practices. It is the policy of Gateway Psychiatric Services to post the most current notice of privacy practices in our main administrative office, Room 211, and to have copies available for distribution in that office.

### Assigning Privacy and Security Responsibilities

It is the policy of Gateway Psychiatric Services that a specific individual within our workforce is assigned the responsibility of implementing and maintaining the HIPAA Privacy and Security Rule's requirements. Furthermore, it is the policy of Gateway Psychiatric Services that this individual will be provided sufficient resources and authority to fulfill his/her responsibilities. It is the policy of Gateway Psychiatric Services that the Office Manager will be designated as the Privacy Officer.

### Deceased Individuals

It is the policy of Gateway Psychiatric Services that privacy protections extend to information concerning deceased individuals.

### Minimum Necessary Use and Disclosure of Protected Health Information

It is the policy of Gateway Psychiatric Services that for all routine and recurring uses and disclosures of private health information (PHI) (except for uses or disclosures made 1) for treatment purposes, 2) to or as authorized by the patient or 3) as required by law for HIPAA compliance such uses and disclosures of protected health information must be limited to the minimum amount of information needed to accomplish the purpose of the use or disclosure. It is also the policy of Gateway Psychiatric Services that non-routine uses and disclosures will be handled pursuant to established criteria. It is also the policy of this organization that all requests for protected health information (except as specified above) must be limited to the minimum amount of information needed to accomplish the purpose of the request.

### Marketing Activities

It is the policy of Gateway Psychiatric Services that any uses or disclosures of protected health information for marketing activities will be done only after a valid authorization is in effect. It is the policy of this organization to consider marketing any communication to purchase or use a product or service where an arrangement exists in exchange for direct or indirect remuneration, or where this organization encourages purchase or use of a product or service. This organization does not consider the communication of alternate forms of treatment, or the use of products and services in treatment to be marketing. Further, this organization

adheres to the HIPAA Privacy Rule that a face to face communication made by us to the patient, or a promotional gift of nominal value given to the patient does not require an Authorization.

### **Psychotherapy Notes**

It is the policy to require an authorization for any use or disclosure of psychotherapy notes, as defined in the HIPAA regulations, except for treatment, payment or health care operations as follows:

- A. Use by originator for treatment;
- B. Use for training physicians or other mental health professionals as authorized by the regulations;
- C. Use or disclosure in defense of a legal action brought by the individual whose records are in issue;
- D. Use or disclosures as required by law, or as authorized by law to enable health oversight agencies to oversee the originator of the psychotherapy notes.

### **Complaints**

It is the policy of Gateway Psychiatric Services that all complaints relating to the protection of health information be investigated and resolved in a timely fashion. Furthermore, it is the policy of Gateway Psychiatric Services that all complaints will be addressed to the Privacy Officer who is duly authorized to investigate complaints and implement resolutions if the complaint stems from a valid area of non-compliance with the HIPAA Privacy and Security Rule.

The Board of Behavioral Sciences receives and responds to complaints regarding services provided within the scope of practice of (marriage and family therapists, licensed educational psychologists, clinical social workers, or professional clinical counselors). You may contact the board online at [www.bbs.ca.gov](http://www.bbs.ca.gov), or by calling (916) 574-7830.

### **Prohibited Activities-No Retaliation or Intimidation**

It is the policy of Gateway Psychiatric Services that no employee or contractor may engage in any intimidating or retaliatory acts against persons who file complaints or otherwise exercise their rights under HIPAA regulations. It is also the policy of this organization that no employee or contractor may condition treatment, payment, enrollment or eligibility for benefits on the provision of an authorization to disclose protected health information except as expressly authorized under the regulations.

### **Responsibility**

It is the policy of Gateway Psychiatric Services that the responsibility for designing and implementing procedures to implement this policy lies with the Privacy Official.

### **Verification of Identity**

It is the policy of Gateway Psychiatric Services that the identity of all persons who request access to protected health information be verified before such access is granted.

### **Mitigation**

It is the policy of Gateway Psychiatric Services that the effects of any unauthorized use or disclosure of protected health information be mitigated to the extent possible.

### **Safeguards**

It is the policy of Gateway Psychiatric Services that appropriate physical safeguards will be in place to reasonably safeguard protected health information from any intentional or unintentional use or disclosure that is in violation of the HIPAA Privacy Rule. These safeguards will include physical protection of premises and PHI, technical protection of PHI maintained electronically and administrative protection. These safeguards will extend to the oral communication of PHI. These safeguards will extend to PHI that is removed from this organization.

**Business Associates**

It is the policy of Gateway Psychiatric Services that business associates must be contractually bound to protect health information to the same degree as set forth in this policy. It is also the policy of this organization that business associates who violate their agreement will be dealt with first by an attempt to correct the problem, and if that fails by termination of the agreement and discontinuation of services by the business associate.

**Training and Awareness**

It is the policy of Gateway Psychiatric Services that all members of our workforce have been trained by the compliance date on the policies and procedures governing protected health information and how Gateway Psychiatric Services complies with the HIPAA Privacy and Security Rules. It is also the policy of Gateway Psychiatric Services that new members of our workforce receive training on these matters within a reasonable time after they have joined the workforce. It is the policy of Gateway Psychiatric Services to provide training should any policy or procedure related to the HIPAA Privacy and Security Rule materially change. This training will be provided within a reasonable time after the policy or procedure materially changes. Furthermore, it is the policy of Gateway Psychiatric Services that training will be documented indicating participants, date and subject matter.

**Material Change**

It is the policy of Gateway Psychiatric Services that the term "material change" for the purposes of these policies is any change in our HIPAA compliance activities.

**Sanctions**

It is the policy of Gateway Psychiatric Services that sanctions will be in effect for any member of the workforce who intentionally or unintentionally violates any of these policies or any procedures related to the fulfillment of these policies. Such sanctions will be recorded in the individual's personnel file.

**Retention of Records**

It is the policy of Gateway Psychiatric Services that the HIPAA Privacy Rule records retention requirement of six years will be strictly adhered to. All records designated by HIPAA in this retention requirement will be maintained in a manner that allows for access within a reasonable period of time. This records retention time requirement may be extended at this organization's discretion to meet with other governmental regulations or those requirements imposed by our professional liability carrier.

**Business Vendors**

It is the policy of Gateway Psychiatric Services to use voicemail services, medical dictation services, and machine transcription services. These vendors are contractually bound to protect health information to the same degree as set forth in this policy. It is also the policy of this organization that vendors who violate their agreement will be dealt with first by an attempt to correct the problem, and if that fails by termination of the agreement and discontinuation of services by the vendor.

**Regulatory Currency**

It is the policy of Gateway Psychiatric Services to remain current in our compliance program with HIPAA regulations.

**Cooperation with Privacy Oversight Authorities**

It is the policy of Gateway Psychiatric Services that oversight agencies, such as the Office for Civil Rights of the Department of Health and Human Services, be given full support and cooperation in their efforts to ensure the protection of health information within this organization. It is also the policy of this organization that all personnel must cooperate fully with all privacy compliance reviews and investigations.

## Acknowledgement of Receipt of Notice of Privacy Practices

*If you have questions about Gateway Psychiatric Services' Privacy Policy, please contact the Office Manager/Privacy Officer at (415)551-0520*

I hereby acknowledge that I received a copy Gateway Psychiatric Services' Notice of Privacy Practices. I further acknowledge that a copy of the current and any amended Notice of Privacy Practices will be available at each appointment.

Signed: \_\_\_\_\_ Print Name: \_\_\_\_\_

Date: \_\_\_\_\_ Telephone: \_\_\_\_\_

If not signed by the patient, please indicate relationship:

\_\_\_\_\_ Parent or guardian of minor patient

\_\_\_\_\_ Guardian or conservator of an incompetent patient

Name: \_\_\_\_\_

Relationship: \_\_\_\_\_

Address of Patient: \_\_\_\_\_

I would like to receive a copy of any amended Notice of Privacy Practices by e-mail at:

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