

Melinda McCulloch, LCSW
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.

I am required by law to maintain the privacy of your health information. I am also required to give you this Notice about privacy practices, legal obligations, and your rights concerning your health information ("Protected Health Information" or "PHI"). I will follow the privacy practices that are described in this Notice. If I amend this Notice, I will provide you with the amended Notice for your information and signature.

For more information about our privacy practices, or for additional copies of this Notice, please let me know your questions as soon as they arise. I am committed to your privacy in the personal matters of medical and mental health care.

USES AND DISCLOSURES OF PROTECTED HEALTH INFORMATION

A. Permissible Uses and Disclosures Without My Written Authorization. I may use and disclose your PHI without your written authorization for certain purposes as described below. The examples provided in each category are not meant to be exhaustive, but instead are meant to describe the types of uses and disclosures of your mental health information that are legally permissible.

- 1. Payment:** At your request for help with insurance matters, I may use or disclose your PHI for the purposes of determining coverage, billing, claims management, and reimbursement. For example, a bill sent to your health insurer may include some information about our work together so that the insurer will pay for the treatment. I may also inform your health plan about a treatment you are going to receive in order to determine whether the plan will cover the treatment. If you are using insurance benefits, your insurance company has the right to request copies of treatment plans and records.
- 2. Health Care Operations:** I may use and disclose your disguised PHI in connection with health care operations, including licensing or credentialing activities, and peer or supervisory consultation.
- 3. Emergency Medical Care:** In the unlikely event of a psychiatric emergency requiring urgent medical and psychiatric assessment by an Emergency Room, EMS, or County Designated Mental Health Professional, your course of care and present concerns for your safety and stability may be disclosed to help ensure your safety and appropriateness of care received as well as to assure coordination of care to best address the crisis.
- 4. Required or Permitted by Law:** I may use or disclose your PHI when I am required or permitted to do so by law. For example, I may disclose your PHI to

appropriate authorities if I reasonably believe that you are a possible victim of abuse, neglect, domestic violence, or the possible victim of other crimes. In addition, I may disclose your PHI to the extent necessary to avert a serious threat to your health or safety or the health or safety of others including minor children and vulnerable adults. Other disclosures permitted or required by law include the following: disclosures for public health activities; health oversight activities including disclosures to state or federal agencies authorized to access your PHI; disclosures to judicial and law enforcement officials in response to a court order or other lawful process; disclosures for workers' compensation claims; and disclosures to military or national security agencies, coroners, medical examiners, or correctional institutions as authorized by law.

B. Permissible Uses and Disclosures That May Be Made Without Your Authorization, But For Which You Have An Opportunity To Object

- 1. Family and Other Persons Involved in Your Care:** I may use or disclose your PHI to notify, or assist in the notification of (including identifying or locating) your personal representative, or another person responsible for your care, location, general condition, or death. If you are present, then I will provide you with an opportunity to object prior to such uses or disclosures. In the event of your incapacity or emergency circumstances, I will disclose your PHI consistent with your prior expressed preference, and in your best interest as determined by my professional judgment. I will also use my professional judgment and my experience to make reasonable inferences of your best interest in allowing another person access to your PHI regarding your treatment with me.
- 2. Disaster Relief Efforts:** I may use or disclose your PHI to a public or private entity authorized by law or its charter to assist in disaster relief efforts for the purpose of coordinating notification of family members of your location, general condition, or death.

C. Uses and Disclosures Requiring Your Authorization

- 1. Psychotherapy Notes:** I will not disclose the records of our work described as psychotherapy notes, except as permitted by law.
- 2. Other Uses and Disclosures:** Uses and disclosures other than those described in this Notice will only be made with your written authorization. For example, you will need to sign an authorization form before I can send your PHI to your life insurance company or to your attorney. You may revoke any such authorization at any time by providing me with written notification of such revocation.
- 3. Treatment:** At your request, and with your verbal or written permission, I may use and disclose your PHI to other clinicians involved in your care in order to better provide integrated treatment to you. For example, I may discuss your diagnosis and treatment plan with your psychiatrist or nurse practitioner. In addition, I may disclose your PHI to other health care providers in order to provide you with appropriate care and continued treatment.

YOUR INDIVIDUAL RIGHTS

- A. **Right to Inspect and Copy.** You may request access to your medical records and billing records maintained by me in order to inspect and request copies of the records. All requests for access must be made in writing. Under limited circumstances, I may deny access to your records.
- B. **Right to Alternative Communications.** You may request, and I will accommodate, any reasonable written request for you to receive your PHI by alternative means of communication or at alternative locations.
- C. **Right to Request Restrictions.** You have the right to request a restriction on your PHI that I use or disclose for treatment, payment or health care operations. You must request any such restriction in writing addressed to Melinda McCulloch, LCSW, 353 Lexington Ave. Suite 301, New York, NY 10016. I am not required to agree to any such restriction you may request, except if your request is to restrict disclosing your PHI to a health plan for the purpose of carrying out payment or health care operations, the disclosure is not otherwise required by law, and the PHI pertains solely to a health care item or service which has been paid in full by you or another person or entity on your behalf.
- D. **Right to Accounting of Disclosures.** Upon written request, you may obtain an accounting of disclosures of your PHI made by I in the last six years, subject to certain restrictions and limitations.
- E. **Right to Request Amendment:** You have the right to request that I amend your PHI. Your request must be in writing, and should explain why the information should be amended. I may deny your request under certain circumstances.
- F. **Right to Obtain Notice.** You have the right to obtain a paper copy of this Notice by submitting a request to L Melinda McCulloch, LCSW, 353 Lexington Ave. Suite 301, New York, NY 10016. at any time.
- G. **Questions and Complaints.** If you desire further information about your privacy rights, or are concerned that I have violated your privacy rights, please contact me at 646-670-7071. You may also address a complaint to the Department of Health and Human Services, Office for Civil Rights by following this link: <https://www.hhs.gov/hipaa/filing-a-complaint/complaint-process/index.html>. I will not retaliate against you if you file a complaint.

EFFECTIVE DATE AND CHANGES TO THIS NOTICE

- A. **Effective Date.** This Notice is effective on _____01/01/2020_____.
- B. **Changes to this Notice.** I may change the terms of this Notice at any time. If I change this Notice, I may make the new notice terms effective for all PHI that I maintain, including any information created or received prior to issuing the new notice. If I change this notice, I will provide you with the new notice and the effective date.