

The Sullivan Center for Children

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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.

1. Except as may otherwise be provided by law, you have a right to adequate notice of the uses and disclosures of protected health information that may be made by The Sullivan Center for Children, and of your rights and this Office's legal duties with respect to protect health information.
2. This Office is permitted to use and disclose your protected health information for treatment, payment, and health care operations. Examples of "treatment" are the taking of information from you about your complaint, diagnostics tests, making a diagnosis and prescribing care for the condition, and referrals to other health care providers. Examples of "payment" are obtaining reimbursement for treatment services from a health plan or Medicare or Medi-Cal, including related activities such as eligibility and coverage determination, collection, coordination of benefits and other matters. Examples of "health care operations" include, insuring the competency of health care professionals, and obtaining necessary services from, as examples, accountants, attorneys, and consulting services that may be of interest to you.
3. Subject to exceptions specified by law, disclosure of your health information is required to be made to you or your personal representative upon written request for access to or for an accounting of disclosures of your protected health information. Disclosure is also required to be made without your authorization to the United States Department of Health and Human Services upon request in connection with a compliance investigation or review.
4. Subject to certain restrictions specified by law applicable to psychotherapy notes, other purposes for which your protected health information may be used or disclosed without your prior written authorization include:
 - a. Disclosure allowed by law that is reasonably incidental to other disclosures or uses permitted or required by law, such as, for example, a visitor to another patient in a semi-private room overhearing some of a conversation with you.
 - b. Disclosure to a family member, other relative, close personal friend, or other person identified by you with your oral consent or without consent where you are unable to give it and the protected health information is directly relevant to the person's involvement in your care and this Office determines it to be in your best interest.
 - c. Disclosure and use of Business Associates of this Office. Business Associates are persons and organizations that perform functions on behalf of this Office and receive or create protected health information in performing those functions and activities.
 - d. Certain Research when (1) the research is subject to certain approval and oversight procedures by an Institutional Review Board or privacy board, (2) the research is by a researcher preparing for research under specified conditions, or (3) the researcher provided a

Data Use Agreement for research use of your protected health information from which certain identifiers have been removed.

- e. Public Health Activities, including disclosure (1) to a public health authority that is authorized by law to collect or receive such information for the purposes of preventing, controlling, or tracking disease, injury, disability, berth or death; (2) to a public health authority or other appropriate government authority authorized by law to receive reports of child abuse or neglect; (3) to a person subject to the jurisdiction of the Food and Drug Administration (FDA) for activities related to the quality, safety or effectiveness of an FDA regulated product or activity; (4) to a person who may be at risk for contracting or spreading a disease or condition if it is authorized by law to notify such person in the conduct of a public health intervention or investigation; (5) to an employer about a person who is a member of the employer's workforce for workplace health and safety purposes; and (6) to a public or private entity authorized by law or its charter to assist with disaster relief efforts and to the extent allowed by law.
- f. Reporting to governmental authorities authorized by law to receive protected health information about victims of abuse, neglect, or domestic violence.
- g. Health oversight activities authorized by law of a health oversight agency including audits, civil, criminal, or administrative investigations, proceedings or actions; inspections; licensure or disciplinary actions; or other necessary oversight activities including, as examples, beneficiary eligibility for a government program and compliance with program standards or civil rights laws.
- h. Judicial and Administrative proceedings such as in response to a court order or other lawful process.
- i. As otherwise required by law such as the reporting to government authority of certain types of wounds, and responding to lawful requirements of a law enforcement official.
- j. Coroners, medical examiners and funeral directors to identify the deceased, determine a cause of death, or carry out other duties authorized by law.
- k. As authorized by law if the Office believes in good faith that the use or disclosure is necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the public, and as authorized by law for law enforcement authorities to identify or apprehend an individual.
- l. As authorized by law to appropriate military command authorities for United States and foreign Armed Forces personnel.
- m. Use for and disclosure to authorized federal officials for the conduct of lawful intelligence, counter-intelligence, medical suitability, or other national security activities, and the protection of the President and others as authorized by law.
- n. To a correction institution or law enforcement official having custody of an inmate or individual for the health, safety or security of the individual, inmate, others, or the correctional institution.
- o. Between governmental health plans and agencies as required or permitted by law.

- p. As authorized by law and to the extent necessary to comply with Workers' Compensation laws.
- q. As allowed by federal law under authorizations in effect before 04/14/03.

5. Additional Requirements of California Law

- a. Federal law restricts disclosure of psychotherapy notes without your written authorization expect that these notes may be used and disclosed by the therapist for treatment and for certain other activities, including, oversight by a health oversight agency, defense of a patient's legal action, certain training of health practitioners, averting serious and imminent threats to public health and safety, lawful activities or the coroner or medical examiner, or as otherwise required by federal law. California law further provides that medical information relating to outpatient treatment with a psychotherapist may be produced to certain others only on a written request that is provided to both the patient and the psychotherapist in accordance with California Civil Code Section 56.104, and sets forth the specific information sought, the intended uses and time frame of uses, and the intent to destroy or return all information upon completion of the use.
 - b. California places greater restrictions on certain uses and disclosures of information and records obtained in the course of involuntary treatment or evaluation for a mental disorder or impairment and for certain voluntary treatment for such disorders.
 - c. California imposes greater restrictions on disclosure of substance abuse information and records. Federal law also has separate provisions imposing special restrictions on alcohol and drug abuse patient records.
 - d. California imposes greater restrictions on the use and disclosure of the results of HIV tests.
 - e. California may impose greater restrictions on the disclosure of protected health information pursuant to a subpoena.
 - f. California law respecting advance directives surrogates and healthcare powers of attorney may need to be complied with in addition to federal law before protected health information will be disclosed.
 - g. Where applicable, California law providing for the reporting of disease or injury, child abuse, birth, death, or for the conduct of public health surveillance, investigation or intervention will be complied with.
 - h. California law may provide shorter time limits than federal law for access to your protected health information and will be followed where applicable.
 - i. California law may otherwise place greater restrictions on the use or disclosure of medical records and other protected health information than federal law and will be followed where applicable.
6. Except where uses and disclosures are permitted without your written authorization, all other uses and disclosures will be made only with your written authorization, which you may revoke, provided the revocation is in writing.
7. You have the following rights with respect to your protected health information.

- a. To request restrictions on use and disclosures of protected health information for treatment, payment or healthcare operations. Depending on the nature of the request, this Office may not be required to agree to a requested restriction, except that if you pay for the services out of your own pocket, your restriction request will be followed.
 - b. The right to inspect and copy protected health information, subject to our right to withhold certain information as may be allowed by law, which decision to withhold you may have reviewed by another healthcare professional where information is withheld on the basis that disclosure would be reasonably likely to endanger you or another person. We also have the right to charge a reasonable cost-based fee for copies and for mailing.
 - c. You have the right to request and this Office will accommodate a reasonable request to receive communications of protected health information by alternative means or at alternative locations. We may request that your request be in writing, that the alternative be specified and that you provide information as to how payment will be handled.
 - d. You have the right to request an amendment to protected health information, which we have the right to deny as allowed by law (for example, we did not create the information or we believe the record is accurate and complete). If a request to amend is denied, we must state the reasons and you have the right to complain and/or submit a written disagreement for inclusion in your records.
 - e. You have the right upon written request to receive an accounting of disclosures of protected health information except as such right is limited by law. Accountings of disclosures do not include disclosures, made pursuant to an authorization from you, for national security or intellectual purposes, to correctional institutions or law enforcement regarding inmates or persons in custody, or, except as may otherwise be required by law, made incidental to otherwise permitted or required disclosures. You are entitled to one free accounting per twelve month period.
 - f. You have the right to receive a paper copy of this notice upon request.
8. This Office is required by law to maintain the privacy of your protected health information and to provide you with this notice of its legal duties and privacy practices with respect to your protected health information.
 9. This Office is required to abide by the terms of this notice, but reserves the right to change the terms of this notice and make the new notice provisions effective for all protected health information that this Office maintains. New notices shall be available on request.
 10. If you have a complaint, you may complain to the Privacy and Security Official of this Office. The telephone number is (559) 271-1186. You may make the complaint orally or in writing to such person. You may also complain to the Secretary of the United States Department of Health and Human Services if you believe that your privacy rights have been violated. You will not be retaliated against for making or filing a complaint with us or with the Secretary.
 11. This notice is effective as of July 1 2011.