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## **MARYLAND NOTICE FORM**

THIS NOTICE IS REQUIRED BY A NEW FEDERAL LAW, THE HEALTH INSURANCE PRIVACY AND PORTABILITY ACT (HIPAA). THIS NOTICE DESCRIBES HOW PSYCHOLOGICAL AND MEDICAL INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY.

### **I. Uses and Disclosures for Treatment, Payment, and Health Care Operations**

I must have your written authorization to *use* or *disclose* your *protected health information (PHI)* for any reason (with some exceptions discussed in Section III) including for *treatment, payment, and health care operations* purposes. To help clarify these terms, here are some definitions:

- “*PHI*” refers to information in your health record that could identify you.
- “*Treatment, Payment, and Health Care Operations*”
  - *Treatment* is when I provide, coordinate, or manage your health care and other services related to your health care. An example of treatment would be when I consult with another health care provider, such as your family physician, or another psychologist.
  - *Payment* is when I obtain reimbursement for your healthcare. For example, if I disclose your PHI to your health insurer to obtain reimbursement for your health care or to determine eligibility or coverage.
  - *Health Care Operations* are activities that relate to the performance and operation of my practice. Examples of health care operations are quality assessment and improvement activities, business-related matters such as audits and administrative services, and case management and care coordination.
- “*Use*” applies only to activities within my office such as sharing, employing, applying, utilizing, examining, and analyzing information that identifies you.
- “*Disclosure*” applies to activities outside of my office such as releasing, transferring, or providing access to information about you to other parties.
- “*Authorization*” is your written permission to disclose confidential mental health information. All authorizations to disclose must be on a specific legally required form.
- I will also obtain an authorization from you before using or disclosing PHI in a way that is not described in this Notice, for using or disclosing PHI for marketing purposes, or for using or disclosing PHI in a way that is considered a sale of PHI.

## **II. Other Uses and Disclosures Requiring Authorization**

You may revoke all authorizations at any time, provided each revocation is in writing. You may not revoke an authorization to the extent that (1) I have relied on that authorization; or (2) if the authorization was obtained as a condition of obtaining insurance coverage, law provides the insurer the right to contest the claim under the policy.

## **III. Uses and Disclosures without Authorization**

I may use or disclose PHI without your authorization in the following circumstances:

- *Child Abuse* – If I have reason to believe that a child has been subjected to abuse or neglect, I must report this belief to the appropriate authorities.
- *Adult and Domestic Abuse* – I may disclose protected health information regarding you if I reasonably believe that you are a victim of abuse, neglect, or self-neglector exploitation.
- *Health Oversight Activities* – If I receive a subpoena from the Maryland Board of Examiners of Psychologists because they are investigating my practice, I must disclose any PHI requested by the Board.
- *Judicial and Administrative Proceedings* – If you are involved in a court proceeding and a request is made for information about your diagnosis and treatment or the records thereof, such information is privileged under state law, and I will not release information without your written authorization or a court order. The privilege does not apply where the evaluation is court ordered. You will be informed in advance if this is the case.
- *Serious Threat to Health or Safety* – If you communicate to me a specific threat of imminent harm against another individual or if I believe that there is a clear, imminent risk of physical or mental injury being inflicted against another individual, I may, but will not necessarily, make disclosures that I believe are necessary to protect that individual from harm. If I believe that you present an imminent, serious risk of physical or mental injury or death to yourself, I may make disclosures I consider necessary to protect you from harm.
- *When the use and disclosure without your consent or authorization is allowed under other sections of Section 164.512 of the Privacy Rule and Maryland's confidentiality law.* This includes certain narrowly-defined disclosures to law enforcement agencies, to a health oversight agency (such as HHS or the Maryland Department of Health and Mental Hygiene), to a coroner or medical examiner, for public health purposes relating to disease or FDA-regulated products, or for specialized government functions such as fitness for military duties, eligibility for VA benefits, and national security and intelligence.

#### **IV. Patient's Rights and Psychologist's Duties**

##### **Patient's Rights:**

- *Right to Request Restrictions* – You have the right to request restrictions on certain uses and disclosures of protected health information. However, I am not required to agree to a restriction you request.
- *Right to Receive Confidential Communications by Alternative Means and at Alternative Locations* – You have the right to request and receive confidential communications of PHI by alternative means and at alternative locations. (For example, you may not want a family member to know that you are seeing me. On your request, I will send your bills to another address.)
- *Right to Inspect and Copy* – You have the right to inspect or obtain a copy (or both) of PHI in my mental health and billing records used to make decisions about you for as long as the PHI is maintained in the record. I may deny your access to PHI under certain circumstances, but in some cases you may have this decision reviewed.
- *Right to Amend* – You have the right to request an amendment of PHI for as long as the PHI is maintained in the record. I may deny your request. On your request, I will discuss with you the details of the amendment process.
- *Right to an Accounting* – You generally have the right to receive an accounting of disclosures of PHI. On your request, I will discuss with you the details of the accounting process.
- *Right to a Paper Copy* – You have the right to obtain a paper copy of the notice from me upon request, even if you have agreed to receive the notice electronically.
- *Right to Restrict Disclosures When You have Paid for Your Care Out-of-Pocket*. You have the right to restrict certain disclosures of PHI to a health plan when you pay out-of-pocket in full for my services.
- *Right to Be Notified if There is a Breach of Your Unsecured PHI*. You have a right to be notified if: (a) there is a breach (a use or disclosure of your PHI in violation of the HIPAA Privacy Rule) involving your PHI; (b) that PHI has not be encrypted to government standards; and (c) my risk assessment fails to determine there is a low probability that your PHI has been compromised.
- *Right to Opt out of Fundraising Communications*. You have a right to decide that you would not like to be included in fundraising communications that I may send out.

##### **Psychologist's Duties:**

- I am required by law to maintain the privacy of PHI and to provide you with a notice of my legal duties and privacy practices with respect to PHI.
- I reserve the right to change the privacy policies and practices described in this notice. Unless I notify you of such changes, however, I am required to abide by the terms currently in effect.

Maryland Notice Form  
Notice of Privacy Practices

- If I revise my policies and procedures, I will provide you with a revised notice.

**V. Complaints**

If you are concerned that I have violated your privacy rights, or you disagree with a decision I made about access to your records, you may contact the office directly.

You may also send a written complaint to the Secretary of the U.S. Department of Health and Human Services. They can be reached at the following address:

Office for Civil Rights  
U.S. Department of Health and Human Services  
150 S. Independence Mall West – Suite 372  
Philadelphia, PA 19106-3499

The Office for Civil Rights requests that all complaints contain certain specific information. This information can be seen at their web-site

<http://www.hhs.gov/ocr/hipaa> or can be obtained by calling: 215.861.4441.

**VI. Effective Date, Restrictions, and Changes to Privacy Policy**

This notice will go into effect on April 1, 2014.

I reserve the right to change the terms of this notice and to make the new notice provisions effective for all PHI that I maintain. If I make any such changes, I will provide you with a new Notice of Privacy Rights.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date