

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 READ IT CAREFULLY.

MARY LOU MACILVAINE, MFT HAS A LEGAL DUTY TO SAFEGAURD YOUR PROTECTED HEALTH INFORMATION (PHI)

MARY LOU MACILVAINE (MLM) is committed to protecting the privacy and security of Personal Health Information concerning her clients. This policy is designed to assure MLM's compliance with all applicable federal and state laws and regulations that require an individual's personal health information to be kept confidential and private. MLM is legally required to protect the privacy of your PHI, which includes information that can be used to identify you that MLM has created or received about your past, present, or future mental health or condition, the provision of mental health care to you, or the payment of this mental health care. MLM must provide you with this Notice about her privacy practices, and such Notice must explain how, when, and why MLM will "use" and "disclose" your PHI. A "use" of PHI occurs when MLM shares, examines, utilizes, applies, or analyzes such information within her practice; PHI is "disclosed" when it is released, transferred, has been given to, or is otherwise divulged to a third party necessary to accomplish the purpose for which the use or disclosure is made. MLM is legally required to follow the privacy practices described in this Notice.

MLM reserves the right to change the terms of this Notice and her privacy policies at any time. Any changes will apply to PHI on file with MLM already. Before MLM makes any important changes to her policies, she will promptly change this Notice and post a new copy of it in the office and on her website. You can also request a copy of this Notice from MLM, or you can view a copy of it in her office or at her website which is located at (www.drmacilvaine.com).

I. USE AND DISCLOSE OF YOUR PHI.

MLM may use and disclose your PHI for many different reasons. For some of these uses or disclosures, MLM will need your prior authorization; for others, however, MLM does not. Listed below are the different categories of our uses and disclosures along with examples, which may occur in each category.

MLM can use and disclose your PHI **without your consent** for the following reasons:

- A. For Treatment.** MLM can disclose your PHI to physicians, psychiatrists, psychologists, or other health care providers who provide you with health care services or are involved in your care.
- B. To Obtain Payment for Treatment.** MLM can use and disclose your PHI to bill and collect payment for the treatment and services provided by MLM to you. For example, MLM may also provide your PHI to billing companies, claims processing companies, and others that process my health care claims.

Patients who are attempting to obtain reimbursement from their insurance company should be aware that the insurance provider might request information from MLM. Information requested by insurance companies is generally limited to diagnosis and dates of service. Some insurance companies require pre-certification and others will only authorize ongoing treatment based on medical necessity. We will not discuss your case without your prior authorization and written consent. We will review any information exchanges with you prior to the event whenever possible.

Mary Lou MacIlvaine, Ph.D.
5100 Marlborough Drive
San Diego, CA 92116
(619) 501-0334
www.drmacilvaine.com

C. For Health Care Operations. MLM can disclose your PHI to operate our practice. MLM may also provide your PHI to her accountants or attorneys, to make sure she is complying with applicable laws.

D. Marketing and Outreach

MLM may contact you for marketing purposes as described below unless you request otherwise: (example)

She may send you a newsletter and/or calendar of upcoming events. She may also contact you by phone to remind you about upcoming workshops or lectures within the community, which she thinks may benefit your treatment.

Phone calls go with the territory of our work together. MLM will always try to be available to you for emergencies and can be paged if the need arises. For non-emergency calls, she will contact you as soon as we can. Excessive odd hour calls are subject to fees comparable to office visits. There may be times when a message may not reach her. If a significant amount of time passes and she has not returned your call, please try reaching her by pager again.

I understand that the demands of work or family can make it difficult to schedule appointments. I will do my best to accommodate difficult or unusual scheduling requests wherever possible. Individual sessions are typically 50 minutes in length, Group Therapy is 2 hours.

E. Change of Ownership

In the event that this practice is sold or merged with another organization, your health information/record will become the property of the new owner.

F. Other Uses and Disclosures, Which Do Not Require Your Consent. MLM can use and disclose your PHI without your consent or authorization for the following reasons:

1. When disclosure is required by federal; state or local law; judicial or administrative proceedings; or law enforcement. MLM may make a disclosure to applicable officials when a law requires us to report information to government agencies and law enforcement personnel about victims of abuse or neglect; or when ordered in a judicial or administrative proceeding. If any health professional has reason to believe that a child, minor or dependent adult is being abused, molested, or neglected, the law mandates that we contact the appropriate authorities and file a report as soon as possible. Further, if you are using confidentiality as a means of avoiding legal punishment, privilege is waived.

2. For public health activities. For example, MLM may have to report information about you to the county coroner.

3. For health oversight activities. For example, MLM may have to provide information to assist the government when it conducts an investigation or inspection of a health care provider or organization.

4. For research purposes. In certain circumstances, MLM may provide PHI in order to conduct medical research.

5. To avoid harm. In order to avoid a serious threat to the health or safety of a person, yourself or the public, MLM may provide PHI to law enforcement personnel or persons able to prevent or lessen such harm, under a mandated reporter. We are bound by the laws to contact the person(s) involved and warn them of possible danger.

6. For specific government functions. MLM may disclose PHI of military personnel and veterans in certain situations. And may disclose PHI for national security purposes, such as protecting the President of the United States or conducting intelligence operations.

7. For workers' compensation purposes. MLM may provide PHI in order to comply with workers' compensation laws.

8. Appointment reminders and mental health related benefits or services. MLM may use PHI to provide appointment reminders or give you information about treatment alternatives, or other mental health care services or benefits we offer.

9. MLM may also disclose your PHI to others without your consent if you need emergency treatment, as long as we try to get your consent after treatment is rendered, or if she try to get your consent but you are unable to communicate with her (for example, if you are unconscious or in severe pain) and she thinks that you would consent to such treatment if you were able to do so.

G. Uses and Disclosures Which Require You to Have the Opportunity to Object: MLM may provide your PHI to a family member, friend, or other person that you indicate is involved in your care or the payment of you health care, unless you object in whole or in part. The opportunity to consent may be obtained retroactively in emergency situations.

H. Uses and Disclosures, Which Require Your Prior Written Authorization. In any other situation not described in sections above, MLM will ask for your authorization before using or disclosing any of your PHI. If you choose to sign an authorization to disclose your PHI, you can later revoke such authorization in writing to stop any future uses and disclosures (to the extent that we have not taken any action in reliance on such authorization) of your PHI by MLM

II. YOU HAVE THE FOLLOWING RIGHTS WITH RESPECT TO YOUR PHI.

The Right to Request Limits on Uses and Disclosures of Your PHI. You have the right to ask that MLM limit how we use and disclose your PHI. MLM will consider your request, but is not legally required to accept it. If MLM accepts your request, we will put any limits in writing and abide by them except in emergency situations. You may not limit the uses and disclosures that we are legally required or allowed to make.

A. The Right to Choose How MLM Sends PHI to You. You have the right to ask that MLM send information to you at an alternate address (for example, sending information to your work address rather than your home address) or by alternate means (for example, e-mail instead of regular mail) MLM must agree to your request as long as she can easily provide the PHI to you in the format you requested.

B. The Right to See and Get Copies of Your PHI. In most cases, you have the right to look at or get copies of your PHI that MLM has, but you must make the request in writing. If MLM doesn't have your PHI but knows who does, she will tell you how to get it. She will respond to you within 30 days of receiving your written request. In certain situations, MLM may deny your request. If she does, she will tell you, in writing, the reasons for the denial and explain your right to have the denial reviewed.

If you request copies of your PHI, MLM will charge you not more than \$.25 for each page. Instead of providing the PHI you requested, we may provide you with a summary or explanation of the PHI.

C. The Right to Get a List of the Disclosures MLM Has Made. You have the right to get a list of instances in which MLM has disclosed your PHI. The list will not include uses or disclosures that you have already consented to, such as those made for treatment, payment, or health care operation, directly to you, or to your family. The list also won't include uses and disclosures made for national security purposes, to corrections or law enforcement personnel, or disclosures made before April 14, 2003.

MLM will respond to your request for an accounting of disclosures within 5 business days of receiving your request. The list MLM will give you will include disclosures made in the last six years unless

you request a shorter time. The list will include the date of the disclosure, to whom PHI was disclosed (including their address, if known), a description of the information disclosed, and the reason for the disclosure. MLM will provide the list to you at no charge, but if you make more than one request in the same year, we will charge you \$25.00 fee for each additional request.

D. The Right to Correct or Update Your PHI. If you believe that there is a mistake in your PHI or that a piece of important information is missing, you have the right to request that MLM corrects the existing information or add the missing information. You must provide the request and the reason for the request in writing. MLM will respond within 60 days of receiving your request to correct or update your PHI. MLM may deny your request in writing if the PHI is (i) correct and complete, (ii) not created by MLM, (iii) not allowed to be disclosed, or (iv) not part of our records. MLM's written denial will state the reasons for the denial and explain your right to file a written statement of disagreement with the denial. If you don't file one, you have the right to request that your request and MLM's denial be attached to all future disclosures of your PHI. If MLM approves your request, we will make the change to your PHI, tell you that we have done it, and tell others that need to know about the change to your PHI.

E. The Right to Get This Notice by E-mail. You have the right to get a copy of this notice by e-mail. Even if you have agreed to receive notice via e-mail, you also have the right to request a paper copy of it.

III. Other Policies Regarding PHI and Treatment. MLM does not provide medications. She will be glad to make a referral to an appropriate medical doctor or psychiatrist should this be requested or indicated.

Patients are required to notify their therapist of their intention to terminate therapy at least one week in advance. This will allow MLM an opportunity to discuss and provide appropriate discharge recommendations.

IV. HOW TO COMPLAIN ABOUT MY PRIVACY PRACTICES

If you think that MLM may have violated your privacy rights, or you disagree with a decision MLM made about access to your PHI, you may file a complaint with the person listed in Section IV below. You also may send a written complaint to the Secretary of the Department of Health and Human Services at 200 Independence Avenue S.W., Washington, D.C. 20201. S.R.I. will take no retaliatory action against you if you file a complaint about its privacy practices.

V. PERSON TO CONTACT FOR INFORMATION ABOUT THIS NOTICE OR TO COMPLAIN ABOUT MY PRIVACY PRACTICES

MLM is required by law to maintain the privacy of your health information and to provide you with notice of its legal duties and privacy practices with respect to your health information. If you have questions about any part of this notice, need to file complaint, or if you want more information about your privacy rights, please contact: MARY LOU MACILVAINE by calling this office at (310) 335-0997.

VI. EFFECTIVE DATE OF THIS NOTICE

This notice went into effect on April 14, 2003.

I have received a copy of the latest guidelines related to disclosure and privacy of my **PROTECTED HEALTH INFORMATION (PHI)**. These guidelines went into effect on June 11, 2006.

Signature _____

Date ____-____-____

[This documented activity will be kept on file]