

BCA Privacy Policies & Procedures

I. BCA may use or disclose your Protected Health Information (PHI), for treatment, payment and health care operations purposes with your consent.

- **“PHI”** refers to information in your health record that could identify you.
- **“Treatment, Payment and Health Care Operations”**
 - Treatment* is when BCA provides, coordinates or manages your health care and other services related to your health care. An example of treatment would be when BCA consults with another health care provider, such as your family physician or another mental health professional.
 - Payment* is when BCA obtains reimbursement for your healthcare. Examples of payment are when BCA discloses 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 the 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 BCA, such as sharing, employing, applying, utilizing, examining, and analyzing information that identifies you.
- **“Disclosure”** applies to activities outside of BCA, such as releasing, transferring, or providing access to information about you to other parties.

II. BCA may use or disclose PHI for purposes outside of treatment, payment, and health care operations when your appropriate authorization is obtained. An “authorization” is written permission above and beyond the general consent.

In those instances when BCA is asked for information for purposes outside of treatment, payment and health care operations, BCA will obtain an authorization from you before releasing this information. BCA will also need to obtain an authorization before releasing your psychotherapy notes. “*Psychotherapy notes*” are notes the clinician has made about conversations during a private, group, joint, or family counseling sessions, which are treated separately from the rest of your medical record. These notes are given a greater degree of protection than PHI.

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

III. BCA may use or disclose PHI without your consent or authorization in the following circumstances:

- **Child Abuse:** If a BCA clinician has reasonable cause, on the basis of their professional judgment, to suspect abuse of children with whom the clinician has come into contact in a professional capacity, the clinician is required by law to report this to the Pennsylvania Department of Public Welfare.
- **Adult and Domestic Abuse:** If a BCA clinician has reasonable cause to believe that an older adult is in need of protective services (regarding abuse, neglect, exploitation or abandonment), the clinician may report such to the local agency which provides protective services.
- **Judicial or Administrative Proceedings:** If you are involved in a court proceeding and a request is made about the professional services a BCA clinician provided you or the records thereof, such information is privileged under state law. The BCA clinician will not release this information without your written consent, or a court order. The privilege does not apply when you are being evaluated for a third party or 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 express a serious threat, or intent to kill or seriously injure an identified or readily identifiable person or group of people, and a BCA clinician determines that you are likely to carry out the threat, the clinician must take reasonable measures to prevent harm. Reasonable measures may include directly advising the potential victim of the threat or intent.
- **Worker’s Compensation:** If you file a worker’s compensation claim, the BCA clinician will be required to file periodic reports with your employer which shall include, where pertinent, history, diagnosis, treatment, and prognosis.

IV. Patient's Rights

- **Right to Request Restrictions** – You have the right to request restrictions on certain uses and disclosures of protected health information about you. However, BCA is 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 a BCA clinician. Upon your request, BCA 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 BCA mental health and billing records used to make decisions about you for as long as the PHI is maintained in the record. BCA may deny your access to PHI under certain circumstances, but in some cases, you may have this decision reviewed. On your request, the BCA Privacy Officer will discuss with you the details of the request and denial process.
- **Right to Amend** – You have the right to request an amendment of PHI for as long as the PHI is maintained in the record. BCA may deny your request. On your request, the BCA Privacy Officer 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 for which you have neither provided consent or authorization (as described in Section III of this Notice). On your request, BCA 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 upon request, even if you have agreed to receive the notice electronically.

V. Mental Health Professional's Duties:

- BCA is required by law to maintain the privacy of PHI and to provide you with a notice of BCA's legal duties and privacy practices with respect to PHI.
- BCA reserves the right to change the privacy policies and practices described in this notice. Unless BCA notifies you of such changes, however, BCA is required to abide by the terms currently in effect.
- If BCA revises the policies and procedures, BCA will provide written notice that will be available in the BCA office.

VI. Questions and Complaints

If you have questions about this notice, disagree with BCA procedures about access to your records, or have other concerns about your privacy rights, you may contact Dr. Artis J. Palmo, Privacy Officer at (610) 865-8177. If you believe that your privacy rights have been violated and wish to file a complaint with BCA, you may send your written complaint to Privacy Officer, Bethlehem Counseling Associates, P.C., Gateway Professional Center, 2045 Westgate Drive, Suite 304, Bethlehem, PA 18017.

You may also send a written complaint to the Secretary of the U.S. Department of Health and Human Services. The person listed above can provide you with the appropriate address upon request.

You have specific rights under the Privacy Rule. BCA will not retaliate against you for exercising your right to file a complaint.

VII. Effective Date, Restrictions and Changes to Privacy Policy

This notice will go into effect on April 14, 2003.