

## **Notice of Privacy Policies and Practices for Margie Hattori, LCSW, PLLC**

**Margie Hattori, LCSW, PLLC** ~ 1010 Lamond Avenue Durham NC 27701  
919-904-5145 ~ margiehattoritherapy@gmail.com ~ www.margiehattoritherapy.com

### **NOTICE OF PRIVACY POLICIES AND PRACTICES**

**This notice describes how health information may be used and disclosed and how you can get access to this information. Please review it carefully.**

#### **I. My Pledge Regarding Health Information**

I am committed to protecting your health information. This notice applies to all of the records of your care generated by my psychotherapy practice. I am required by law to:

- Make sure that protected health information (“PHI”) that identifies you is kept private.
- Give you this notice of my legal duties and privacy practices with respect to health information.
- Follow the terms of the notice that is currently in effect.
- I can change the terms of this Notice, and such changes will apply to all information I have about you. The new Notice will be available upon request, in my office, and on my website.

#### **II. What I Mean by “Protected Health Information (PHI)”**

Each time you visit any health care provider, including me, information is collected about you and your physical and mental health. In my practice your PHI may include these kinds of information:

- **Your history:** Things that happened to you as a child; your school and work experiences; your marriage or partnership, relationships, and other personal history.
- **Your medical history** of problems and treatments, if applicable.
- **Reasons you came for treatment** with me: Your problems, complaints, symptoms, or needs.
- **Diagnoses:** These are the medical terms for your problems or symptoms and are a description of behaviors.
- **A treatment plan:** This is a list of the treatments and other services that I think will best help you.

- **Progress notes:** During your session, I may write down some things about how you are doing, what I notice about you, and what you tell me.
- **Records I get from others** who treated you or evaluated you, if applicable.
- **Psychological test scores, school records, and other evaluations and reports**, if appropriate.
- **Information about medications** you took or are taking, if applicable.
- **Legal matters**, if applicable.
- **Billing and insurance information.**

There may also be other kinds of information that go into your health care records here.

I use PHI for many purposes. For example, I may use it :

- To plan your care and treatment.
- To decide how well my treatment is working for you.
- When I talk with other health care professionals who are also treating you, such as your family doctor or the professional who referred you to me. When I do this, I will ask for your consent. Almost always, I will also ask you to sign a release-of-information form, which will explain what information is to be shared and why.
- For teaching and training other health care professionals or for medical or psychological research. If I do this, your name will never be shown, and there will be no way they can find out who you are. Before I do this I will ask for your consent and ask you to sign an authorization, so that you will know what information will be shared and why.
- To show that you actually received services from me, which I billed to you or to your health insurance company.
- For public health officials trying to improve health care.
- To improve the way I do my job by measuring the results of our work.

### **III. Privacy and the Laws about Privacy**

I am required to tell you about privacy because of a federal law, the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and the HIPAA Omnibus Final Rule of 2013. HIPAA requires me to keep your PHI private and to give you this notice about my legal duties and my privacy practices. Please note that as a clinical social worker licensed in this state, and as a member of this state's social work board, I maintain your privacy more carefully than is required by HIPAA.

This form is not legal advice. It is just to educate you about your rights and our procedures. It is based on current federal and state laws and might change if those laws or court decisions change. If I change my privacy practices, they will apply to all the PHI I keep. I will provide a new copy to you. I will obey the rules described in this notice.

#### **IV. How I May Use and Disclose Health Information about You**

Except in some special circumstances, when I use your PHI in this office or disclose it to others, I share only the *minimum necessary* PHI needed for those other people to do their jobs.

The following 4 categories describe different ways that I use and disclose health information. For each category of uses or disclosures I will explain what I mean and try to give some examples. Not every use or disclosure in a category will be listed. However, all of the ways I am permitted to use and disclose information will fall within one of the categories.

##### ***A. Uses and Disclosures with Your Consent***

###### **Treatment, Payment, or Health Care Operations**

*Treatment.* I use your information to provide you with psychological services, including treatment planning and psychotherapy notes.

We may decide together that it would be helpful to share your PHI with others such as your personal physician, psychiatrist, or if I refer you to other professionals for services I cannot provide. I can do this only when you give your permission by signing a release-of-information form. If you receive treatment in the future from other professionals, I can also share your PHI with them with your written permission.

*Payment.* I may use your information to bill you, your insurance, or others for the treatments I provide to you. I may contact your insurance company to find out exactly what your insurance covers. I may have to tell them about your diagnoses, what treatments you have received, and the changes I expect in your conditions. I may need to tell them about when we met, your progress, and other similar things. Insurers may also look into a few of my patient records to evaluate the completeness of my record keeping.

*Health care operations.* “Health care operations” refers to activities beyond the treatment I provide and payment for services. For example, I may use your PHI to see where I can make improvements in the care and services I provide. I might also provide your PHI to my attorneys, accountants, consultants, and others to make sure that I am in compliance with applicable laws.

##### ***B. Uses and Disclosures that Require Your Authorization***

1. Psychotherapy Notes. I do keep “psychotherapy notes” as that term is defined in 45 CFR § 164.501, and any use or disclosure of such notes requires your Authorization unless the use or disclosure is:
  - a. For my use in treating you.
  - b. For my use in training or supervising mental health practitioners to help them improve

their skills in group, joint, family, or individual counseling or therapy.

c. For my use in defending myself in legal proceedings instituted by you.

d. For use by the Secretary of Health and Human Services to investigate my compliance with HIPAA.

e. Required by law and the use or disclosure is limited to the requirements of such law.

f. Required by law for certain health oversight activities pertaining to the originator of the psychotherapy notes.

g. Required by a coroner who is performing duties authorized by law.

h. Required to help avert a serious threat to the health and safety of others.

2. Marketing Purposes. As a psychotherapist, I will not use or disclose your PHI for marketing purposes.
3. Sale of PHI. As a psychotherapist, I will not sell your PHI in the regular course of my business.

### ***C. Uses and Disclosures that Don't Require Your Consent or Authorization***

The HIPAA laws let me use and disclose some of your PHI without getting your consent or authorization in some cases. Here are some examples of when I might do this. I will almost always notify you if any of these situations occur.

1. When disclosure is required by state or federal law, and the use or disclosure complies with and is limited to the relevant requirements of such law.
2. For public health activities, including reporting suspected child, elder, or dependent adult abuse, or preventing or reducing a serious threat to anyone's health or safety.
3. For health oversight activities, including audits and investigations.
4. For judicial and administrative proceedings, including responding to a court or administrative order, although my preference is to obtain an Authorization from you before doing so.
5. For law enforcement purposes, including reporting crimes occurring on my premises.
6. To coroners or medical examiners, when such individuals are performing duties authorized by law.
7. For research purposes, including studying and comparing the mental health of patients who received one form of therapy versus those who received another form of therapy for the same condition. In these cases, all identifying information will be removed.
8. Specialized government functions, including, ensuring the proper execution of military missions; protecting the President of the United States; conducting intelligence or

counter-intelligence operations; or, helping to ensure the safety of those working within or housed in correctional institutions.

9. For workers' compensation purposes. Although my preference is to obtain an Authorization from you, I may provide your PHI in order to comply with workers' compensation laws.
10. Appointment reminders and health related benefits or services. I may use and disclose your PHI to contact you to remind you that you have an appointment with me. I may also use and disclose your PHI to tell you about treatment alternatives, or other health care services or benefits that I offer.

#### ***D. Uses and Disclosures Where You Have the Opportunity to Object***

1. Disclosures to family, friends, or others. I may provide your PHI to a family member, friend, or other person that you indicate is involved in your care or the payment for your health care, unless you object in whole or in part. The opportunity to consent may be obtained retroactively in emergency situations.

#### **V. Privacy Considerations with Communication**

Some methods of communication are more secure than others. HIPAA provides that clients are able to choose their preferred method of communication, even if it is less secure than other available methods.

Due to the nature of electronic communication, messages can and do get lost occasionally through no fault of sender or receiver. If you are expecting a response and have not heard from me after 24 hours (exclusive of weekends, holidays, or scheduled vacations), please resubmit your message. Please note: Due to licensing requirements, I am required to securely log all messages we exchange, regardless of how they are transmitted.

#### **Secure Messaging**

Secure messaging and email have the quickest response from me. However, email is not confidential. For messages with content that is confidential, my preference is for clients to use the secure messaging feature available through the client portal of SimplePractice.

#### **Email**

If you have general questions or comments you can reach me by email. I can usually respond to emails more quickly than voicemails. All emails sent and received are routinely logged by my email service, and possibly by yours, even if you delete them.

I strongly recommend that the email address you use to send and receive messages is not one supplied by your employer, school/college, or any other email for which you do not have exclusive access, as these can be, and often are, monitored by outside parties.

I suggest that sensitive information such as session content, diagnoses, or treatment, not be transmitted via standard email, as confidentiality cannot be assured. These subjects are better discussed in person, over the phone, or through the secure messaging feature of SimplePractice.

### **Voicemail**

Voicemails and phone calls are generally regarded to be secure. Since returning calls is time and location sensitive, turn around time is longer, typically within 24-48 hours.

### **Text/SMS**

Texts are not secure and must be limited to attendance matters only (e.g. running late, need to cancel or reschedule an appointment).

### **Social Media**

#### *Friending*

“Friending” or connecting with current or former clients on social media potentially puts our therapeutic relationship in the public sphere and therefore threatens the confidentiality of your PHI. Interacting on social media can also blur the boundaries of our therapeutic relationship. Therefore, I do not respond to friend requests from current or former clients on any social networking sites (e.g. Facebook, LinkedIn, etc.). I also do not follow current or former clients’ postings or social media accounts.

Some social networking services have access to your email addresses and may generate auto-requests that appear to be from a person in your contacts list. If you receive a request to connect through a social media site that appears to be from me, be assured that it did not originate from me. If you have questions about something you have received, please contact me.

#### *Search Engines*

Seeking information about clients outside of a session has the potential to disrupt or negatively affect the therapy process. Therefore, I do not purposely seek out information about clients on the internet.

#### *Business Review Sites*

You may find my therapy practice business on a business review site such as Yelp, Google Business, Healthgrades, or other similar site. Some of these sites automatically aggregate local businesses without their express permission or involvement. These sites also allow people to submit ratings and reviews of the business. If you find my business on such a site, it is not a solicitation for testimonials, ratings, or endorsements, which is prohibited by my professional code of ethics.

You retain the right to express yourself on any site you wish. However, due to confidentiality concerns, I will not respond to a review on any of these sites, whether positive or negative. As

with social media, posting a review online threatens your privacy by linking my services to you in a public way. You should use your own discretion when choosing to leave a review.

## **VI. You Have the Following Rights with Respect to Your PHI**

- 1. The Right to Request Limits on Uses and Disclosures of Your PHI.** You have the right to ask me not to use or disclose certain PHI for treatment, payment, or health care operations purposes. I am not required to agree to your request, and I may say “no” if I believe it would affect your health care.
- 2. The Right to Request Restrictions for Out-of-Pocket Expenses Paid for In Full.** You have the right to request restrictions on disclosures of your PHI to health plans for payment or health care operations purposes if the PHI pertains solely to a health care item or a health care service that you have paid for out-of-pocket in full.
- 3. The Right to Choose How I Send PHI to You.** You have the right to ask me to contact you in a specific way (for example, home or office phone) or to send mail to a different address, and I will agree to all reasonable requests.
- 4. The Right to See and Get Copies of Your PHI.** Other than “psychotherapy notes,” you have the right to get an electronic or paper copy of your medical record and other information that I have about you. I will provide you with a copy of your record, or a summary of it, if you agree to receive a summary, within 30 days of receiving your written request, and I may charge a reasonable, cost-based fee for doing so.
- 5. The Right to Get a List of the Disclosures I Have Made.** You have the right to request a list of instances in which I have disclosed your PHI for purposes other than treatment, payment, or health care operations, or for which you provided me with an Authorization. I will respond to your request for an accounting of disclosures within 60 days of receiving your request. The list I will give you will include disclosures made in the last six years unless you request a shorter time. I will provide the list to you at no charge, but if you make more than one request in the same year, I will charge you a reasonable cost-based fee for each additional request.
- 6. 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 from your PHI, you have the right to request that I correct the existing information or add the missing information. I may say “no” to your request, but I will tell you why in writing within 60 days of receiving your request.
- 7. The Right to Get a Paper or Electronic Copy of this Notice.** You have the right get a paper copy of this Notice, and you have the right to get a copy of this notice by email. And, even if you have agreed to receive this Notice via email, you also have the right to

request a paper copy of it.

- 8. The Right to Complain about My Privacy Practices.** If, in your opinion, I may have violated your privacy rights, or if you object to a decision I made about access to your PHI, you are entitled to file a complaint with the person listed in number 9 below. You may also 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. If you file a complaint about my privacy practices, I will take no retaliatory action against you.  
**Person to Contact for Information about this Notice or to Complain about My Privacy Practices.** If you have any questions about this notice or any complaints about my privacy practices, or would like to know how to file a complaint with the Secretary of the Department of Health and Human Services, please contact me at the address at the top of this document. I will designate a licensed health care professional not directly involved in the decision to deny access, to review my decision and promptly notify you of his or her decision.

#### **EFFECTIVE DATE OF THIS NOTICE**

This notice went into effect on January 1, 2020 and was updated January 22, 2023.