



YAKAMA NATION BEHAVIORAL HEALTH

WASHINGTON NOTICE FORM

Notice of Yakama Nation Behavioral Health Policies and Practices to Protect the Privacy of Your Health Information

THIS NOTICE DESCRIBES HOW MENTAL HEALTH 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**

We may use or disclose your protected health information (PHI), for treatment and health care operations purposes without your authorization. To help clarify these terms, here are some definitions.

- “PHI” refers to information in your health record that could identify you.
- “Treatment and Health Care Operations”

-TREATMENT IS WHEN WE PROVIDE OR HELP ANOTHER ONE OF YOUR HEALTH CARE PROFESSIONALS PROVIDE SERVICES RELATED TO YOUR HEALTH CARE. AN EXAMPLE OF TREATMENT WOULD BE WHEN WE CONSULT WITH ANOTHER HEALTH CARE PROVIDER, SUCH AS YOUR FAMILY PHYSICIAN OR ANOTHER THERAPIST.

-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, PEER REVIEW AND CASE MANAGEMENT AND CARE COORDINATION.

- “Use” applies only to activities within the clinic, such as sharing, employing, applying, utilizing, examining, and analyzing information that identifies you.
- Disclosure applies to activities outside the clinic, such as releasing, transferring, or providing access to information about you to other parties.
- “Authorization” means written permission for specific uses or disclosures.

II. **Uses and Disclosures requiring Authorizations**

We may use or disclose PHI for purposes outside of treatment or health care operations when your appropriate authorization is obtained. In those instances when we are asked for information for purposes outside of treatment or healthcare operations, we will obtain an authorization from you before releasing this information. We will also need to obtain an authorization before releasing your psychotherapy notes.

- “Psychotherapy notes” are notes I have made about our conversation during a private, group, joint, or family counseling session, which I have kept separate from 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) 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. In some circumstances, you may be unable to revoke an authorization if disclosure under the authorization is necessary to effectuate payment for services I provided to you.

III. Uses and Disclosures with Neither Consent nor Authorization

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

- **Child Abuse:** If I have reasonable cause to believe that a child has suffered abuse or neglect. I am required by law to report it to the proper law enforcement agency or the Washington Department of Social and Health Services.
- **Adult and Domestic Abuse:** If I have reasonable cause to believe that abandonment, abuse, financial exploitation, or neglect of a vulnerable adult has occurred, I must immediately report the abuse to the Washington Department of Social and Health Services. If I have reason to suspect that sexual or physical assault has occurred, I must immediately report to the appropriate law enforcement agency and to the Department of Social and Health Services.
- **Health Oversight:** If a Washington State licensing board subpoena me as part of its investigations, hearings, or proceedings relating to the discipline, issuance, or denial of licensure, I must comply with its orders. This could include disclosing your relevant mental health information.
- **Judicial or Administrative Proceedings:** If you are involved in a court proceeding and a request is made for information about the professional services that I have provided to you and the records thereof, such information is privileged under state law, and I will not release information without the written authorization of you or your legal representative, or a subpoena of which you have been properly notified and you have failed to inform me that you are opposing the subpoena, 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:** I have a duty to warn or to take reasonable precautions to provide protection from violent behavior where you have communicated an actual threat of violence against a reasonably identifiable victim or victims. I will make reasonable efforts to communicate the threat to the victim or victims and to law enforcement personnel. I may disclose health care information about you to any person without your authorization if I reasonably believe that disclosures will avoid or minimize an imminent danger to your health or safety.
- **Worker's Compensation:** If you file a worker's compensation claim, with certain exceptions. I must make available, at any stage of the proceedings, all mental health information in my possession relevant to that particular injury in the opinion of the Washington Department of Labor and Industries, to your employer, your representative, and the Department of Labor and Industries upon request.

There may be additional disclosures of PHI that I am required or permitted by law to make without your consent or authorization, however the disclosures listed above are the most common.



Confederated Tribes and Bands
of the Yakama Nation Behavioral Health

Established by the
Treaty of June 9, 1855

IV. Patient's Rights and Therapist'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 about you, 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. Upon 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 and psychotherapy notes 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. On your request, I will discuss with you the details of the request and denial process,
- **Rights 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 for which you have neither provided consent nor authorization (as described in Section III of this notice). 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.

Therapist'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 such changes, however, I am required to abide by the terms currently in effect.
- If I reserve my policies and procedures, I will notify you at our next session.



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V. Questions and Complaints

If you have questions about this notice, disagree with a decision I make about access to your records, or have other concerns about your privacy rights, you may contact our Program Director, Katherine Saluskin at (509) 865-5121 ext. 6203

If you believe that your privacy rights have been violated and wish to file a complaint, you may send your written complaint to Katherine Saluskin, Program Director, Yakama Nation Behavioral Health P.O. Box 151 Toppenish, WA 98948

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. I will not retaliate against you for exercising your right to file a complaint.

VI. Effective Date, Restrictions and Changes to Privacy Policy

This notice will go into effect on November 1, 2010.

We reserve the right to change the terms of this notice and to make the new notice provisions effective for all PHI that we maintain. I will provide you with a revised notice at the session that follows any change.