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New Privacy Provisions and Changes

New HIPAA (Health Insurance Portability and Accountability Act) Privacy Standards were created to protect patient's health information when it is disclosed, but also to facilitate the flow of medical information between treaters. With other medical treaters, billing, and for safety or security reasons, there is less protection of confidentiality than there used to be. However, in other areas, such as releasing psychotherapy records, there is more privacy protection. Please read the following so that you understand your rights as a patient as well as the new rules about patient confidentiality. Feel free to ask me any questions about privacy, confidentiality, or your psychiatric record.

- 1) Permission from the patient is no longer required for transfer of psychiatric and medical information between treaters as long as only the necessary information is supplied. This means that if your primary care doctor, pharmacist, or an emergency room physician calls to find out if you are in treatment, what the diagnosis is, or what medications you are on, I can convey this information if it is medically relevant to your treatment with them. In practice, I will almost always discuss this with you personally before or after the fact, depending on the urgency and depth of the request. If you think this might present a problem for you, let me know ahead of time.
- 2) Permission from the patient is no longer required for transfer of psychiatric information needed for business pertaining to insurance or payment as long as only the necessary information is supplied (usually the diagnosis and type of treatment, but perhaps more). In practice, many insurance companies still require you to sign the first insurance sheet for authorization. In general, I do discuss any unusual requests for information from an insurance company with a patient first.
- 3) Remember that if all the psychiatric records are requested, a treatment summary is usually given instead, except if the treatment consists solely of psychopharmacological treatment or brief medication visits. While brief medication visits fall under HIPAA guidelines, psychotherapy visits are specifically excluded, meaning authorization from the patient is still required for release of the information in those notes and a summary is given in place of the record.
- 4) The substance abuse records from alcohol and drug programs are exempt from any disclosure without patient permission. If you are admitted to a treatment program for substance abuse, be sure to sign a release for me so I can talk to the

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- treaters and obtain a discharge summary and lab data upon your discharge.
Without this, I cannot obtain any information.
- 5) I may have to disclose some of your psychiatric information when required to do so by law. This includes mandated reporting of child abuse or elder abuse (this is not new).
 - 6) National security and public health issues. I may be required to disclose certain information to military authorities or federal health officials if it is required for lawful intelligence, public health safety or public security.

Signature: _____

Date: _____