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**NOTICE OF PRIVACY PRACTICES**

**EFFECTIVE DATE: 07-17-2008**

**THIS NOTICE DESCRIBES HOW PROTECTED HEALTH INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY. IF YOU HAVE ANY QUESTIONS ABOUT THIS NOTICE, PLEASE CONTACT BCA'S PRIVACY OFFICER.**

**PURPOSE**

This Notice of Privacy Practices describes how Behavioral Consulting Associates, Inc. (BCA) may use and disclose your protected health information to carry out treatment, payment, and health care operations and for other purposes that are permitted or required by law. It also describes your rights to access and control your protected health information. "Protected health information" is information about you, including demographic information, that may identify you and that relates to your past, present, or future physical or mental health or condition and related health care services.

**BCA'S RESPONSIBILITIES**

BCA is required by law to maintain the privacy of your protected health information, provide you with a copy of this Notice of Privacy Practices, and abide by the terms of this notice. However, BCA may change the terms of this notice at any time, and the revised notice will be effective for all protected health information that BCA maintains at that time. BCA will provide you with any revised Notice of Privacy Practices upon your writing or phoning BCA's office and requesting that a revised copy be sent to you, or upon your asking in person at BCA's office.

**USES AND DISCLOSURES OF PROTECTED HEALTH INFORMATION**

**Uses and Disclosures of Protected Health Information Without Your Consent (General Purposes):**

BCA may use and disclose your protected health information for the following purposes without your consent. Any explanations, elaborations, and/or examples given are not meant to be all-inclusive, but to describe some of the potential types of uses and disclosures that may be made toward the accomplishment of each purpose:

Treatment:

BCA may use and disclose your protected health information to provide, coordinate, and manage your health care and any related services. This may include the coordination and management of your health care with current third parties who have already obtained your permission to have access to your protected health information. For example, BCA may share your protected health information, as necessary, with a residential service agency, school, or other facility that provides care to you; with your primary

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care or specialty care physicians; or with members of a collaborative team working together for your benefit. This may also include the coordination and management of your health care with other third parties, such as consultants, specialists, or treatment review committees who, at the request of BCA, become involved in your care by providing assistance with your health care evaluation, diagnosis, or treatment.

Payment:

BCA may use and disclose your protected health information to obtain payment for your health care services. This may include certain activities that your health insurance plan or other third-party payer may undertake before it approves or pays for the health care services that BCA recommends or provides for you. For example, a health insurance plan may require a review of your relevant protected health information in order to make a determination of eligibility or coverage for insurance benefits or a determination regarding the medical necessity of the services proposed or provided.

Health Care Operations:

BCA may use and disclose your protected health information to support BCA's business activities. This may include quality assessment functions; staff performance reviews; training of staff, students, interns, and volunteers; licensing and certification activities; and conducting or arranging for other business activities. For example, BCA may use and disclose your protected health information to determine the efficacy and efficiency of treatment strategies, ascertain the nature and extent of services provided, educate trainees, comply with ethics standards, comply with licensure and certification regulations, remind you of an appointment, record your arrival to an appointment, and summon you from a waiting area. Whenever an arrangement between BCA and a staff, student, intern, or volunteer involves the use or disclosure of your protected health information, BCA will have a written contract that contains terms that will require the party to protect the privacy of your protected health information.

In addition, BCA may share your protected health information with third-party business associates that perform various activities for BCA, such as billing, transcription, telephone answering services, etc. Whenever an arrangement between BCA and a business associate involves the use or disclosure of your protected health information, BCA will have a written contract that contains terms that will require the business associate to protect the privacy of your protected health information.

Finally, BCA may use and disclose your protected health information to provide you with information about treatment alternatives, health-related products and services, and other business matters. For example, BCA may use and disclose your protected health information to tell you about various treatment options, products, and services that may be beneficial to you, even if not offered by BCA. BCA may also use and disclose your protected health information to send you information about treatment options, products, and services when you request it, in addition to other information such as newsletters about BCA's practice and the services it offers, greeting cards, appointment reminders, billing information, notices, etc. However, BCA does not use or disclose lists of its service recipients for third-party mass-marketing purposes.

**Uses and Disclosures of Protected Health Information Without Your Consent:**

In addition to the use and disclosure of protected health information without your consent for the general purposes described above, BCA may also use and disclose your protected health information without your consent in the following situations. Any explanations, elaborations, and/or examples given are not meant to be all-inclusive, but to describe some of the potential types of uses and disclosures that may be made in each circumstance:

Emergencies:

BCA may use and disclose your protected health information in an emergency treatment situation. If this happens, BCA shall try to obtain your consent as soon as reasonably practicable after the delivery of treatment. If BCA is required by law to treat you and

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has attempted to obtain your consent but is unable to obtain it, BCA may still use and disclose your protected health information to treat you.

Communication Barriers:

BCA may use and disclose your protected health information if BCA attempts to obtain your consent but is unable to do so due to substantial communication barriers, and BCA determines, using professional judgment, that you intend to consent.

Notifications of Caregivers:

BCA may use and disclose protected health information to notify or assist in notifying a family member, personal representative, or any other person that is responsible for your care of your location, general condition, or death.

Compliance with Law:

BCA may use and disclose your protected health information to the extent that the use or disclosure is required by law. The use or disclosure will be made in compliance with the law and will be limited to the relevant requirements of the law. You will be notified, as required by law, of any such uses or disclosures.

Public Health Requirements:

BCA may disclose your protected health information for public health activities and purposes to a public health authority that is permitted by law to collect or receive the information. The disclosure will be made for the purpose of controlling disease, injury, or disability. BCA may also disclose your protected health information, if directed by the public health authority, to a foreign government agency that is collaborating with the public health authority.

Abuse or Neglect:

BCA may disclose your protected health information to a public health or other authority that is authorized by law to receive reports of abuse or neglect. In addition, if BCA believes that you have been a victim of abuse, neglect, or domestic violence, BCA may disclose your protected health information to the governmental entity or agency authorized to receive such information. In such cases, the disclosures will be made consistent with the requirements of applicable federal and state laws.

Communicable Diseases:

BCA may disclose your protected health information, if authorized by law, to a person who may have been exposed to a communicable disease or condition and may otherwise be at risk of contracting or spreading the disease or condition.

Health Oversight Requirements:

BCA may disclose protected health information to a health oversight authority for activities authorized by law or court order, such as audits, investigations, and inspections. Oversight authorities seeking this information include government agencies that oversee the health care system, government benefit programs, government regulatory programs, and compliance monitors acting on the order of a court.

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Food and Drug Administration Requirements:

BCA may disclose your protected health information to an entity required by the Food and Drug Administration to report adverse events, product defects or problems, or biologic product deviations; to track products; to enable product recalls; to make repairs or replacements; or to conduct post-marketing surveillance, as required.

Legal Proceedings:

BCA may disclose protected health information in the course of any judicial or administrative proceeding in response to an order of a court or administrative tribunal (to the extent that such disclosure is expressly authorized), and in certain conditions in response to a subpoena, discovery request, or other lawful process.

Law Enforcement:

BCA may also disclose protected health information, so long as applicable legal requirements are met, for law enforcement purposes. Such purposes include legal processes and processes otherwise required by law, limited information requests for identification and location purposes, information requests pertaining to victims of a crime, investigation of suspicion that a death occurred as a result of criminal conduct, investigation of a crime that occurred on BCA's premises, and investigation of a medical emergency (not on BCA's premises) when it is likely that a crime occurred.

Coroners, Funeral Directors, and Organ Donation:

BCA may disclose protected health information to a coroner or medical examiner for identification purposes, determining cause of death, or for the coroner or medical examiner to perform other duties authorized by law. BCA may also disclose protected health information to a funeral director, as authorized by law, in order to permit the funeral director to carry out his or her duties. BCA may disclose such information in reasonable anticipation of death. Protected health information may also be used and disclosed for organ, eye, or tissue donation purposes.

Research:

BCA may disclose your protected health information to researchers when their research has been approved by an institutional review board that has reviewed the research proposal and established protocols to ensure the privacy of your protected health information.

Criminal Activity:

Consistent with applicable federal and state laws, BCA may disclose your protected health information as necessary if BCA believes that the use or disclosure is necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the public. BCA may also disclose protected health information if it is necessary for law enforcement authorities to identify or apprehend an individual.

National Security and Military Activity:

BCA may disclose your protected health information to authorized federal officials for conducting national security and intelligence activities, including the provision of protective services to the President and others legally authorized.

When the appropriate conditions apply, BCA may use and disclose protected health information of individuals who are Armed Forces personnel for activities deemed necessary by appropriate military command authorities, for the purpose of a determination

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by the Department of Veterans Affairs of eligibility for benefits, or to a foreign military authority for members of that foreign military service.

Workers' Compensation:

BCA may disclose your protected health information as authorized to comply with workers' compensation laws and other similar legally-established programs.

Inmates:

If you are an inmate, BCA may use and disclose your protected health information to a correctional facility or law enforcement official responsible for your custody if BCA created or received your protected health information in the course of providing care to you.

Compliance with HIPAA:

BCA may make disclosures to you, and to the Secretary of the Department of Health and Human Services, when required to investigate or determine BCA's compliance with the requirements of HIPAA.

**Uses and Disclosures of Protected Health Information With Your Opportunity to Object:**

BCA may use and disclose your protected health information in the following situations with your opportunity to object to the use and disclosure of all or part of your protected health information. If you are not present or able to object, then BCA may, using professional judgment, determine whether the use and disclosure is in your best interest. In such cases, only the protected health information that is relevant to your health care will be used and disclosed. Any explanations, elaborations, and/or examples given are not meant to be all-inclusive, but to describe some of the potential types of uses and disclosures that may be made in each circumstance:

Daily Service Directory:

Unless you object, BCA may use and disclose in BCA's daily service directory your name, the location at which you are or will be receiving treatment or care, and your condition (in general terms). All of this information may be disclosed to people that ask for or about you by name.

Others Involved in Your Health Care:

Unless you object, BCA may disclose to a member of your family, a relative, a close friend, or any other person you identify, your protected health information that directly relates to that person's involvement in your health care.

Disaster Relief Efforts:

Unless you object, BCA may use and disclose your protected health information to an authorized public or private official, agency, or entity to assist in disaster relief efforts, and to coordinate uses and disclosures to family or other individuals involved in your health care.

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**Uses and Disclosures of Protected Health Information With Your Consent:**

Other uses and disclosures of your protected health information will be made by BCA only with your verbal or written consent. You may revoke this consent at any time, in writing, except to the extent that BCA has taken action in reliance on the consent. A revocation of consent is not effective until received in writing by BCA's Privacy Officer.

**YOUR RIGHTS**

**You Have the Right to Inspect and Copy Your Protected Health Information:**

You may inspect and obtain a copy of protected health information about you that is contained in a designated record set for as long as BCA maintains the protected health information. A "designated record set" contains service and billing records and any other records that BCA uses for making decisions about you. Under federal law, however, you may not inspect or copy the following records: psychotherapy notes; information compiled in reasonable anticipation of, or use in, a civil, criminal, or administrative action or proceeding; and protected health information that is subject to a law that prohibits access to protected health information. If your request to inspect and copy your protected health information is denied, you may have a right to have the decision reviewed, depending on the circumstances. If you request a copy of your protected health information, BCA may charge a reasonable fee for the costs of copying, postage, and supplies.

Please contact BCA's Privacy Officer if you have questions about access to your protected health information, and put in writing any request to inspect and copy your protected health information. BCA will respond in writing to inform you whether your request has been approved or denied.

**You Have the Right to Request a Restriction of Your Protected Health Information:**

You may ask BCA not to use or disclose any part of your protected health information for the purposes of treatment, payment, or health care operations. You may also request that any part of your protected health information not be disclosed to family members or other persons who may be involved in your care or for notification purposes as described in this [Notice of Privacy Practices](#). Your request must state the specific restriction requested and to whom you want the restriction to apply.

BCA is not required to agree to a restriction that you may request. Due to the great cost of additional resources necessary to comply with such requests, BCA is unable to grant requests for restrictions on the protected health information that BCA uses or discloses for treatment, payment, and health care operations. Furthermore, if BCA believes it is in your best interest to permit use and disclosure of your protected health information, your protected health information will not be restricted. If BCA does agree to the requested restriction, BCA may not use or disclose your protected health information in violation of that restriction unless it is needed to provide emergency treatment.

Please contact BCA's Privacy Officer if you have questions about restricting your protected health information, and put in writing any request to restrict your protected health information. BCA will respond in writing to inform you whether your request has been approved or denied.

**You Have the Right to Request to Receive Confidential Communications by Alternative Means or at an Alternative Location:**

You may ask for BCA to communicate confidential information to you by alternative means or at an alternative location. BCA will not request an explanation from you as to the basis for the request. However, BCA may condition an approval on your

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provision of information regarding how payment will be handled and your specification of an alternative address or other method of contact.

Please contact BCA's Privacy Officer if you have questions about confidential communications of your protected health information, and put in writing any request to receive confidential communications by alternative means or at an alternative location. BCA will respond in writing to inform you whether your request has been approved or denied.

**You Have the Right to Request an Amendment to Your Protected Health Information:**

You may ask for BCA to make a correction or amendment to protected health information about you in a designated record set for as long as BCA maintains that information. In certain cases, BCA may deny your request for an amendment. If BCA denies your request, you have the right to file a statement of disagreement with BCA's Privacy Officer, after which BCA may prepare a rebuttal to your statement. If a rebuttal is prepared, BCA will provide you with a copy of the rebuttal.

Please contact BCA's Privacy Officer if you have questions about amending your protected health information, and put in writing any request to amend your protected health information. BCA will respond in writing to inform you whether your request has been approved or denied.

**You Have the Right to Receive an Accounting of Certain Disclosures of Your Protected Health Information:**

You may obtain an accounting of disclosures of your protected health information made for purposes other than treatment, payment, or health care operations as described in this [Notice of Privacy Practices](#). You are entitled to receive specific information regarding these disclosures that occurred after April 14, 2003. You may request a shorter time frame if desired. The right to receive this information is subject to certain exceptions, restrictions, and limitations. BCA may impose a charge if more than one accounting is requested during any 12-month period.

Please contact BCA's Privacy Officer if you have questions about disclosures of your protected health information, and put in writing any request to receive an accounting of disclosures of your protected health information. BCA will respond in writing to your request.

**You Have the Right to Obtain a Paper Copy of This Notice of Privacy Practices:**

You may obtain a paper copy of this [Notice of Privacy Practices](#) from BCA upon request, even if you previously agreed to accept this notice electronically.

Please contact BCA's Privacy Officer if you have questions about this [Notice of Privacy Practices](#), and write, phone, or stop by BCA's office in person to request a paper copy.

**You Have the Right to File a Complaint:**

You may file a complaint about BCA's privacy practices, policies, and suspected violations in accordance with the information listed in the section below.

**COMPLAINTS**

You may file a complaint with BCA or with the Secretary of Health and Human Services if you believe your privacy rights have been violated or if you disagree with BCA's privacy practices or policies.

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You may file a complaint with BCA by notifying BCA's Privacy Officer of your complaint using the contact information in the top left corner of this document. To file a complaint with the Secretary of Health and Human Services, please visit the Office of Civil Rights privacy website (<http://www.hhs.gov/ocr/hipaa>) for information about the complaint process. BCA will not retaliate against you for filing a complaint.

### **INTERPRETATION**

BCA reserves all rights to provide the final authoritative interpretation of any and all language (including terms, phraseology, and other components) used in this Notice of Privacy Practices. The section and paragraph headings used throughout the document are for convenience only and shall not in any way be construed to affect the meaning of the sections and paragraphs themselves.

### **IMPORTANT DATES**

This Notice of Privacy Practices was first created on 09-15-2003 (effective 09-15-2003).

Revisions to the Notice of Privacy Practices were finalized on the following dates: 06-01-2004 (effective 06-01-2004), 04-23-2005 (effective 04-23-2005); 04-24-2005 (effective 04-24-2005); 10-12-2005 (effective 10-12-2005); 01-01-2006 (effective 01-01-2006); 04-17-2007 (effective 04-17-2007); 04-30-2007 (effective 04-30-2007); 09-25-2007 (effective 09-25-2007); 07-17-2008 (effective 07-17-2008).

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