# HIPAA Policy and Procedure

Siyan complies with The Health Insurance Portability and Accountability Act of 1996, (HIPPA), Public Law 104-191, and follows HIPPA and the Privacy Rule when engaged in the sharing and/or disclosure of Protected Health Information, (PHI).

The Privacy Rule protects all individually identifiable health information held or transmitted by a covered entity or business associate, in any form of media, whether electronic, paper, or verbal. For this policy, PHI includes, but is not limited to:

* The individual’s past, present, or future physical or mental health condition.
* The provision of health care to the individual.
* The past, present, or future payment for the provision of health care to the individual.

Uses and Disclosures of PHI

* The Privacy Rule is designed in part to set limits around instances of use and disclosure of PHI is allowable. Siyan may not use or disclose PHI outside of the following parameters:
  + As the Privacy Rule permits or requires.
  + As the individual who is the subject of the information (or their representative) authorizes in writing.
* Siyan is required to obtain the individual’s written authorization for any use or disclosure of PHI that is not intended for treatment, payment, or healthcare operations.
* Siyan will not put any limitation on treatment, payment, enrollment, or benefit eligibility on an individual providing authorization, (except in special circumstances).
* Siyan’s written consent for authorization will include the intended use and disclosure of PHI by the entity seeking authorization or by a third party.
* All authorizations are written in plain language and include the specific reason for the use/disclosure, the entity to whom the information will be shared, date of expiration of the authorization, and the right of the individual to revoke the authorization in writing.

When Consent to Use and Disclosure PHI Is Not Required

* Siyan can use an individual’s PHI within its practice to provide the individual with mental health treatment, including discussing or PHI with trainees and interns.
* Siyan may disclose PHI to physicians, psychiatrists, psychologists, and other licensed health care providers who provide you with health care services or are otherwise

involved in your care.

* Siyan may disclose PHI to facilitate the efficient and correct operation of our practice.
  + Examples: Quality control – Siyan may use PHI in the evaluation of the quality of health care services received by the individual, or to evaluate the performance of the health care professionals who provided you with these services.
* Siyan may also provide PHI to our attorneys, accountants, consultants, and others to ensure applicable laws are followed.
* Siyan may use and disclose PHI to bill and collect payment for the provided treatment and services.
  + (e.g., insurance company, a collection agency...) Example: Siyan might send PHI to an insurance company or health plan to get payment for the health care services that were provided.
  + Siyan is required to disclose PHI to an insurance company, upon their request, and in keeping with applicable laws governing HIPAA.
* Consent is not required if the individual requires emergency treatment, provided that Siyan attempted to obtain the individual’s consent after treatment was rendered.
* If Siyan attempts to obtain an individual’s consent, but they are unable to communicate, (for example, if the individual is unconscious or otherwise compromised), but there exists a reasonable assumption to believe the individual would consent in such circumstances, Siyan may disclose your PHI.
* Siyan may disclose PHI to a family member, friend, or other individual who the individual indicates is involved in their care or responsible for the payment for their health care, unless the individual objects in whole or in part. Retroactive consent may be obtained in emergency situations.

Use and Disclosure of PHI Without Consent

* + When disclosure is required by federal, state, or local law; judicial, board, or administrative or legal proceedings, (such as subpoenas); or law enforcement.
  + If disclosure is compelled by a party to a proceeding before a court or an administrative agency pursuant to its lawful authority.
  + If disclosure is required by a search warrant lawfully issued to a governmental law enforcement agency.
  + If disclosure is compelled by the patient or the patient’s representative pursuant to California Health and Safety Codes or to corresponding federal statutes of regulations.
  + To avoid harm.
  + Siyan may provide PHI to law enforcement personnel or persons able to prevent or mitigate a serious threat to the health or safety of a person or the public (i.e., adverse reaction to meds).
  + If disclosure is compelled or permitted by the fact that the individual is in such mental or emotional condition as to be dangerous to themselves or the person or property of others, and if we determine that disclosure is necessary to prevent the threatened danger.
  + If disclosure is mandated by the California Child Abuse and Neglect Reporting law.
    - For example, if we have a reasonable suspicion of child abuse or neglect.
  + If disclosure is mandated by the California Elder/Dependent Adult Abuse Reporting law.
    - For example, if we have a reasonable suspicion of elder abuse or dependent adult abuse.
  + If disclosure is compelled or permitted by the fact that the individual informs Siyan staff of a serious/imminent threat of physical violence by themselves against a reasonably identifiable victim or victims.
  + For public health activities.
    - Example: In the event of an individual’s death, if a disclosure is permitted or compelled, disclosure to the county coroner may be warranted.
  + For health oversight activities.
    - Example: Siyan may be required to provide information to assist the government during an investigation or inspection of a health care organization or provider.
  + For specific government functions.
    - Examples: Siyan may disclose PHI of military personnel and veterans under certain circumstances.
    - Siyan may disclose PHI in the interests of national security.
  + For research purposes.
  + In certain circumstances, Siyan may provide PHI to conduct medical research.
  + For Workers' Compensation purposes.
    - Siyan may provide PHI to comply with Workers' Compensation laws.
  + Appointment reminders and health related benefits or services.
    - Example: Siyan may use PHI to provide appointment reminders. We may use PHI to give to information the individual about alternative treatment options, or other health care services or benefits we offer.
  + If an arbitrator or arbitration panel compels disclosure.
    - Example: When arbitration is lawfully requested by either party, pursuant to subpoena duces tectum (e.g., a subpoena for mental health records) or any other provision authorizing disclosure in a proceeding before an arbitrator or arbitration panel.
  + If disclosure is required or permitted to a health oversight agency for oversight activities authorized by law.
    - Example: When compelled by U.S. Secretary of Health and Human Services to investigate or assess our compliance with HIPAA regulations.
  + If disclosure is otherwise specifically required by law.

PHI and Patient Rights

* Individuals have the right to see their PHI that is in Siyan’s possession, or to obtain copies.
  + Requests for access to an individual’s PHI must be submitted in writing.
  + For psychotherapy notes, a written request is required and Siyan’s response is predicated upon the following types of requests:
    - For requests to review PHI, Siyan has business days to comply.
    - For requests to receive a written summary of treatment, Siyan has ten business days to comply.
    - For requests to receive a copy of psychotherapy notes and/other clinical documents authored by the assigned psychotherapist, Siyan has 15 days to comply.
  + Individuals have a right to receive a written response from Siyan within 30 days of receiving the written request for records.
  + If Siyan determines that it is clinically contraindicated to release PHI to the individual of record, Siyan will provide the individual with a written rationale for the denial.
* If Siyan does not possess the PHI requested but is aware of the holder of the requested PHI, Siyan will advise the individual as to steps to take to obtain their PHI.
* Individuals have a right to request Siyan to place limits on the use and disclosure of their PHI.
* Individuals do not have the right to request limits to the use and disclosures required by law.
* Individuals have the right to request PHI to be sent to them at an alternative address or via an alternate methos (email instead of regular mail).
* Individuals are entitled to a list of disclosures of PHI that Siyan has made. The list will not include uses or disclosures to which the individual has already consented, i.e., those for treatment, payment, or health care operations, sent directly to the individual, or to the individual’s family; neither will the list include disclosures made for national security purposes, to corrections or law enforcement personnel, or disclosures made before April 15, 2003. After April 15, 2003,
* Disclosure records will be held for six years.
* Siyan will respond to requests for an accounting of disclosures within 60 days of receiving the request. The list will include the date of the disclosure, to whom PHI was

disclosed (including their address, if known), a description of the information disclosed, and the reason for the disclosure. Siyan will provide the list to the individual at no cost, unless the individual makes more than one request in the same year, in which case we will charge you a reasonable sum based on a set fee for each additional request.

* Individuals have a right to request amendment to their PHI.
* If an individual believes there exists an error in their PHI, or if important information has been omitted, it is their right to request that the error be corrected.
* Individuals must submit, in writing, their request for PHI amendment.
* Siyan will provide a written response within 60 days of receipt of the request for PHI amendment and may deny your request if a determination is made that the records are complete and correct, forbidden to be disclosed, not part of the record, or written by someone else. Siyan may approve the request, in writing, informing the individual of the changes which have been made.
* Individuals have a right to file a written objection to the denial. If the individual does not submit a written objection, they retain the right to request that the denial and request be attached to future disclosures of PHI.