

## Notice of Privacy Practices

THIS NOTICE DESCRIBES HOW MEDICAL INFORMATION ABOUT YOU OR YOUR CHILD MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY.

Cultivate Behavioral Health & Education is dedicated to maintaining the privacy of our client's (the "Client") individually identifiable health information (also called protected health information, or PHI). In conducting our business, we will create records regarding the Client and the treatment and services we provide. We are required by law to maintain the confidentiality of health information that identifies Clients. We also are required by law to provide this notice of our legal duties and the privacy practices that we maintain in our practice concerning Client's PHI. By federal and state law, we must follow the terms of the Notice of Privacy Practices that we have in effect at the time.

We realize that these laws are complicated, but we must provide you with the following important information:

- How we may use and disclose a Client's PHI,
- Privacy rights in PHI,
- Our obligations concerning the use and disclosure of PHI.

The terms of this notice apply to all records containing a Client's PHI that are created or retained by Cultivate Behavioral Health & Education. We reserve the right to revise or amend this Notice of Privacy Practices. Any revision or amendment to this notice will be effective for all of records created or maintained in the past, and for any records that we may create or maintain in the future. Cultivate will post a copy of our current Notice in our offices in a visible location at all times, and you may request a copy of our most current Notice at any time.

### I. HOW CULTIVATE WILL USE AND DISCLOSE PHI.

Cultivate Behavioral Health & Education, will use and disclose a Client's PHI for many different reasons. Some of the uses or disclosures will require your prior written authorization; others, however, will not. Below you will find the different categories of our uses and disclosures, with some examples.

#### A. Uses and Disclosures Related to Treatment, Payment or Health Care Operations Do Not Require Prior Written Consent.

Cultivate may use and disclose a Client's PHI without consent for the following reasons:

1. For treatment. Cultivate may disclose PHI to physicians, psychiatrists, psychologists, behavior interventionists and other licensed health care providers who provide a Client with health care services or are otherwise involved in his or her care. Example: If a psychiatrist is treating a client, Cultivate may disclose PHI to her/him in order to coordinate services.

2. For health care operations. Cultivate may disclose PHI to facilitate the efficient and correct operation of the services it provides. Examples: Quality control – Cultivate might use PHI in the evaluation of the quality of services that a Client receives or to evaluate the performance of the behavior interventionists who provided these services. Cultivate may also provide PHI to company attorneys, accountants, consultants, and others to make sure that Cultivate is in compliance with applicable laws.

3. To obtain payment for treatment. Cultivate may use and disclose PHI to bill and collect payment for the treatment and services Cultivate has provided. Example: We might send PHI to the Client's Regional Center or insurance company in order to get payment for the services that Cultivate has provided. Cultivate could also provide PHI to business associates that provide services for Cultivate.

4. Other disclosures. Examples: Consent isn't required if a Client needs emergency treatment provided that Cultivate attempts to get consent after treatment is rendered. In the event that Cultivate tries to get consent but you are unable to communicate with us, but Cultivate thinks that you would consent to such treatment if you could, Cultivate may disclose PHI.

B. Certain Other Uses and Disclosures Do Not Require Consent. Cultivate may use and/or disclose PHI without consent or authorization for the following reasons:

1. Required By Law. When disclosure is (a) required by federal, state, or local law; judicial, board, or administrative proceedings; or law enforcement; (b) compelled by a party to a proceeding before a court, arbitration panel or an administrative agency pursuant to its lawful authority; (c) required a search warrant lawfully issued to a government law enforcement agency; or (d) compelled by the patient or the patient's representative pursuant to California Health and Safety Codes or to corresponding federal statutes of regulations, such as the Privacy Rule that requires this Notice.

2. To avoid harm. When disclosure: (a) to law enforcement personnel or persons may be able to prevent or mitigate a serious threat to the health or safety of a person or the public; (b) is compelled or permitted by the fact that the Client is in such mental or emotional condition as to be dangerous to him or herself or the person or property of others, and if Cultivate determines that disclosure is necessary to prevent the threatened danger; (c) is mandated by the California Child Abuse and Neglect Reporting law (for example, if we have a reasonable suspicion of child abuse or neglect); (d) 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); and (e) if disclosure is compelled or permitted by the fact that you or your child tells us of a serious/imminent threat of physical violence against a reasonably identifiable victim or victims.

3. For public health activities. When disclosure is for: (a) maintaining vital records, such as births and deaths; (b) preventing or controlling disease, injury or disability, (c) notifying a person regarding potential exposure to a communicable disease; (d) notifying a person regarding a potential risk for spreading or contracting a disease or

condition; (d) reporting reactions to drugs or problems with products or devices; or (e) notifying individuals if a product or device they may be using has been recalled.

4. For health oversight activities. Cultivate may disclose PHI to a health oversight agency for activities authorized by law. Oversight activities can include, for example: investigations, inspections, audits, surveys, licensure and disciplinary actions; civil, administrative and criminal procedures or actions; or other activities necessary for the government to monitor government programs, compliance with civil rights laws and the health care system in general.

5 For specific government functions. Examples: Cultivate may disclose PHI of military personnel and veterans under certain circumstances.

6. For Workers' Compensation purposes. Cultivate may provide PHI in order to comply with Workers' Compensation laws.

7. Appointment reminders and health related benefits or services. Cultivate is permitted to contact you, without prior authorization, to provide appointment reminders or information about alternative or other health-related benefits and services that may be of interest.

C. Certain Uses and Disclosures Require You to Have the Opportunity to Object.

1. Disclosures to family, friends or others. Cultivate may provide PHI to a family member, friend, or other individual who you indicate as involved in the Client's care or responsible for the payment of health care, unless you object in whole or in part. Retroactive consent may be obtained in emergency situations.

D. Other Uses and Disclosures Require Your Prior Written Authorization. In any other situation not described in Sections I.A, I.B, and I.C above, Cultivate will request written authorization before using or disclosing any of the PHI. Even if you have signed an authorization to disclose PHI, you may later revoke that authorization, in writing, to stop any future uses and disclosures (assuming that Cultivate has not taken any action subsequent to the original authorization) of PHI by Cultivate.

II. RIGHTS REGARDING PHI:

These are your rights with respect to PHI:

A. The Right to See and Get Copies of PHI. In general, you have the right to see PHI that is in Cultivate possession, or to get copies of it; however, you must request it in writing. If Cultivate does not have the PHI, but Cultivate knows who does, Cultivate will advise you how you can get it. You will receive a response from Cultivate within 30 days of receipt of your

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written request. Under certain circumstances, Cultivate may deny your request, but Cultivate will give you, in writing, the reasons for the denial. Cultivate will also explain your right to have the denial reviewed.

If you ask for copies of PHI, Cultivate will charge you no more than \$.25 per page. Cultivate may see fit to provide you with a summary or explanation of the PHI, but only if you agree to it, as well as to the cost, in advance.

**B. The Right to Request Limits on Uses and Disclosures of PHI.** You have the right to ask that Cultivate limit how it uses and discloses PHI. While Cultivate will consider your request, Cultivate is not legally bound to agree. If Cultivate does agree to your request, Cultivate will put those limits in writing and abide by them except in emergency situations. You do not have the right to limit the uses and disclosures that Cultivate is legally required or permitted to make.

**C. The Right to Choose How Cultivate Sends PHI to You.** It is your right to ask that PHI be sent to you at an alternate address (for example, sending information to your work address rather than your home address) or by an alternate method (for example, via email instead of by regular mail). Cultivate is obliged to agree to your request providing that Cultivate can give you the PHI, in the format you requested, without undue inconvenience.

**D. The Right to Get a List of the Disclosures Cultivate Has Made.** You are entitled to a list of disclosures of PHI that Cultivate has made. The list will not include uses or disclosures to which you have already consented. i.e., those for treatment, payment or health care operations, sent directly to you, or to your family; neither will the list include disclosures made for national security purposes, to corrections or law enforcement personnel, or disclosures made before April 13, 2003. After April 15, 2003, disclosure records will be held for six years.

Cultivate Behavioral Health & Education will respond to your request for an accounting of disclosures within 60 days of receiving your request. The list Cultivate gives you will include disclosures made in the previous six years (the first six years period being 2003-2009) unless you indicate a shorter period. 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. Cultivate will provide the list to you at no cost, unless you make more than one request in the same year, in which case Cultivate will charge you a reasonable sum based on a set fee for each additional request.

**E. The Right to Amend Your PHI.** If you believe that there is some error in your PHI or that important information has been omitted, it is your right to request that Cultivate correct the existing information or add the missing information. Your request and the reason for the request must be made in writing. You will receive a response within 60 days of the receipt of your request. Cultivate may deny your request, in writing, if Cultivate find that: the PHI is (a) correct and complete, (b) forbidden to be disclosed, (c) not part of the records or (d) written by someone other than you. Cultivate denial must be in writing and must state the reasons for the denial. It must also explain your right to file a written statement objecting to the denial. If you do not file a written objection, you still have the right to ask that your request and Cultivate denial be attached to any future disclosures of your PHI. If Cultivate approves your request, Cultivate will make the change(s) to your PHI.

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Additionally, Cultivate will tell you that the changes have been made, and Cultivate will advise all others who need to know about the change(s) to your PHI.

F. The Right to Get This Notice by Email. You have the right to get this notice by email. You have the right to request a paper copy of it, as well.

### III. HOW TO COMPLAIN ABOUT CULTIVATE PRIVACY PRACTICES

If, in your opinion, Cultivate Behavioral Health & Education, may have violated the Client's privacy rights, or if you object to a decision Cultivate has made about access to PHI, you are entitled to file a complaint with the person listed in the Section IV 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 Cultivate' privacy practices, Cultivate will take no retaliatory action against you.

### IV. PERSON TO CONTACT FOR INFORMATION ABOUT THIS NOTICE OR TO COMPLAIN ABOUT CULTIVATE' PRIVACY PRACTICES

If you have any questions about this notice or any complaints about Cultivate' 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 us at [info@cultivatebhe.com](mailto:info@cultivatebhe.com)

### V. EFFECTIVE DATE OF THIS NOTICE OF PRIVACY PRACTICES.

This Notice of Privacy Practice is effective as of **January 1, 2018**

I acknowledge receipt of this notice:

Client Name:

If Client is a Minor, Parent or Guardian Name:

Signature: \_\_\_\_\_