



NOTICE OF PRIVACY PRACTICES- CONFIDENTIALITY OF MENTAL HEALTH INFORMATION AND PSYCHOTHERAPY NOTES

Effective Date: 04/14/2003

The privacy and confidentiality of mental health information and psychotherapy notes maintained by SUNY Downstate is protected by Federal and State law and regulations. These protections go above and beyond the protections described in SUNY Downstate's general Notice of Privacy Practices.

We recommend that you also take time to review SUNY Downstate's general Notice of Privacy Practices. Our general Notice of Privacy Practices also provides information about how you may obtain access to your health information, including mental health information. If there is any conflict between the general Notice of Privacy Practices and this notice, the protections described in this notice will apply instead of the protections described in the general Notice of Privacy Practices.

CONFIDENTIALITY OF MENTAL HEALTH INFORMATION

Mental health information about you may be used by personnel within SUNY Downstate (or its business associates) in connection with their duties to provide you with treatment, obtain payment for that treatment or conduct SUNY Downstate's business operations. Generally SUNY Downstate may not reveal mental health information about you to external individuals, *except in the following situations*:

- When we have obtained your written authorization;
- To a personal representative who is authorized to make health care decisions on your behalf;
- To government agencies or private insurance companies in order to obtain payment for services we provided to you;
- To comply with a court order;
- To appropriate persons who are able to avert a serious and imminent threat to the health or safety of you or another person;
- To appropriate government authorities to locate a missing person or conduct a criminal investigation as permitted under Federal and State confidentiality laws;
- To other licensed hospital emergency services as permitted under Federal and State confidentiality laws;
- To the mental hygiene legal service offered by the State;
- To attorneys representing patients in an involuntary hospitalization proceeding;
- To authorized government officials for the purpose of monitoring or evaluating the quality of care provided by SUNY Downstate or its staff;
- To qualified researchers without your specific authorization when such research poses minimal risk to your privacy;
- To coroners and medical examiners to determine cause of death; and
- If you are an inmate, to a correctional facility which certifies that the information is necessary in order to provide you with health care, or in order to protect the health or safety of you or any other persons at the correctional facility.

CONFIDENTIALITY OF PSYCHOTHERAPY NOTES

Psychotherapy notes are notes by a mental health professional that document or analyze the contents of a conversation during a private counseling session – or during a group, joint, or family counseling session. If these notes are maintained separate from the rest of your medical records, they can only be used and disclosed as follows. In general, psychotherapy notes may not be used or disclosed without your written authorization, except in the following circumstances.

Psychotherapy notes about you may be used and disclosed without your written authorization in the following situations:

- The mental health professional who created the notes may use them to provide you with further treatment;
- The mental health professional who created the notes may disclose them to students, trainees or practitioners in mental health who are learning under supervision to practice or improve their skills in group, joint, family, or individual counseling;
- The mental health professional who created the notes may disclose them as necessary to defend his or herself or SUNY Downstate in a legal proceeding initiated by you or your personal representative;
- The mental health professional who created the notes may disclose them as required by law;
- The mental health professional who created the notes may disclose the notes to appropriate government authorities when necessary to avert a serious and imminent threat to the health or safety of you or another person;
- The mental health professional who created the notes may disclose them to the United States Department of Health and Human Services when that agency requests them in order to investigate the mental health professional's compliance, or SUNY Downstate's compliance, with Federal privacy and confidentiality laws and regulations; and
- The mental health professional who created the notes may disclose them to medical examiners and coroners, if necessary, to determine your cause of death.

All other uses and disclosures of psychotherapy notes require your special written authorization.

HOW TO OBTAIN A COPY OF THIS NOTICE

You have a right to a paper copy of this notice. You may request a paper copy of this notice at any time, even if you have previously agreed to receive this notice electronically. A copy of our current notice will always be posted in our registration areas. You will also be able to obtain your own copies by accessing our website at "www.downstate.edu", calling the Admitting Department at 718-270-2862 or asking for one at the time of your next visit. We may change our privacy practices from time to time. If we do, we will revise this notice so you will have an accurate summary of our practices and will provide you with a copy upon request. The revised notice will apply to all of your information held by this program, and we will be required by law to abide by its terms. The effective date of the notice will always be located in the top right corner of the first page.

HOW TO FILE A COMPLAINT

If you believe your privacy rights have been violated, you may file a complaint with us or with the Secretary of the Department of Health and Human Services. *No one will retaliate or take action against you for filing a complaint.*

To file a complaint with us, please contact a Patient Relations representative at 718-270-1111.

To file a complaint with the Department of Health and Human Services, you can write or call:

US Department of HHS Government Center
John F. Kennedy Federal Building- Room 1875
Boston, Massachusetts 02203

Telephone number: 617-565-1340
Fax number: 617-565-3809
TDD: 617-565-1343