

Kim Brotherton, LICSW, BCD

1429 North 45th Street

Seattle, WA 98103

(206) 353-4928

WA Licensed Independent Clinical Social Worker #LW00004927

Notice of Privacy Practices

The privacy of your health information is important to me. I will maintain the privacy of this information and not disclose it to others unless you request this of me, or the law requires me to do so. This notice describes how I may use and disclose your protected health information (PHI) to carry out treatment, payment or health care operations. This notice also describes your rights regarding health information I maintain about you and how you may exercise these rights. I am required, not only to abide by, but also to notify you of these practices. Please review this notice carefully. If you have questions regarding any of the following information, I would be happy to discuss these with you.

1. How I may use and disclose your PHI

A. Permissible Uses and Disclosures without Your Written Authorization

I am bound by professional ethics to protect client rights to confidential communications regarding their care. I may use and disclose PHI without your written authorization for the purposes below. In any case that PHI is disclosed, I maintain a minimum necessary policy. That is, I disclose only the information necessary for any of the following purposes, no more.

1. Treatment: I may use and disclose PHI in order to provide, coordinate and/or manage your treatment. This may include consultation with other professionals or clinical supervisors to the extent they need to know the information.

2. Payment: I may use and disclose PHI so that services you receive are appropriately billed to, and payment is collected from, your health insurance provider. Examples of disclosures pertaining to payment include: making a determination of eligibility for insurance coverage or authorizing treatment; processing claims; conducting utilization reviews and/or collections activities.

3. Health Care Operations: I may use and disclose PHI for quality improvement practices, certification, licensing or credentialing activities. These may include disclosure to contracted parties for billing or administrative services.

4. Required or Permitted by Law: I may use or disclose PHI when I am required or permitted to do so by law. Examples of possible disclosures of this type include: belief that you or someone else is a possible victim of abuse, neglect, domestic violence or other crimes, or is in imminent risk of harm; response to a court order or other lawful process by judicial and law enforcement officials; for national security; family involvement in care; research; client medical emergency, disability or death; audit or investigation by government agencies; or as otherwise authorized by law.

B. Permissible Uses and Disclosures That May Be Made Without My Authorization, But For Which You Have An Opportunity to Object.

1. Fundraising: (This, I will not do.) I may use your PHI to contact you in an effort to offer you new services. I may also disclose PHI to any foundation with which I am connected so that the foundation may contact you in an effort to raise money for its operations. Any fundraising communications with you will include a description of how you may opt out of receiving any further fundraising communications.

2. Family and Other Persons Involved in Your Care. I may use or disclose your PHI to notify, or assist in the notification of (including identifying or locating) your personal representative, or another person responsible for your care, location, general condition, or

death. If you are present, then I will provide you with an opportunity to object prior to such uses or disclosures. In the event of your incapacity or emergency circumstances, I will disclose your PHI consistent with your prior expressed preference, and in your best interest as determined by my professional judgment. I will also use my professional judgment and my experience to make reasonable inferences of your best interest in allowing another person access to your PHI regarding your treatment with me.

3. Disaster Relief Efforts. I may use or disclose your PHI to a public or private entity authorized by law or its charter to assist in disaster relief efforts for the purpose of coordinating notification of family members of your location, general condition, or death.

C. Uses and Disclosures Requiring Your Written Authorization

The following conditions require that I obtain a signed "Release of Information" form from you in order to disclose PHI. Know that you may revoke this release at anytime.

- a. **Psychotherapy Notes:** These are notes recorded by me documenting the contents of a therapy session and will be used only by me, for the purpose of treatment.
- b. **Other Uses and Disclosures:** These are situations not included in section 1. A. above, and may include: sending PHI to a school or attorney.

2. Your Rights regarding your PHI

- A. Right to Inspect and Copy:** You have the right to inspect and copy your PHI. This right is restricted only when there is compelling evidence that access to this information would cause serious harm to you. There may be administrative fees associated with making copies of your record.
- B. Right to Alternative Communications:** You have the right to request any reasonable alternative means or location of communication.
- C. Right to Request Restrictions:** You have the right to request a restriction on PHI use and/or disclosure for treatment, payment or health care operations. I am not required to agree to any particular restrictions you may request.
- D. Right to Accounting of Disclosures:** You have the right to request an accounting of certain PHI disclosures, for purposes other than treatment, payment or health care operations.
- E. Right to Request and Amendment:** You have the right to request that I amend your health care information. I am not required to accommodate your request.
- F. Questions and Complaints:** If you have any questions pertaining to this notice, please contact me: Kim Brotherton, LICSW, BCD (206) 353-4928. If you believe your privacy rights have been violated, you have the right to file a complaint with the Secretary of Health and Human Services at 200 Independence Ave SW, Washington, DC 20201, (202) 619-0257, or www.hhs.gov/ocr/hipaa/
- G. Right to Obtain Notice:** You have a right to obtain a copy of this notice.

3. Changes to This Notice

I may change the terms of this notice at any time. In that situation, the new notice terms will pertain to all PHI that I maintain, including any created or received prior to issuing the new notice. If this notice changes, I will notify and provide you with that information.

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Acknowledgement of Receipt of Notice of Privacy Practices

By my signature below I, _____, acknowledge that I have received a copy of Kim Brotherton's Notice of Privacy Practices.

Printed Name of Client

Date

Signature of Client

Signature of LICSW

Date

If this acknowledgement is signed by a personal representative on behalf of the client, please complete the following:

Name of Personal Representative: _____

Relationship to the client: _____

This form will be retained in your medical record.

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Your Rights as a Counseling Client

Washington State law requires that therapists practicing counseling for a fee be registered or licensed with the Department of Health for the protection of the public health and safety. Registration or licensure of an individual with the Department of Health does not include recognition of any practice standards, nor necessarily imply the effectiveness of any treatment. It is the responsibility of clients to choose the provider and treatment modality which best suits their needs and purposes.

Licensed or registered therapists are required to inform clients of the purpose of the Counselor Credentialing Act (the law regulating counselors/therapists.) The purpose of the Counselor Credentialing Act is (A) to provide protection for public health and safety; and (B) to empower the citizens of the State of Washington by providing a complaint process against those therapists who would commit acts of unprofessional conduct. Below is a list of actions considered to be “unprofessional conduct.” Clients of licensed or registered therapists in the State of Washington may file a complaint with the Department of Health at any time they believe a therapist has demonstrated unprofessional conduct. Complaints may be directed to Department of Health, Business and Professional Administration, P.O. Box 9012, Olympia, WA 98504-8001, (360) 236-4700.

Confidentiality (RCW 18.19.180, Confidential Communications)

An individual registered under this chapter shall not disclose the written acknowledgement of the disclosure statement pursuant to RCW 18.19.180 nor any information acquired from persons consulting the individual in a professional capacity when that information was necessary to enable the individual to render professional services to those persons except:

1. With the written consent of that person or, in the case of death or disability, the person's personal representative, other person authorized to sue, or the beneficiary of an insurance policy on the person's life, health, or physical condition;
2. That a person registered under this chapter is not required to treat as confidential a communication that reveals the contemplation or commission of a crime or harmful act;
3. If the person is a minor, and the information acquired by the person registered under this chapter indicates that the minor was the victim or subject of a crime, the person registered may testify fully upon any examination, trial, or other proceeding in which the commission of the crime is the subject of the inquiry;
4. If the person waives the privilege by bringing charges against the person registered under this chapter;
5. In response to a subpoena from a court of law or the secretary. The secretary may subpoena only records related to a complaint or report under chapter 18.19.180 RCW; or
6. As required under chapter 26.44 RCW.

Unprofessional Conduct (RCW 18.130.180, Unprofessional conduct)

The following conduct, acts or conditions constitute unprofessional conduct for any license holder or applicant:

1. The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of the person's profession, whether the act constitutes a crime or not. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary actions. Upon such a conviction, however, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the license holder or applicant of the crime described in the indictment or information, and of the person's violation

- of the statute on which it is based. For the purpose of this section, a conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;
2. Misrepresentation or concealment of a material fact in obtaining a license or in reinstatement thereof;
 3. All advertising which is false, fraudulent, or misleading;
 4. Incompetence, negligence or malpractice which results in injury to a patient or which creates an unreasonable risk that a patient may be harmed. The use of a nontraditional treatment by itself shall not constitute unprofessional conduct, provided that it does not result in injury to a patient or create an unreasonable risk that a patient may be harmed;
 5. Suspension, revocation, or restriction of the individual's license to practice any health care profession by competent authority in any state, federal, or foreign jurisdiction, a certified copy of the order, stipulation, or agreement being conclusive evidence of the revocation, suspension, or restriction;
 6. The possession, use, prescription for use, or distribution of controlled substances or legend drugs in any way other than for legitimate or therapeutic purposes, diversion of controlled substances or legend drugs, the violation of any drug law, or prescribing controlled substances for oneself;
 7. Violation of any state or federal statute or administrative rule regulating the profession in question, including any statute or rule defining or establishing standards of patient care or professional conduct or practice;
 8. Failure to cooperate with the disciplining authority by:
 - a. Not furnishing any papers or documents;
 - b. Not furnishing in writing a full and complete explanation covering the matter contained in the complaint filed with the disciplining authority;
 - c. Not responding to subpoenas issued by the disciplining authority, whether or not the recipient of the subpoena is the accused in the proceeding; or
 - d. Not providing reasonable and timely access for authorized representatives of the disciplining authority seeking to perform practice reviews at facilities utilized by the license holder;
 9. Failure to comply with an order issued by the disciplining authority or a stipulation for informal disposition entered into with the disciplining authority;
 10. Aiding or abetting an unlicensed person to practice when a license is required;
 11. Violations of rules established by any health agency;
 12. Practice beyond the scope of practice as defined by law or rule;
 13. Misrepresentation or fraud in any aspect of the conduct of the business or profession;
 14. Failure to adequately supervise auxiliary staff to the extent that the consumer's health or safety is at risk;
 15. Engaging in a profession involving contact with the public while suffering from a contagious or infectious disease involving serious risk to public health;
 16. Promotion for personal gain of any unnecessary or inefficacious drug, device, treatment, procedure, or service;
 17. Conviction of any gross misdemeanor or felony relating to the practice of the person's profession. For the purpose of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;
 18. The procuring, or aiding or abetting in procuring, a criminal abortion;
 19. The offering, undertaking, or agreeing to cure or treat disease by a secret method, procedure, treatment, or medicine; or the treating, operating, or prescribing for any health condition by a method, means, or procedure which the licensee refuses to divulge upon demand of the disciplining authority;
 20. The willful betrayal of a practitioner-patient privilege as recognized by law;
 21. Violation of chapter 19.68 RCW;

22. Interference with an investigation or disciplinary proceeding by willful misrepresentation of facts before the disciplining authority or its authorized representative, or by the use of threats or harassment against any patient or witness to prevent them from providing evidence in a disciplinary proceeding or any other legal action, or by the use of financial inducements to any patient or witness to prevent or attempt to prevent him or her from providing evidence in a disciplinary proceeding;
23. Current misuse of:
 - a. Alcohol;
 - b. Controlled substances; or
 - c. Legend drugs;
24. Abuse of a client or patient or sexual contact with a client or patient;
25. Acceptance of more than a nominal gratuity, hospitality or subsidy offered by a representative or vendor of medical or health-related products or services intended for patients, in contemplation of a sale or for use in research publishable in professional journals, where a conflict of interest is present, as defined by rules of the disciplining authority, in consultation with the department, based on recognized professional ethical standards.