

The Birch Street Counseling Ctr., Inc.
DBA/Birch Tree Counseling/New Leaf Counseling
226 Rockingham Rd.
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HIPAA Compliance

The Privacy Final Rule of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), which was effective on 4/14/2003, imposes a federal “floor” for protection of patient information. Where state laws are stricter, which applies to NH in the mental health arena, the standard gives way to the state regulations.

Employees of the above entity will all comply with the privacy rules.

Privacy Officer named for the above organization is its president, Kay E. Edwards.

Security Rule

All client files and information will be held in locked cabinets or files. These are accessible to staff members only.

Computer files that contain client information must be password protected. Also the screens cannot be visible to the public.

All faxes and emails will have confidentiality statements included.

Electronic billing will comply with the security measures.

Default rules always go to the state regulations if they are more restrictive.

All HIPAA regulations and rules also apply for distance counseling.

Privacy Rule

Information about privacy and confidentiality will be distributed to the client through the client information and consent to treatment packet.

A separate Informed Consent and Authorization for Distance Counseling must be signed by client and therapist prior to engaging in this form of counseling.

Authorization for the release of confidential information forms must be signed before information is released, either written or verbal.

No inquiry about a client can be either “confirmed or denied” without the consent of the client.

Training of Employees

The security office will provide training for the employees. They and all para-professional persons will sign a statement about privacy and confidential information, understanding that if violated, the penalty may be prosecution.

Establishing Policies

Policies must comply with the state standards if they are more restrictive than federal. This is the case in most all instances regarding privacy in NH with the licensees under the Board of Mental Health Practice. See the packet distributed to clients for authorization and consent for treatment for information. Ethical boundary compliance must be maintained at all times.

Compliance Plan

All employees must be mindful of the privacy and security practices compliance. It is also their duty to hold business associates to the HIPAA standards. If breached, they must take “reasonable steps” to endure compliance. Opportunity for these discussions will occur in regular staff meetings. The privacy office also should be apprised and may have individual discussions around unauthorized disclosures and boundary issues. Employee reviews will reflect employee issues and compliance in these areas. Education and instruction will be given if needed, and correction evaluations over the next year in three to six month intervals will be maintained.

Complaint Process

Complaints by clients and any other entity should follow the complaint process already established at Birch Street Counseling. Firstly, the offended party should have a discussion of the complaint with the offending employee, and the privacy officer informed. Next, provision for a meeting with the privacy officer and the director, the offending employee and the party offended should be offered. Finally, if there is no satisfaction, the client has the final recourse of contacting the Secretary of the US Department of Health and Human services. We will provide you with that address upon written request.