

Michelle Kwok M.D.  
Adult Psychiatrist  
1510 Fashion Island Blvd., Suite 110  
San Mateo, CA 94404

### **New HIPAA Rules**

New HIPAA (health insurance portability and accountability act) privacy standards were created to protect patients' health information when it is disclosed but also to facilitate the flow of medical information between providers. With other medical providers and for safety or security reasons, there is less protection of confidentiality than there used to be. However, in other areas, there is more privacy protection. Please read the following so that you understand your rights as a patient as well of the new rules about patient confidentiality. Feel free to ask about privacy, confidentiality, or psychiatric records.

1. *Permission from the patient is no longer required for transfer of psychiatric and medical information between providers as long as only the necessary information is supplied.* This means that if your primary care doctor, pharmacist, or an emergency room physician calls to find out if you (or your child) are in treatment, what the diagnosis is, or what medications you (or your child) are on, we can convey this information if it is medically relevant to your (or your child's) treatment with them. In practice, we will almost always discuss this with you personally before or after the fact, depending on the urgency and depth of the request. If you think this might present a problem for you let us know ahead of time.
2. *Remember that if all the psychiatric records are requested, a treatment summary is usually given instead, except if the treatment consists solely of psychopharmacological treatment or brief medication visits. While brief medication visits fall under HIPAA guidelines, psychotherapy visits are specifically excluded, meaning authorization from the patient is still required for release of information in those notes and a summary is given in place of the record.*
3. *The substance abuse records from alcohol and drug programs are exempt from any disclosure with outpatient permission. If you (or your child) are admitted to a treatment program for substance abuse be sure to sign a release so that we can talk to the providers and obtain a discharge summary and lab data upon discharge. Without this we cannot obtain any information.*
4. *We may have to disclose some psychiatric information when required to do so by law without your consent. This includes mandated reporting of child/elder abuse and cases of legal order or subpoena. National security and public health issues. We may be required to disclose certain information to military authorities or federal health officials if it is required for lawful intelligence, public health safety, or public security.*

### **Individual (Patient) Rights**

1. All patients have the right to inspect and copy their own protected health information (medical record) on request, except for mental health records, which must be reviewed with a psychiatrist first. In cases where exposure to the record might be harmful to the patient, the psychiatrist may deny the request. If you request a copy of your psychiatric record, we will generally review the record with you. It is unlikely that there would be

information in the chart that a patient should not or could not read, but much of the information in the chart may require explanation.

1. Patients also have the right to amend or append their medical (or psychiatric) record. Physicians have the right to deny such a request if it is believed that the information in the medical record is accurate, but in that case the patient request must still be attached to the medical record.
2. Patients have the right to an accounting of all disclosures to other parties. This means that if you ask for a list of whom we have released psychiatric information to we will supply it to you.
3. Patients have the right to have reasonable requests for confidential communications accommodated.
4. You can give written authorization to disclose your psychiatric information to anyone you choose, and you may revoke the authorization in writing at any time.
5. Patients can file a complaint with Dr. Kwok at the office of civil rights in the Department of Health and Human Services about any violation of the rights listed above. There will be no prejudice for filing such a complaint.
6. Patients have the right to receive a written notice of privacy practices from providers and health plans.