

# **Winding Path Counseling & Wellness, PLLC**

## **Notice of Privacy Practices**

**THIS NOTICE DESCRIBES HOW HEALTH CARE INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY.**

Winding Path Counseling & Wellness, PLLC is required by law to maintain the privacy and confidentiality of information about your health, health care, and payment for services related to your health and to provide you with this notice of our legal duties and privacy practices with respect to your protected health information (PHI). Not all situations are described. Information regarding your health care, including payment for health care, is protected by two federal laws: the Health Insurance Portability and Accountability Act of 1996 (HIPAA) 45 C.F.R. Parts 160 & 164, the Confidentiality Law 42 C.F.R. Part 2 governing substance abuse treatment records, and state law North Carolina General Statute 122-C that governs mental health, substance abuse, and developmental disability services. Under these laws, Winding Path Counseling & Wellness, PLLC may not say to a person outside of Winding Path Counseling & Wellness, PLLC that you attend(ed) or receive(ed) services, nor may Winding Path Counseling & Wellness, PLLC disclose any information identifying you as an alcohol or drug abuser, or disclose any other protected information except as permitted by these laws. We must protect and secure health information that we created or received about your past, present and future health condition, services we deliver or payment for your health care. When we use or disclose this information, we are required to abide by the terms of this notice.

### **HOW WE MAY USE AND DISCLOSE HEALTH INFORMATION ABOUT YOU**

**For Treatment.** Treatment refers to the provision, coordination, or management of health care and related services by one or more health care providers. Winding Path Counseling & Wellness, PLLC staff involved in your care may use your information to plan your course of treatment and consult with other staff to ensure the most appropriate methods are being used to assist you.

**For Appointments, Information & Services.** We may call or email you to provide appointment reminders, gather information pertaining to your appointment, or to provide information about treatment alternatives or other health-related services that may be of interest to you.

**For Payment.** Payment refers to the activities undertaken by a health care provider to obtain or provide reimbursement for the provision of health care. We may use your information to develop accounts receivable information, bill you, and with your written consent, provide information which may include your diagnosis, type of service, date of service, provider

name/identifier, and other information about your condition and treatment, to your insurance company or other third-party payors.

**Health Care Operations.** Health Care Operations refers to activities undertaken by Winding Path Counseling & Wellness, PLLC that are regular functions of management and administration activities. We may use your information in monitoring our service quality, staff training and evaluation, medical reviews, contacting you for appointment reminders, provide you with additional information regarding your treatment or other health-related benefits, auditing functions, compliance programs, business planning and accreditation, certification, licensing and credentialing activities.

**Public Health Activities.** We may use or disclose your protected health information for public health activities to a public health authority authorized by law to collect or receive such information. This would be for the purpose of preventing or controlling disease (such as HIV/AIDS, tuberculosis, syphilis), injury, or disability.

**Required by Law.** We may use or disclose your protected health information to the extent that the use or disclosure is required by law, made in compliance with the law, and limited to the relevant requirements of the law. You will be notified, as required by law, of any such uses or disclosures. Under the law we must make disclosures of your protected health information to you upon your request. We must make disclosures to the Secretary of the Department of Health and Human Services for the purpose of investigating or determining our compliance with the requirements of the Privacy Rule.

**Law Enforcement.** We may disclose protected health information to a law enforcement official as required by law, in compliance with a subpoena (with your written consent), court order, administrative order or similar document, for the purpose of identifying a suspect, material witness or missing person, in connection with the victim of a crime, in connection with a deceased person, or in connection with the reporting of a crime in an emergency. We may disclose your protected health information if you committed a crime against a staff member of Winding Path Counseling & Wellness, PLLC.

**Public Safety.** We may disclose your protected health information to avert a serious threat to health or safety, such as physical or mental injury being inflicted on you or someone else.

**Child/Elder/Vulnerable Adult Abuse and Neglect.** We may disclose your protected health information to a state or local agency that is authorized by law to receive reports of child/elder/vulnerable adult abuse or neglect. However, the information we disclose is limited to only that information which is necessary to make the initial mandated report.

**Medical Emergencies.** We may use or disclose your protected health information in a medical emergency to medical personnel only.

**Specialized Government Functions.** If you are or have been a member of the United States Armed Forces, we may disclose your protected health information as required by military command authorities. We may disclose your protected health information to authorized federal officials for national security and intelligence reasons and to the Department of State for medical suitability determinations.

**Business Associates.** We may disclose the minimum necessary health information to our business associates that perform functions on our behalf or provide us with services if the information is necessary for such functions or services. For example, the Practice contracts with a vendor for filing claims with insurance companies. All our business associates sign agreements to protect the privacy of your information and are not allowed to use or disclose any information other than as specified in our contract.

**Persons Involved in Your Care.** We may disclose your protected health information to a relative, close personal friend, or any other person you identify if that person is involved in your care and the information is relevant to your care. If the patient is a minor, we may disclose the minor's protected health information to a parent, guardian or other person responsible for the minor except in limited circumstances.

**Research.** We may use and share your health information for certain kinds of research. For example, a research project may involve comparing the health and recovery of all patients who received one medication to those who received another, for the same condition. All research projects, however, are subject to a special approval process. In some instances, the law allows us to do some research using your PHI without your approval.

**Deceased Patients.** We may disclose protected health information regarding deceased patients for determining the cause of death, in connection with laws requiring the collection of death or other vital statistics, or permitting inquiry into the cause of death by coroners or medical examiners.

Under 42 C.F.R. Part 2, generally, you must sign a written authorization before Winding Path Counseling & Wellness, PLLC can share information for treatment purposes, for health care operations or payment of services. You may revoke any written authorization. The revocation must be in writing. You should understand that we are unable to take back any disclosures we have already made with your authorization and that we are required to retain our records of the treatment and care that we have provided to you. However, the federal law permits Winding Path Counseling & Wellness, PLLC to disclose minimum necessary information without your written permission:

1. For research, audit or evaluations,
2. To report a crime committed on Winding Path Counseling & Wellness, PLLC's premises or against Winding Path Counseling & Wellness, PLLC personnel;
3. To medical personnel in a medical emergency,
4. To appropriate authorities to report suspected child abuse or neglect;

5. As allowed by a court order.
6. Among our workforce, on a need-to- know basis, to coordinate your care,
7. Among our workforce or within an entity having direct administrative control, on a need- to- know basis, to conduct our health care operations,
8. To individuals or entities that help Winding Path Counseling & Wellness, PLLC conduct duties in serving you with whom we have a Qualified Service Organization (QSO) or Business Associate (BA) agreement.

## Your Rights

This section will briefly mention your privacy rights. If you would like to know more about these rights, please contact Winding Path Counseling & Wellness, PLLC at (910)375-1518.

**Obtaining Your Authorization for Other Uses and Disclosures:** Certain uses and disclosures of your health information will be made only with your written authorization, including uses and/or disclosures: (a) of psychotherapy notes (where appropriate); (b) for marketing purposes; and (c) that constitute a sale of health information for any purpose not specified in this Notice unless we obtain your express written authorization or the authorization of your legally appointed representative. If you give us your authorization, you may revoke it at any time, in which case we will no longer use or disclose your health information for the purpose you authorized, except to the extent we have relied on your authorization to provide your care.

**Right to a Copy of Notice:** You have a right to receive a paper copy of our Notice at any time. In addition, a copy of this Notice will always be posted on our website: [www.windingpathcounselingwellness.com](http://www.windingpathcounselingwellness.com)

**Right to inspect and request copy of record:** In most cases, you have the right to look at or get copies of your records. You must make the request by writing a letter to Winding Path Counseling & Wellness, PLLC. They will respond to your request within 30 days. In some cases, Winding Path Counseling & Wellness, PLLC may deny your request.

**Right to Request Amendment to Record:** If you believe that your health information is wrong or some information is missing in your record, you must request, in writing, that Winding Path Counseling & Wellness, PLLC correct or add to the record by writing a letter to the Privacy Officer or completing an Amendment Request Form. You may obtain an Amendment Request Form from the receptionist and you may submit the completed Amendment Request Form to your service provider or the receptionist. Winding Path Counseling & Wellness, PLLC will respond within 60 days of receiving your request. Winding Path Counseling & Wellness, PLLC may deny the request if it is determined that the information is:

- correct and complete, or
- not created by Winding Path Counseling & Wellness, PLLC and/or not part of agency records, or

- not permitted to be disclosed, i.e., information contains psychotherapy notes or information compiled for use in a civil, criminal or administrative proceeding or in other limited circumstances.

Any denial will state the reasons for denial and explain your rights to have the request and denial, along with any statement that you provide in response, added to your health information. If Winding Path Counseling & Wellness, PLLC approves the request for amendment, we will change the information in your record, inform you, and tell others who need to know about the change.

**Right to Request an Accounting of Certain Disclosures:** You have the right to request an accounting (a detailed listing) of disclosures that Winding Path Counseling & Wellness, PLLC has made for the previous 6 years. If you would like to receive an accounting, you may send a letter to Winding Path Counseling & Wellness, PLLC.

**Request a Restriction of Uses or Disclosures:** You have the right to ask that Winding Path Counseling & Wellness, PLLC limit how your health care information is used or disclosed.

**Right to Request an Alternate Method of Contact:** You have the right to ask that we send your health care or billing information to or contact you at an address or phone number than is different than your home. We must agree to your request as long as it is reasonably easy for us to do so.

**Breach Notification:** You have the right to be notified in the event that we (or one of our Business Associates) discovers a breach of unsecured protected health information involving your protected health information.

**Out of Pocket Payments:** If you paid out-of-pocket (or in other words, you have requested that we not bill your health plan) in full for a specific item or service, you have the right to ask that your health information with respect to that item or service not be disclosed to your health plan for purposes of payment or health care operations, and we will honor that request.

**How to File a Complaint or Report a Violation:** If you believe your privacy rights have been violated or you are dissatisfied with the Winding Path Counseling & Wellness, PLLC privacy policies, procedures, or practice, you can file a written complaint or grievance with:

Winding Path Counseling & Wellness, PLLC  
500 Westover Drive, #10026  
Sanford, NC 27330

Individuals may also file a written complaint with the US Department of Health and Human Services (DHHS) Office for Civil Rights (OCR) by mail or e-mail at the address listed below:

Office for Civil Rights  
U.S. Dept. of Health and Human Services  
200 Independence Avenue, S.W.  
Washington, D.C. 20201  
(877) 696-6775  
E-mail: [OCRmail@hhs.gov](mailto:OCRmail@hhs.gov)

Or by visiting the following website: [www.hhs.gov/ocr/filing-with-ocr/](http://www.hhs.gov/ocr/filing-with-ocr/)

Violations of the Confidentiality Law is a crime. Suspected violations of the Confidentiality Law may be reported to the United States Attorney in the district where the violation occurs.

Winding Path Counseling & Wellness, PLLC will not take any action against you or change our treatment of you in any way if you file a complaint.

Winding Path Counseling & Wellness, PLLC may change the terms of this Notice in the future. We reserve the right to make changes and to make the new Notice effective for all health care information that we maintain.

If we make changes to the Notice, we will:

- Have copies of the new Notice available upon request,
- Post the new Notice on the agency website at:  
[www.windingpathcounselingwellness.com](http://www.windingpathcounselingwellness.com)

**For More Information:** If you have questions or would like additional information, you may speak to your provider at (910) 375-1518.

This Notice is effective on 4/11/2023