

# ON A BETTER NOTE MUSIC THERAPY, LLC'S NOTICE OF PRIVACY PRACTICES

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

Thank you for choosing On A Better Note Music Therapy, LLC! We are committed to providing outstanding services to each of our clients and their families. This commitment includes protecting the privacy of your health information. Please read this important notice and do not hesitate to contact us, at any time, with questions or concerns.

## INTRODUCTORY MATERIAL

### YOUR HEALTH INFORMATION

To provide you with safe and convenient music therapy services, On A Better Note needs to obtain and use some health information. Without your health information, On A Better Note would be unable to provide its services. Examples of the health information On A Better Note holds includes your therapy records, your health plan information, your services payment history, and your address. This information may come from you (for example, when you tell On A Better Note about your medical or psychosocial history), your physician, and your health plan and its agents.

### THE HIPAA PRIVACY STANDARDS

The United States Department of Health and Human Services has adopted privacy standards (the “**HIPAA Privacy Standards**” or “**HIPAA**”), which protect your health information. HIPAA establishes rules for when healthcare providers, such as On A Better Note, may use or disclose your health information. Importantly, HIPAA also controls what On A Better Note *cannot* do with your health information. Activities that are not permitted under HIPAA require your written authorization.

## HOW ON A BETTER NOTE MAY USE OR DISCLOSE YOUR HEALTH INFORMATION

HIPAA allows On A Better Note to use and disclose your health information, *without* your authorization, for treatment, payment and health care operations purposes.

**Treatment:** On A Better Note is permitted to use and disclose your health information to provide you with appropriate treatment. For example, On A Better Note may use or disclose your health information to: Review and interpret your treatment plan; Contact your treating physician to resolve questions about your therapy; Or notify you of any issues or scheduling problems with your therapy.

**Payment:** On A Better Note is permitted to use and disclose your health information to receive payment for services. For example, On A Better Note may: Bill you for your therapy; Contact your

health plan or its agents to check your co-payment amount; Check to see if music therapy services are covered under your plan; Or provide your health plan or its agents with the health information needed to pay On A Better Note for services

**Healthcare Operations:** On A Better Note is permitted to use and disclose your health information for the general administrative and business activities necessary for it to operate as a provider of therapeutic services. For example, On A Better Note may: Review and evaluate the performance of its therapists; Conduct audits and compliance programs; Collect medical and psychosocial history from you; Send communications informing you of the status of your therapy; Provide customer service; Operate its website; Or review and resolve grievances.

#### ON A BETTER NOTE MAY ALSO SHARE HEALTH INFORMATION WITH:

**You:** On A Better Note is permitted to disclose your health information to you. For example, On A Better Note may inform you of the status and progress of your therapy. In addition, On A Better Note may contact you to provide appointment reminders or information about treatment alternatives or other health-related benefits and services that may be of interest to you.

**Family Members and others involved in your care:** In certain circumstances, On A Better Note is permitted to disclose your health information to family members or other people involved in your care. For example:

If a family member calls On A Better Note on your behalf, On A Better Note may provide the family member with information about your therapy, but only if that family member is able to be properly identified and authenticated and only if you have provided permission to On A Better Note prior to the family member's call.

This is done for the convenience and security of you and your family, so that people close to you may continue to be involved in your care. If for any reason you do not want On A Better Note to disclose your health information to your family members, you have the right to request a restriction. Please see the section below, titled "Your Individual Privacy Rights" for details about restricting your health information.

**Courts and government bodies:** In certain circumstances, federal and state laws may require On A Better Note to disclose your health information. On A Better Note may also provide information to government agencies for healthcare-related investigations, audits, or inspections; to comply with workers' compensation laws; or for certain national security or intelligence activities. If you are involved in a legal matter, we may be ordered to provide your health information to a court or other party. In those cases, *only* the specific health information required by law, subpoena, or court order will be disclosed.

**Public health and safety entities:** On A Better Note is also permitted to disclose your health information for certain purposes that have been determined to benefit the public as a whole. For example, On A Better Note may disclose your health information to: the U.S. Food and Drug Administration; your local public health department; or to law enforcement agencies if the disclosure will prevent or control disease, or prevent a serious threat to the health and safety of an individual or the public.

**The U.S. Department of Health and Human Services ("DHHS"):** On A Better Note is *required* to disclose your health information to the DHHS, at its request, so it may investigate complaints and review On A Better Note's compliance with HIPAA.

## OTHER WAYS ON A BETTER NOTE MAY USE OR DISCLOSE YOUR HEALTH INFORMATION.

**To create “de-identified health information”:** On A Better Note may create data that *cannot* be linked to you, by removing certain elements from your health information, such as your name, address, telephone number, and member identification (record) number. On A Better Note may use this de-identified health information to conduct certain business activities. For example, On A Better Note may use de-identified health information to create summary reports and to analyze and monitor the services it provides.

**For research purposes:** On A Better Note is permitted to use and disclose your health information for research purposes, but only if it receives prior approval from a special review board. Before On A Better Note can receive such approval from the special review board, the board must consider a number of factors and determine whether there are appropriate safeguards in place to protect the privacy of your health information.

**Child abuse or neglect:** If the On A Better Note therapist, in the ordinary course of professional practice, must report to the appropriate authority his or her reasonable suspicion or belief that that any child under the age of eighteen years: 1) has been abused or neglected; 2) has had non-accidental physical injury, or injury which is at variance with the history given of such injury, inflicted upon such child; or 3) is placed at imminent risk of serious harm.

**Adult and domestic abuse:** If the On A Better Note therapist knows or in good faith suspects that an elderly individual or an individual who is disabled or incompetent has been abused, the appropriate information, as permitted by law, may be reported to the appropriate authorities.

**Health Oversight Activities:** If a professional Board of Examiners is investigating your therapies, the board may subpoena records relevant to such investigation.

**Judicial and Administrative Proceedings:** If you are involved in a court proceeding and a request is made for information about your diagnosis and treatment and the records thereof, such information is privileged under state law, and will not be released without the written authorization of you or your legally appointed representative or a court order. The privilege does not apply when you are being evaluated for a third party, or where the evaluation is court-ordered. You will be informed in advance if this is the case.

**Serious threat to health or safety:** If your On A Better Note therapist believes in good faith that there is a risk of imminent personal injury to you or to other individuals or risk of imminent injury to the property of other individuals, the appropriate information, as permitted by law, may be disclosed.

**Worker’s Compensation:** On A Better Note may disclose health information as authorized by and to the extent necessary to comply with laws relating to workers’ compensation or other similar programs, established by law, that provide benefits for work-related injuries or illness without regard to fault.

**Business Associates:** On A Better Note may provide certain services through contracts with business associates who are performing work on its behalf. When these services are contracted, On A Better Note may disclose your health information to its business associates so that the business associates can perform such services. Business associates are also required to safeguard your information.

**For other purposes:** On A Better Note *must* obtain your written authorization if it wants to use or disclose your health information for activities other than those listed above, or where state law further restricts such use or disclosure. If On A Better Note needs your authorization for certain activities, it will contact you. You may revoke your authorization *at any time* by providing On A Better Note a written revocation.

## YOUR INDIVIDUAL PRIVACY RIGHTS

On A Better Note is committed to complying with HIPAA while providing you with all of the information you need to make informed decisions about your health care and therapy. The following describes your individual privacy rights under HIPAA:

**The right to request your On A Better Note Music Therapy “designated record set”:** You may request a copy of your health information maintained by On A Better Note (your “Designated Record Set”). Your Designated Record Set will contain health information specific to your therapy.

**The right to request amendments to your Designated Record Set:** You may request changes to the information contained in your Designated Record Set. However, On a Better Note is not required to honor your request if, for example, the information you want to amend is accurate and complete. When requesting an amendment, you must provide a reason to support your request.

**The right to request an “accounting of disclosures”:** You may request a list or accounting of the *non-routine* disclosures of your health information that On A Better Note has made. Examples of non-routine disclosures include: disclosures to a court or government agency; to a public health and safety entity, for research, or to the DHHS. You may receive one accounting per year free of charge. For additional requests within a one-year period, On A Better Note may impose a reasonable fee.

**The right to request a copy of this Notice:** you may request a copy of this Notice at any time. In addition to requesting a copy of this Notice in writing, you may also find a copy of this Notice on the On A Better Note website: <http://www.onabetternotemusictherapy.com>.

**The right to request restrictions:** You may request restrictions on how On A Better Note uses and discloses your health information, and whether we disclose your health information to family members, or others involved in your care. Although On A Better Note is *not* required to agree to your restriction requests, it will try to honor your request to block health information from your family members. If On A Better Note agrees to your restriction request, it is important to understand that your family members will no longer be able to act on your behalf or continue to be involved in your care, which may make On A Better Note’s services less convenient for you and your family.

**The right to request “confidential communications” of your health information:** You may request that On A Better Note send your health information to an address that is different than your family address (e.g. your work address). Communications containing your health information will be sent to you at the address that you so provide. However, please note that certain billing information related to your therapy may continue to be mailed to the person with financial responsibility if that is someone other than you. If you request this confidential handling of your health information, it is important to understand that your family members will no longer be able to act on your behalf or continue to be involved in your care, which may make On A Better Note’s services less convenient for you and your family.

To exercise any of your privacy rights, please put your request in a signed writing, including your name, full address and date of birth. Please mail the request to:

Ms. Amy Rodgers Smith, MT-BC  
On A Better Note Music Therapy, LLC  
714 Venture Dr. #115  
Morgantown, WV 26508

## ADDITIONAL RIGHTS

The State of West Virginia may provide additional rights and privacy protections under existing or future state laws. On a Better Note is committed to complying with applicable laws when it uses or discloses your health information.

## ON A BETTER NOTE'S DUTIES

On A Better Note is required by HIPAA to maintain the privacy and security of your health information. It must obey all of the applicable conditions of HIPAA and only use and disclose your health information as allowed by law. On a Better Note is required to provide you with this Notice and to abide by the privacy practices this Notice outlines. On A Better Note reserves the right to change a privacy practice described in this Notice and to make the new privacy practice effective for all health information that it maintains. If On A Better Note needs to make a *material* change to this Notice, you will receive a new Notice by mail, e-mail, or other means permissible under HIPAA.

Because protecting your health information is important to On A Better Note, it has taken steps that protect your health information from unauthorized uses and disclosures. On A Better Note restricts access to your health information to its staff, and business associates who need this information to continue providing your therapeutic services.

## PRIVACY COMPLAINTS

If you have *any* concerns about On A Better Note's privacy practices, or if you feel your privacy rights have been compromised, you have the right to file a complaint with On A Better Note at the address listed in the "Contact Information" section provided below, or with the DHHS. **Please be assured that if you file a privacy complaint, your complaint will be handled in a professional manner, and you will not be the subject to any type of penalty for filing the complaint.**

## CONTACT INFORMATION

You may request a current copy of this Notice from and direct any questions about On A Better Note's privacy practices to:

Ms. Amy Rodgers Smith, MT-BC  
On A Better Note Music Therapy, LLC  
714 Venture Dr. #115  
Morgantown, WV 26508  
[onabetternote@yahoo.com](mailto:onabetternote@yahoo.com)  
[www.onabetternotemusictherapy.com](http://www.onabetternotemusictherapy.com)  
(713) 315-0960