

Notice of Privacy Practices

Ben Bigney LCSW

6114 La Salle Ave #159, Oakland CA 94611

Phone: 207-745-2828 · Web: www.bigneylcsw.com

Effective Date: July 27, 2026

This notice supersedes our prior Notice of Privacy Practices dated May 01, 2025.

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.

How We May Use and Disclose Your Protected Health Information

We may use and disclose your protected health information ("PHI") in the ways described below, consistent with 45 CFR § 164.502 and § 164.506.

Treatment. We may use your PHI to provide, coordinate, or manage your health care and related services. For example, we may share PHI with other providers involved in your care.

Payment. We may use and disclose your PHI to bill and collect payment for services we provide. For example, we may share PHI with your health plan to obtain authorization or payment.

Health Care Operations. We may use and disclose your PHI for activities necessary to operate our practice — quality assessment, training, accreditation, licensing, and business management.

Disclosures We Are Required or Permitted to Make Without Your Authorization

We may, and in some cases are required to, use and disclose your PHI without your authorization for the following purposes:

- **Required by law** — when required by federal, state, or local law.
- **Public health activities** — to public health authorities for disease prevention, reporting, investigation.
- **Victims of abuse, neglect, or domestic violence** — to appropriate government authorities.
- **Health oversight activities** — to government agencies conducting audits, investigations, licensure.
- **Judicial and administrative proceedings** — in response to a court or administrative order.
- **Law enforcement** — in response to valid law enforcement requests as permitted by law.
- **Coroners, funeral directors, organ donation** — as permitted by law.
- **Research** — where IRB-approved under § 164.512(i).
- **Serious threat to health or safety** — to prevent a serious and imminent threat.
- **Military, national security, workers' compensation** — as permitted by law.

Special Rules for Substance Use Disorder Records (42 CFR Part 2)

Because services provided by Ben Bigney LCSW are subject to 42 CFR Part 2, federal law protects the confidentiality of your substance use disorder ("SUD") records. Records that would identify you as having an SUD may be disclosed only with your written consent or as specifically permitted by 42 CFR Part 2.

Key Part 2 protections, in addition to HIPAA:

- **Written consent required** for most disclosures of SUD records, even to other treating providers (with limited exceptions for medical emergencies, qualified service organizations, and specific other situations).
- **Redisclosure prohibition** — recipients of Part 2 records may not re-disclose them except as permitted by the original consent or federal law.
- **Part 2 records are not subject to subpoena** in most proceedings without a special court order meeting the standards of 42 CFR § 2.64 or § 2.65.
- **Breach notification** — we will notify you of any breach of unsecured Part 2 records consistent with the 2024 Final Rule.

We maintain a combined HIPAA/Part 2 notice because our organization is both a HIPAA covered entity and a Part 2 program. Where the two frameworks differ, the more protective rule (usually Part 2) applies to SUD records.

Uses and Disclosures Requiring Your Written Authorization

We will obtain your written authorization before using or disclosing PHI for purposes other than those described in this notice, including:

- Most uses and disclosures of psychotherapy notes.

As of 7/22/2026, for certain clients I now maintain psychotherapy notes as described in 45 CFR § 164.501.

Ben Bigney LCSW does not use PHI for marketing or sell PHI for any reason.

You may revoke your authorization at any time, in writing, except to the extent we have already taken action in reliance on it.

Your Rights Regarding Your Health Information

You have the following rights regarding PHI we maintain about you:

Right to request restrictions. You may request restrictions on how we use or disclose your PHI for treatment, payment, or health care operations. We are not required to agree unless you request a restriction on a disclosure to a health plan for an item or service you paid in full out-of-pocket.

Right to confidential communications. You may request that we communicate with you in a particular way or at a particular location.

Right to inspect and copy. You may inspect or obtain a copy of your PHI, including in electronic form where we maintain it electronically.

Right to amend. You may request that we amend your PHI if you believe it is incorrect or incomplete.

Right to an accounting of disclosures. You may request a list of certain disclosures we have made of your PHI.

Right to a paper copy of this notice. You may request a paper copy of this notice at any time, even if you have agreed to receive it electronically.

Right to be notified of a breach. We will notify you if a breach involving your unsecured PHI occurs.

Our Duties

We are required by law to:

- Maintain the privacy and security of your PHI.
- Provide you with this notice of our legal duties and privacy practices with respect to your PHI.
- Follow the terms of the notice currently in effect.
- Notify you following a breach of unsecured PHI.

We reserve the right to change this notice and to make the revised notice effective for all PHI we maintain. If we make a material change, we will post the revised notice on our website and make it available at our facility.

State of California Additions

In addition to the federal protections outlined above, the State of California includes additional protections for your PHI:

Stronger Consent & Privacy Laws: California's Confidentiality of Medical Information Act (CMIA) is one of the nation's strictest. It generally requires patient authorization for any disclosure of medical information by providers or health plans, except for certain allowed purposes (which largely parallel HIPAA, such as treatment, payment, auditing, etc.). This effectively means patients have broad rights to consent or object to disclosures – providers must obtain written permission for uses beyond those core purposes, giving patients more control. CMIA also allows patients to sue for unauthorized disclosure of their medical info and recover damages, creating a state-level remedy for privacy breaches.

Faster Access: Under California's Patient Access to Health Records Act, providers must allow patients to inspect records within 5 working days of a request and must provide copies within 15 days – significantly faster than the former federal 30-day standard. (This 15-day rule remains, though the new HIPAA 15-day requirement now matches it.)

Sensitive Info: California requires specific consent for sensitive information. For example, HIV test results generally may not be disclosed without a separate written authorization from the patient (except to the patient or treating providers). Information shared with a psychotherapist in private counseling is highly protected; disclosures

usually need patient authorization (beyond HIPAA's psychotherapy note rule, California Welfare & Institutions Code also protects mental health records).

"Opt-out" Rights: California consumers have additional rights under laws like the Shine the Light law and the California Consumer Privacy Act (CCPA/CPRA), but note: CCPA exempts HIPAA-covered PHI. However, for health data outside HIPAA, Californians can opt out of sale of personal info. Within the HIPAA realm, CMIA's protections and the ability to opt out of certain sharing (by simply refusing to authorize disclosures) are key.

Breach Notification: California has stringent breach laws. Providers must notify patients and the California Department of Public Health of any unlawful or unauthorized access or disclosure of medical info without unreasonable delay (no later than 15 business days in many cases), which can be sooner than HIPAA's 60-day outer limit.

Complaints

If you believe your privacy rights have been violated, you may file a complaint with us or with the Secretary of the U.S. Department of Health and Human Services. You will not be retaliated against for filing a complaint.

To file a complaint with us: Contact our **Benjamin S. Bigney (Privacy Officer)**, at **207-745-2828**.

To file a complaint with HHS: Office for Civil Rights, U.S. Department of Health and Human Services, 200 Independence Avenue SW, Room 509F, HHH Building, Washington, DC 20201. 1-877-696-6775. www.hhs.gov/ocr/privacy/hipaa/complaints/

For More Information

For more information about our privacy practices, to request a paper copy of this notice, or to exercise any of the rights described above, contact:

Benjamin S. Bigney

Privacy Officer

Ben Bigney LCSW

6114 La Salle Ave #159, Oakland CA 94611

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www.bigneylcsw.com

Acknowledgment of Receipt

Under 45 CFR § 164.520(c)(2), we will make a good-faith effort to obtain your written acknowledgment that you received this notice.

Signature of patient (or representative): _____

Printed name: _____

Date: _____

Section 1557 — Language Access & Auxiliary Aids

Ben Bigney LCSW complies with applicable federal civil rights laws and does not discriminate on the basis of race, color, national origin, age, disability, or sex. Ben Bigney LCSW also commits to not discriminate on the basis of gender, gender identity, sexual orientation, and religion. We provide free aids and services to people with disabilities and language assistance services to people whose primary language is not English.