

HILL COUNTRY

COUNSELING

12124 Ranch Road 620 North Austin, TX 78750-1079 (512) 331-2213

NOTICE OF POLICIES AND PRACTICES TO PROTECT THE PRIVACY OF YOUR HEALTH INFORMATION

This notice describes how psychological & medical information about you may be used or disclosed and how you can get access to this information. Please review it carefully.

Disclosures for Treatment, Payment and Health Care Operations

An HCBC counselor may use or disclose your protected health information (PHI), for certain treatment purposes without your authorization. In certain circumstances, he/she can only do so when the person or business requesting your PHI provides a written request that includes certain promises regarding protecting the confidentiality of your PHI. To help clarify these terms, here are some definitions: • “PHI” refers to information in your health record that could identify you. • “Treatment” is when a counselor or another healthcare provider diagnoses or treats you. An example of treatment would be when a counselor consults with another health care provider, such as your family physician or another psychologist, regarding your treatment • “Use” applies only to activities within HCBC Counseling Department such as sharing, employing, applying, utilizing, examining, and analyzing information that identifies you. • “Disclosure” applies to activities outside of HCBC Counseling Department such as releasing, transferring, or providing access to information about you to other parties. • “Authorization” means written permission for specific uses or disclosures.

Uses and Disclosures Requiring Authorization

A counselor may use or disclose PHI for purposes outside of treatment operations when your appropriate authorization is obtained. In those instances when we are asked for information for purposes outside of treatment operations, your counselor will obtain an authorization from you before releasing this information. You may revoke or modify all such authorizations (of PHI or counseling notes) at any time; however, the revocation or modification is not effective until we receive it.

Uses and Disclosures with Neither Consent nor Authorization

A counselor may use or disclose PHI without your consent or authorization in the following circumstances: • Child Abuse: Whenever a counselor, in his/her professional capacity, has knowledge of or observe a child he/she knows or reasonably suspects has been the victim of child abuse or neglect, he/she must immediately report such to a police department, sheriff’s department, county probation department, county welfare department, or CPS. Also, if a counselor has knowledge of or reasonably suspects that mental suffering has been inflicted upon a child or that his/her emotional well-being is endangered in any other way, the counselor may report such to the above agencies. • Adult and Domestic Abuse: If a counselor, in his/her professional capacity, has observed or has knowledge of an incident that reasonably appears to be physical abuse, abandonment, abduction, isolation, financial abuse, or neglect of an elder or dependent adult; if a counselor is told by an elder or dependent adult that he/she has experienced these; or if a counselor reasonably suspects such, the counselor must report the known or suspected abuse immediately to the local ombudsman or the local law enforcement agency. A counselor is not required to report such an incident if the counselor has been told by an elder or dependent adult that he/she has experienced behavior constituting physical abuse, abandonment, abduction, isolation, financial abuse or neglect and the counselor is not aware of any independent evidence that corroborates the statement that the abuse has occurred; (a) the elder or dependent adult has been diagnosed with a mental illness or dementia, or is the subject of a court-ordered conservatorship because of a mental illness or dementia; and (b) in the exercise of clinical

judgment, the counselor reasonably believes that the abuse did not occur. • **Health Oversight:** If a complaint is filed against a counselor with the Texas State Board of Examiners of Licensed Professional Counselors, the Board has the authority to subpoena confidential mental health information from the counselor relevant to that complaint. • **Judicial or Administrative Proceedings:** If you are involved in a court proceeding and a request is made about the professional services that have been provided to you, your counselor must not release your information without (a) your written authorization or the authorization of your attorney or personal representative; (b) a court order; or (c) a subpoena duces tecum (a subpoena to produce records) where the party seeking your records provides me with a showing that you or your attorney have been served with a copy of the subpoena, affidavit and the appropriate notice, and you have not notified me that you are bringing a motion in the court to quash (block) or modify the subpoena. The privilege does not apply when you are being evaluated for a third party or where the evaluation is court-ordered. Your counselor will inform you in advance if this is the case. • **Serious Threat to Health or Safety:** If you communicate to your counselor a serious threat of physical violence against an identifiable victim, he/she must make reasonable efforts to communicate that information to the potential victim and the police. If he/she has reasonable cause to believe that you are in such a condition, as to be dangerous to yourself or others, he/she may release relevant information as necessary to prevent the threatened danger.

Client's Rights

- **Right to Request Restrictions** – You have the right to request restrictions on certain uses and disclosures of your PHI. However, your counselor is not required to agree to a restriction you request.
- **Right to Receive Confidential Communications by Alternative Means** – You have the right to request and receive confidential communications of PHI by alternative means.
- **Right to Inspect and Copy** – You have the right to inspect or obtain a copy of PHI in your mental health record used to make decisions about you for as long as the PHI is maintained in the record. Your counselor may deny your access to PHI under certain circumstances, but in some cases you may have this decision reviewed. On your request, your counselor will discuss with you the details of the request/denial process.
- **Right to Amend** – You have the right to request an amendment of PHI for as long as the PHI is maintained in the record. Your counselor may deny your request, but they will discuss with you the details of the amendment process.
- **Right to a Paper Copy** – You have the right to obtain a paper copy of the notice from HCBC Counseling Department upon request, even if you have agreed to receive the notice electronically.

Counselor's Duties

- Your counselor is required by law to maintain the privacy of PHI and to provide you with a notice of HCBC Counseling Department's legal duties and privacy practices with respect to PHI.
- Your counselor reserves the right to change the privacy policies and practices described in this notice. Unless he/she notifies you of such changes, however, he/she is required to abide by the terms currently in effect.

Complaints

- If you are concerned that a counselor has violated your privacy rights, or you disagree with a decision he/she has made about access to your records, you may contact HCBC Counseling Department's Clinical Director, Staci Reichmanis, LPC, at 512-331-5050.
- You can file a complaint with the U.S. Department of Health and Human Services Office for Civil Rights by sending a letter to 200 Independence Avenue, S.W., Washington, D.C. 20201, calling 1-877-696-6775, or visiting www.hhs.gov/ocr/privacy/hipaa/complaints/.
- We will not retaliate against you for filing a complaint.

Effective Date, Restrictions and Changes to Privacy Policy

- This notice will go into effect on January 1, 2020. HCBC Counseling Department reserves the right to change the terms of this notice and to make the new notice provisions effective for all PHI that HCBC counselors maintain.
- For more information, see: www.hhs.gov/ocr/privacy/hipaa/understanding/consumers/noticepp.html.

