

# Texas Notice Form

## Notice of Mental health Professional's Policies and Practices to Protect the Privacy of Your Health Information

This notice describes how Psychological and Medical Information about you may be used and disclosed and how you can get access to this information. Please review it carefully.

### **I. Uses and Disclosures for Treatment, Payment and Health Care Operations.**

I may use or disclose your protected health information (PHI) for treatment, payment and health care operations purposes with your consent. To help clarify these terms, here are some definitions:

PHI refers to information in your health record that could identify you.

#### Treatment, Payment and Health Care Operations

- Treatment is when I provide, coordinate, or manage your health care and other services related to your health care. An example of treatment would be when I consult with another health care provider, such as your family physician.

- Payment is when I obtain reimbursement for your healthcare. Examples of payment are when I disclose your PHI to your health insurer to obtain reimbursement for your health care or to determine eligibility or coverage.

- Health Care Operations are activities that relate to the performance and operation of my practice. Examples of health care operations are quality assessment and improvement activities, business-related matters such as audits and administrative services and case management and care coordination.

Use applies only to activities within my office or practice such as sharing, employing, applying, utilizing, examining and analyzing information that identifies you.

Disclosure applies to activities outside my office or practice such as releasing, transferring or providing access to information about you to other parties.

### **II. Uses and Disclosures Requiring Authorization**

I may use or disclose PHI for purposes outside of treatment, payment, and health care operations when your appropriate authorization is obtained. An "authorization" is written permission above and beyond the general consent that permits only specific disclosures. In those instances when I am asked for information for purposes outside of treatment, payment and health care operations, I will obtain an authorization from you before releasing this information. I will also need to obtain an authorization before releasing your psychotherapy notes. Psychotherapy notes are notes I have made about our conversation during a private, group, joint, or family counseling session, which I have kept separate from the rest of your medical record. These notes are given a greater degree of protection than PHI. You may revoke all such authorizations (of PHI or psychotherapy notes) at any time, provided each revocation is in writing. You may not revoke an authorization to the extent that 1) I have relied on that authorization; or 2) if the authorization was obtained as a condition of obtaining insurance coverage, and the law provides the insurer the right to contest the claim under the policy.

### **III. Uses and Disclosures with Neither Consent Nor Authorization.**

I may use or disclose PHI without your consent or authorization in the following circumstances:

Child Abuse: If I have cause to believe that a child has been, or may be, abused, neglected, or sexually abused, I must make a report of such within 48 hours to the Texas Department of Protective and Regulatory Services, The Texas Youth Commission, or to any local or state law enforcement agency.

Adult and Domestic Abuse: If I have cause to believe that an elderly or disabled person is in a state of abuse, neglect, or exploitation, I must immediately report such to the Department of Protective and Regulatory Services.

Health Oversight: If a complaint is filed against me with the State Board of Examiners of Professional Counselors, they have the authority to subpoena confidential mental health information from me relevant to that complaint.

Judicial or 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 I will not release information without written authorization from you or your personal or 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 I determine that there is a probability of imminent physical injury by you to yourself or others, or there is a probability of immediate mental or emotional injury to you, I may disclose relevant confidential mental health information to medical or law enforcement personnel. Using my best judgment, I may release PHI to a family member or close friend when that is relevant to that person's involvement in your care.

Workers' Compensation: If you file a workers' compensation claim, I may disclose records relating to your diagnosis and treatment to your employer's insurance carrier.

National Security Act: I will release PHI to authorized federal officials for the conduct of authorized national security activities.

Business Associates: Business Associates are the individuals who provide legal, accounting, administrative and similar functions.

### **IV. Patients' Rights and Mental Health Professionals' Duties: Patients' Rights:**

Right to Request Restrictions. You have the right to request restrictions on certain uses and disclosures of protected health information about you. However, I am not required to agree to a restriction you request.

Right to Inspect and Copy: You have the right to inspect or obtain a copy of PHI and/or psychotherapy notes in my mental health and billing records used to make decisions about you for as long as the PHI is maintained in the record. I may deny your access to PHI under certain circumstances, but in some cases, you may have this decision reviewed. On your request, I will discuss with you the details of the request and denial process.

Right to Receive Confidential Communications by Alternative Means and at Alternative Locations: You have the right to request and receive confidential communications of PHI by alternative means and at alternative locations. (For example, you may not want a family member to know that you are seeing me. Upon your request, I will send your bills to another address.)

Right to Amend: You have the right to request an amendment of PHI for as long as the PHI is maintained in the record. I may deny your request. On your request, I will discuss with you the details of the amendment process.

Right to an Accounting: You generally have the right to receive an accounting of disclosures of PHI for which you have neither provided consent nor authorization (as described in Section III of this Notice.) On your request, I will discuss with you the details of the accounting process.

Right to a Paper Copy: You have the right to obtain a paper copy of the notice from me upon request, even if you have agreed to receive the notice electronically.

### **Mental Health Professionals' Duties:**

- I am required by law to maintain the privacy of PHI and to provide you with a notice of my legal duties and privacy practices with respect to PHI.
- I reserve the right to change the privacy policies and practices described in this notice. Unless I notify you of such changes, however, I am required to abide by the terms currently in effect.
- If I revise my policies and procedures, I will provide the amended form to current clients at their next scheduled appointment or for inactive clients by mail within 15 days of receiving a written request for the document.

### **V. Questions and Complaints**

If you have questions about this notice, disagree with a decision I make about access to your records, or have other concerns about your privacy rights, you may contact me.

If you believe that your privacy rights may have been violated and wish to file a complaint with me, you may send your written complaint to me. You may file a complaint with the TX State Board of Counselors. You may also send a written complaint to the Secretary of the U.S. Department of Health and Human Services. I can provide you with the appropriate addresses upon request.

You have specific rights under the Privacy Rule. I will not retaliate against you for exercising your right to file a complaint.

### **VI. Effective Date, Restrictions and Changes to Privacy Policy.**

This notice went into effect on Sept. 1, 2013. I reserve the right to change the terms of this notice and to make the new notice provisions effective for all PHI that I maintain. I will provide you with a revised notice by your next scheduled appointment if you are a current client or for inactive clients, by mail within 15 days of receiving a written request for the document.

Acknowledgement of Review of Private Practices Notice

Please read the following before signing below:

Please be aware that if you do not sign this form, agreeing to what is in the Notice of Privacy Practices, you can not receive services. After you have signed this form, you have the right to revoke it in writing. I will comply from that date forward.

I acknowledge that I read and understood the information contained in the *Notice of Privacy Practices*.

Client:

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature and Date

Parent, Legal Guardian, Representative of a Minor:

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature and Date

\_\_\_\_\_  
Relationship to Minor

\_\_\_\_\_  
Lara Hernandez, M.S., LPA, LPC      Date