



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.

I. Disclosures for Treatment, Payment and Health Care Operations

An Oaks Counseling, Inc. therapist may *use* or *disclose* your *protected health information (PHI)*, for certain *treatment, payment, & health care operations* 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 therapist or another healthcare provider diagnoses or treats you. An example of treatment would be when a therapist consults with another health care provider, such as your family physician or another psychologist, regarding your treatment.
- “*Payment*” is when a therapist obtains reimbursement for your healthcare.
- “*Use*” applies only to activities *within Oaks Counseling, Inc.* such as sharing, employing, applying, utilizing, examining, and analyzing information that identifies you.
- “*Disclosure*” applies to activities *outside* of Oaks Counseling, Inc. such as releasing, transferring, or providing access to information about you to other parties.
- “*Authorization*” means written permission for specific uses or disclosures.

II. Uses and Disclosures Requiring Authorization

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

III. Uses and Disclosures with Neither Consent nor Authorization

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

- **Child Abuse:** Whenever a therapist, 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, or county welfare department. Also, if a therapist 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 therapist may report such to the above agencies.
- **Adult and Domestic Abuse:** If a therapist, 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 therapist is told by an elder or dependent adult that he/she has experienced these; or if a therapist reasonably suspects such, the therapist must report the known or suspected abuse immediately to the local ombudsman or the local law enforcement agency. A therapist is not required to report such an incident if the therapist 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 therapist 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 conservator ship because of a mental illness or dementia; and (b) in the exercise of clinical judgment, the therapist reasonably believes that the abuse did not occur.

- **Health Oversight:** If a complaint is filed against a therapist with the Texas State Board of Examiners of Licensed Psychologists, Professional Counselors, Marriage and Family Therapists, and Clinical Social Workers, the Board(s) has the authority to subpoena confidential mental health information from the therapist 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 I have provided you, I 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 therapist will inform you in advance if this is the case.
- **Serious Threat to Health or Safety:** If you communicate to your therapist 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.

IV. Patient's Rights and Therapist's Duties

Client's Rights:

- *Right to Request Restrictions* – You have the right to request restrictions on certain uses and disclosures of your PHI. However, your therapist is not required to agree to a restriction you request.
- *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 a therapist. Upon your request, your therapist will send your bills to another address.)
- *Right to Inspect and Copy* – You have the right to inspect or obtain a copy of PHI in your mental health and billing records used to make decisions about you for as long as the PHI is maintained in the record. Your therapist may deny your access to PHI under certain circumstances, but in some cases you may have this decision reviewed. On your request, your therapist 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 therapist may deny your request, but 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, your therapist 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 Oaks Counseling, Inc. upon request, even if you have agreed to receive the notice electronically.

Therapist's Duties:

- Your therapist is required by law to maintain the privacy of PHI and to provide you with a notice of Oaks Counseling, Inc. legal duties and privacy practices with respect to PHI.
- Your therapist 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.

V. Complaints

- If you are concerned that a therapist has violated your privacy rights, or you disagree with a decision he/she has made about access to your records, you may contact Oaks Counseling, Inc., Executive Director, Jamie Shepherd, LMFT at 512-968-8977.
- You may also send a written complaint to the Secretary of the U.S. Department of Health & Human Services. The person listed above can provide you with the appropriate address upon request.

VI. Effective Date, Restrictions and Changes to Privacy Policy

This notice will go into effect on May 1, 2005. Oaks Counseling, Inc. reserves the right to change the terms of this notice and to make the new notice provisions effective for all PHI that Oaks Counseling, Inc. therapists maintain. Oaks Counseling, Inc. will provide you with a revised notice by U.S. Mail.