

## Notice of Privacy Policy

***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.***

My practice is dedicated to maintaining the privacy of your personal health information. I am required also by law to do this. These laws are complicated, but I want to provide you with important information. If you have any questions, please don't hesitate to ask so we can discuss. I will use the information about your health which I get from you or from others mainly to provide you with treatment, to arrange payment for services, or for some other business activities which are called, in the law, health care operations. You must sign a Consent Form to let me use and share your information as required by law, or I am unable to provide treatment. If either you or I want to use or disclose (send, share, release) your information for any other purposes I will discuss this with you and ask you to sign an Authorization to allow this.

The law protects the privacy of all communications between a client and counselor. In most situations, I can only release information about your treatment to others if you sign a written authorization form that meets certain legal requirements imposed by HIPAA. There are other situations that require only that you provide written, advanced consent.

### **Limits on Confidentiality**

There are some situations where I am required to disclose information without either your consent or authorization:

- If you are involved in a court proceeding and a request is made for information concerning your evaluation, diagnosis or treatment, such information is protected by the counselor-client privilege and I cannot provide any information without your (or your personal or legal representative's) written authorization, or a court order. If you are involved in or contemplating litigation, you should consult with your attorney to determine whether a court would be likely to order me to disclose this information.
- If a government agency is requesting the information for health oversight activities, we may be required to provide it for them.
- If a client files a complaint or lawsuit against me, I may disclose relevant information regarding the client in order to defend myself.
- If a client files a Worker's Compensation claim or Social Security Disability claim, the client must execute a release so that I may release the information, records or reports relevant to the claim.

There are some situations in which I am legally obligated to take actions, which I believe are necessary to attempt to protect others from harm and I may have to reveal some information about the client's treatment.

- If I have reason to suspect that a child under 18 years of age or a developmentally disabled or physically impaired child under 21 years of age has suffered or faces a threat of suffering any physical or mental wound, injury, disability or condition of a nature that reasonably indicates abuse or neglect of the child, the law requires that I file a report with the appropriate government agency, usually the Cabinet for Families and Children. Once a report is filed, I may be required to provide additional information.
- If I have reasonable cause to believe that an elderly adult is being abused, neglected or exploited, or is in a condition which is the result of abuse, neglect, or exploitation, the law requires that this information be reported to the Cabinet. Once a report is filed, I may be required to provide additional information.
- If I know or have reasonable cause to believe that a client has been the victim of domestic violence, I must note that knowledge or belief and the basis for it in the client's records.
- If I believe that a client presents a clear and substantial risk of imminent serious harm to him/herself or someone else and I believe that disclosure of certain information may serve to protect that individual, then I must disclose that information to the appropriate public authorities, and/or the potential victim, and/or professional workers, and/or the family of the client.

If such a situation as reference above arises, I will make every effort to fully discuss it with you before taking any action and will limit therapist disclosure to what is necessary.

While this written summary of exceptions to confidentiality should prove helpful in informing you about potential problems, it is important that we discuss any questions or concerns you may have now or in the future. The laws governing confidentiality can be quite complex and I am not trained as an attorney. In situations where specific advice is required, formal legal advice may be needed.

### **Professional Records**

You should be aware that pursuant to HIPAA, I may keep Protected Health Information about you in two sets of professional records.

One set constitutes your Clinical Record. It includes information about your reasons for seeking therapy, a description of the ways in which your problem impacts your life, your diagnosis, the goals that we set for your treatment, your progress toward those goals, your medical and social history, your treatment history, any past treatment records that we may receive from other providers, reports of any professional consultations, your billing records, and any reports that have been sent to anyone including reports to your insurance carrier. Except in unusual circumstances that involve danger to yourself and others, you may examine and/or receive a copy of your Clinical Record if you request it in writing and the request is signed by you and dated not more than 60 days from the date it is submitted. Because these are professional records, they can be misinterpreted and/or upsetting to untrained readers. For this reason, it is recommended that we initially review them together or have them forwarded to another mental health professional so you can discuss the contents.

In addition, I also keep a set of Psychotherapy Notes. These notes are for my use as a therapist and are designed to assist in providing the client with the best treatment. While the contents of Psychotherapy Notes vary from client to client, they can include the contents of our conversations, analysis of those conversations, and how they impact on your therapy. They also contain particularly sensitive information that you may reveal that is not required to be included in your Clinical Record. These Psychotherapy Notes are kept separate from your Clinical Record. While insurance companies can request and receive a copy of your Clinical Record, they cannot receive a copy of your Psychotherapy Notes without your signed, written Authorization. Insurance companies cannot require your Authorization as a condition of coverage nor penalize you in any way for your refusal. You may examine and/or receive a copy of your Psychotherapy Notes unless it is determined that such disclosure would have an adverse effect on you.

### **Client Rights**

You can ask me to communicate with you about your health and related issues in a particular way or at a certain place. For example, you can ask me to call you at home and not at work to schedule or cancel an appointment. I will do everything possible to ensure that your request is observed.

You have the right to ask me to limit what is told to certain individuals involved in your care or the payment for your care, such as family and friends. While I don't have to agree with your request, if I do agree, the agreement will be kept except if it is against the law, or in an emergency, or when the information is necessary to treat you.

You have the right to look at the health information such as your medical and billing records. You can get a copy of these records, but may be required to pay for the copies.

If you believe that the information in your records is incorrect or incomplete, you can ask us to make some kinds of changes (called amending) to your health information. You have to make this request in writing and include the reasons you want the changes made.

You have the right to a copy of this notice. If there are any changes, the revised version will be provided to you.

You have the right to file a complaint if you believe your privacy rights have been violated. You can file the complaint with me or with the Secretary of the Department of Health and Human Services. All complaints must be in writing. Filing a complaint will not change the health care we provide to you in any way.