

NOTICE OF PRIVACY PRACTICES

This notice describes how medical information about you may be used and disclosed, and how you can get access to this information. **Please review this notice carefully.**

Your health record contains personal information about you and your health. This information about you that may identify you and that relates to your past, present, or future physical or mental health or condition and related health care services is referred to as Protected Health Information (“PHI”). This Notice of Privacy Practices describes how we may use and disclose your PHI in accordance with applicable law, including the Health Insurance Portability and Accountability Act (“HIPAA”), regulations promulgated under HIPAA including the HIPAA Privacy and Security Rules. It also describes your rights regarding how you may gain access to and control your PHI.

We are required by law to maintain the privacy of PHI and to provide you with notice of our legal duties and privacy practices with respect to PHI. We are required to abide by the terms of this Notice of Privacy Practices. We reserve the right to change the terms of our Notice of Privacy Practices at any time. Any new Notice of Privacy Practices will be effective for all PHI that we maintain at that time. We will provide you with a copy of the revised Notice of Privacy Practices by posting a copy on our website, sending a copy to you in the mail upon request, and/or providing one to you at your next appointment

Some services (*e.g., a Psychosexual Evaluations, Risk Assessments, etc.*) provided by Texas Premier Counseling Services (Texas PCS) do not generate PHI, and although we may collect/receive PHI, we are unable to alter the information contained in records received. To make corrections to your records, you would need to contact the original creator of those records to make such corrections.

Texas PCS may deny access to records under CFR 164.524 (a)(v) if the protected health information was obtained from someone other than a health care provider under a promise of confidentiality, and the access requested would be reasonably likely to reveal the source of the information. Texas PCS may also deny records if the PHI makes reference to another person (*unless such other person is a health care provider*), and a licensed health care professional has determined in the exercise of professional judgment, that the access requested is reasonably likely to cause substantial harm to such other person; or (3) (iii) The request for access is made by the individual's personal representative and a licensed health care professional has determined, in the exercise of professional judgment, that the provision of access to such personal representative is reasonably likely to cause substantial harm to the individual or another person.

Texas PCS maintains records for a minimum of **seven years** from the date of last contact with the client. If you are in treatment for sexual behavioral problems, Texas PCS retains records for **ten years**.

For services that are not court-connected, Texas PCS adheres to state and federal law with regards to access and changes to the PHI we create.

How We May Use and Disclose Health Information About You

For treatment, your PHI may be used and disclosed by those who are involved in your care for the purposes of providing, coordinating, and/or managing your health care treatment and related services. This includes consultation with clinical supervisors or other treatment team members. We may disclose PHI to any other consultant only with your authorization.

For Payment

We may use and/or disclose PHI, so that we can receive payment for the treatment of services provided to you. Texas PCS does not contract with insurance companies; however, if it becomes necessary to use a collection process(s) due to lack of payment for services, we will only disclose the minimum required amount of PHI necessary for the purposes of collection.

For Health Care Operations

Texas PCS may use or disclose, as needed, your PHI in order to support our business activities including but not limited to quality assessment activities, licensing, and conducting or arranging for other business activities. For example, we may share your PHI with third parties that perform various business activities (*billing services*) provided we have a written contact with the business that requires it to safeguard the privacy of your PHI.

Required by Law

Under the law, Texas PCS must disclose your PHI to you upon request. In addition, we must make disclosures to the Secretary of the Department of Health and Human Services for the purpose of investigating or determining our compliance with the requirements of the Privacy Rule. This form details multiple circumstances where disclosures are required and/or permitted by law. Texas PCS will comply with any lawful request or requirement or provide information.

Without Authorization

The following is a list of the categories of uses and disclosures permitted by HIPAA without an authorization. Applicable law and ethical standards permit Texas PCS to disclose information about you without your authorization only in a limited number of situations.

- **Abuse or Neglect.** Texas PCS may disclose your PHI to a state or local agency that is authorized by law to receive reports of abuse or neglect of vulnerable populations such as children, the elderly, or the disabled.
- **Judicial and Administrative Proceedings.** Texas PCS may disclose your PHI pursuant to a subpoena (*with your written consent*), Court Order, Administrative Order, or similar process. Many court-ordered services necessitate a report to the Court; therefore, your PHI would be included in such reports.
- **Deceased Patients.** Texas PCS may disclose PHI regarding deceased patients as mandated by state law, or to a family member or friend that was involved in your care, or payment for care prior to death, based on your prior consent. A Release of Information regarding deceased patients may be limited to an executor or administrator of a deceased person's estate or the person identified as next-of-kin. PHI of persons that have been deceased for more than **fifty (50) years** is not protected under HIPAA.
- **Medical Emergencies.** Texas PCS may use or disclose your PHI in a medical emergency situation to medical personnel only in order to prevent serious harm. Texas PCS staff will try to provide you a copy of this notice as soon as reasonably practicable after the resolution of the emergency.

- **Family Involvement in Care.** Texas PCS may disclose information to close family members or friends involved in your treatment based on your consent or as necessary to prevent serious harm.
- **Law Enforcement.** Texas PCS may disclose PHI to a law enforcement official as required by law in compliance with a subpoena (*with your written consent*), court order, administrative order, or similar document for the purpose of identifying a suspect, material witness or missing person in connection with the victim of a crime, in connection with a deceased person, in connection with the reporting of a crime in an emergency, or in connection with a crime on the premises.
- **Specialized Government functions.** Texas PCS may review requests from U.S. military command authorities if you have served as a member of the armed forces, authorized officials for national security and intelligence reasons and to the Department of State for medical suitability determinations and disclose your PHI based on your written consent, mandatory disclosure laws and the need to prevent serious harm.
- **Public Health.** If required, Texas PCS may use or disclose your PHI for mandatory public health activities to a public health authority authorized by law to collect or receive such information for the purpose of preventing or controlling disease, injury, or disability or if directed by a public health authority to a government agency that is collaborating with that public health authority.
- **Public Safety.** Texas PCS may disclose your PHI if necessary, to prevent or lessen a serious and imminent threat to the health or safety of a person or the public. If information is disclosed to prevent or lessen a serious threat, it will be disclosed to a person(s) reasonably able to prevent or lessen the threat, including the target of the threat.
- **Research.** PHI may only be disclosed after a special approval process or with your authorization
- **Fundraising.** Texas PCS will never use your PHI for fundraising activities.
- **Marketing.** Texas PCS will never use your PHI for marketing purposes.

With Authorization

Uses and disclosure not specifically permitted by applicable law will be made only with your written authorization, which may be revoked at any time, except to the extent that we have already made a use or disclosure based upon your prior authorization.

Your Rights Regarding Your PHI

You have the following rights regarding PHI we maintain about you. To exercise any of these rights, please submit your request in writing to our **Privacy Officer** at:

ATTN: Privacy Officer
Texas Premier Counseling Services
2770 Main St., Suite 159
Frisco, TX 75033

- **Right of Access to Inspect and Copy.** You have the right, which may be restricted in exceptional circumstances, to inspect and copy PHI that is maintained in a “designated record set” The term “record” means any item, collection, or grouping of information that includes PHI and is maintained, collected, used, or disseminated by or for a covered entity. A designated record set contains mental health/medical and billing records and any other records that are used to make decisions about your care. Your right to inspect and copy PHI will be restricted only in those situations where there is compelling evidence that access would cause serious harm to you.
- **The current Privacy Rule permits a covered entity to impose a reasonable, cost-based fee for providing copies of PHI that may include only the cost of labor for copying the PHI requested; supplies for creating the copy (e.g., paper, electronic media); postage for mailing the copy to the individual, where applicable; and, if agreed to by the individual, preparation of an explanation or summary of the PHI. We may impose a labor fee up to one hour of your treatment services fee.**

Allowable Fees

PHI Request	Allowable Fee
Receiving a non-electronic copy of PHI in response to an access request.	Reasonable cost-based fee, limited to labor for making copies (<i>if hard copies</i>), supplies for copying (<i>such as paper</i>), actual postage & shipping, and costs of preparing a summary, if a summary is requested.
Receiving an electronic copy of PHI through a non-internet-based method in response to an access request (<i>e.g., by sending PHI copied onto electronic media through the U.S. Mail</i>)	Reasonable cost-based fee, limited to labor for making copies and costs of preparing a summary or explanation if requested and agreed to by the individual. A labor fee will be assessed.
Electronic copies of PHI in an EHR received in response to an access request to direct such copies to a third party.	Reasonable cost-based fee, limited to labor for making copies and for preparing a summary or explanation agreed to by the individual. A labor fee will be assessed.
Notes about your treatment may be reviewed in session.	No Fee for inspecting/reviewing notes taken about you during a session. Please note that the privacy rule allows policies and safeguards that prohibits recording. ¹

¹ <https://www.hhs.gov/hipaa/for-professionals/faq/2035/can-an-individual-be-charged-a-fee-if-the-individual/index.html>.

- **Records Requests.** Texas PCS is permitted under HIPAA (*ref., 45 CFR § 164.524*) to charge a reasonable, cost-based fee for your record set. Fees for printed copies (*hard paper copies*) rates are based off the printing fee assessed by Collin County Courts. For your records that are maintained electronically, you may request an electronic copy of your PHI. You may also request that a copy of your PHI be provided to another person.
- **Right to Amend.** If you believe the PHI that we have about you is incorrect or incomplete, you may ask us to amend the information; however, we are not required to agree to the amendment. If we deny your request for amendment, you have the right to file a statement of disagreement with us. We may prepare a rebuttal to your statement and will provide you with a copy as well. Please contact the Privacy Officer if you have questions.
- **Breach Notification.** If there is a breach of unsecured PHI concerning you, Texas PCS may be required to notify you of this breach, including what happened and what you can do to protect yourself.
- **Copy of Notice.** You have a right to a copy of this notice.

Format of Disclosures

Disclosure of information may be made in any manner consistent with applicable law. Your records request should be made in writing and must specify the manner in which you want to receive your records (*i.e., in paper format or electronically*). Texas PCS will take reasonable steps to verify the identity of any individual making a request(s) for access.

Complaints

If you believe we have violated your privacy rights, you have the right to file a complaint in writing with our Privacy Officer at: 190 East Stacy Road Suite 306 #325 Allen, TX 75002, or with the Secretary of Health and Human Services at 200 Independence Avenue, S.W. Washington, D.C. 20201, or by calling (202) 619-0257.