

Rebecca J. Ash, M.A, LPC, LCDC
Licensed Professional Counselor & Licensed Chemical Dependency Counselor

Wild Sunflower Counseling, PLLC HIPAA Notice of Privacy Practices

I. This notice describes how medical information about you may be used and disclosed by counselors at Wild Sunflower Counseling and how you can obtain access to this information. Please review the document carefully and present any questions to your counselor.

II. It is my legal duty to safeguard your protected health information (PHI).

I am legally required to ensure your PHI is kept private and confidential. PHI constitutes information created or noted by me that can be used to identify you. It contains data about your past, present, or future health or condition, the provision of health care services provided to you, or the payment for such health care. I am required to provide you with this notice about my privacy procedures. This notice must explain when, why, and how I would use and/or disclose your PHI. Use of PHI means when I share, apply, utilize, examine, or analyze information within my practice; PHI is disclosed when I release, transfer, give, or otherwise reveal it to a third party outside of my practice. With some exceptions, I may not use or disclose more of your PHI than is necessary to accomplish the purpose for which the use or disclosure is made; however, I am legally required to follow the privacy practices described in this notice. Please note I do reserve the right to change the terms of this notice and my privacy policies at any time as permitted by law. Any changes will apply to PHI already on file with me. Prior to making any important changes to my policies, I will immediately change this notice and post a new copy of it in my office. You may also request a copy of this notice from me.

III. How will I use and disclose your PHI?

I will use and disclose your PHI for many different reasons. Some of the uses or disclosures will require your prior written authorization; others, however, will not. Below you will find the different categories of my uses and disclosures with some examples:

1. Uses and disclosures related to treatment, payment, or health care operations *do not* require your prior written consent. I may use and disclose your PHI without your consent for the following reasons:

a) For treatment: I can use your PHI within my practice to provide you with mental health treatment, including discussing or sharing your PHI with my trainees and interns. I may disclose your PHI to physicians, psychiatrists, psychologists, and other licensed health care providers who provide you with health care services or are otherwise involved in your care. Example: if a psychiatrist is treating you, I may disclose your PHI in order to coordinate your care.

b) For health care operations: I may disclose your PHI to facilitate the efficient and correct operation of my practice. Examples: quality control. I may use your PHI in the evaluation of the quality of health care services you have received or to evaluate the performance of the health care professionals who provided you with these services. I may also provide your PHI to my attorneys, accountants, consultants, and others to make sure that I am in compliance with applicable laws.

c) To obtain payment for treatment: I may use and disclose your PHI to bill and collect payment for the treatment and services provided to you. Example: I may send your PHI to your insurance company or health plan in order to get payment for the health care services I have provided to you. I may also provide your PHI to business associates, such as billing companies, claims processing companies, and others that process health care claims for my office.

d) Other disclosures: Examples: your consent is not required if you need emergency treatment provided I attempt to get your consent *after* treatment is rendered. In the event I try to get your consent but you are unable to communicate with me (for example, if you are unconscious or in severe pain) but I think you would consent to such treatment if you could, I may disclose your PHI.

2. Certain Other Uses and Disclosures Do Not Require Your Consent. I may use and/or disclose your PHI without your consent or authorization for the following reasons:

a) When disclosure is required by federal, state, or local law; judicial, board, or administrative proceedings; or law enforcement. Example: I may make a disclosure to the appropriate officials when a law requires me to report information to government agencies, law enforcement personnel, and/or in an administrative proceeding.

b) If disclosure is compelled by a party to a proceeding before a court of an administrative agency pursuant to its lawful authority.

c) If disclosure is required by a search warrant lawfully issued to a governmental law enforcement agency.

d) If disclosure is compelled by the patient or the patient's representative pursuant to state health and safety codes or to corresponding federal statutes or regulations, such as the privacy rule that requires this notice.

e) To avoid harm. I may provide PHI to law enforcement personnel or persons able to prevent or mitigate a serious threat to the health or safety of a person or the public (example - adverse reaction to medications).

f) If disclosure is compelled or permitted by the fact that you are in such mental or emotional condition as to be dangerous to yourself or the person or property of others, and if I determine that disclosure is necessary to prevent the threatened danger.

g) If disclosure is mandated by the Texas Child Abuse and Neglect Reporting law. Example - if I have a reasonable suspicion of child abuse or neglect.

h) If disclosure is mandated by the Texas Elder/Dependent Adult Abuse Reporting law. Example - if I have a reasonable suspicion of elder abuse or dependent adult abuse.

i) If disclosure is compelled or permitted by the fact that you tell me of a serious/ imminent threat of physical violence by you against a reasonably identifiable victim or victims.

j) For public health activities. Example - In the event of your death, if a disclosure is permitted or compelled, I may need to give the county coroner information about you.

k) For health oversight activities. Example - I may be required to provide information to assist the government in the course of an investigation or inspection of a healthcare organization or provider.

l) For specific government functions. Examples - I may disclose the PHI of military personnel and veterans under certain circumstances. I may disclose PHI in the interests of national security, such as protecting the president of the United States or assisting with intelligence operations.

m) For research purposes. In certain circumstances, I may provide PHI in order to conduct psychological research.

n) For Workers' Compensation purposes. I may provide PHI in order to comply with Workers' Compensation laws.

o) Appointment reminders and health related benefits or services. Examples - I may use PHI to provide appointment reminders. I may use PHI to give you information about alternative treatment options or other health care services or benefits I offer.

p) If an arbitrator or arbitration panel compels disclosure, when arbitration is lawfully requested by either party, pursuant to subpoena duces tectum (e.g., a subpoena for mental health records) or any other provision authorizing disclosure in a proceeding before an arbitrator or arbitration panel.

q) If disclosure is required or permitted to a health oversight agency for oversight activities authorized by law. Example - When compelled by the U.S. Secretary of HHS to investigate or assess my compliance with HIPAA regulations.

r) If disclosure is otherwise specifically required by law.

3. Certain uses and disclosures require you to have the opportunity to object. I may provide your PHI to a family member, friend, or other individual who you indicate is involved in your care or responsible for the payment for your health care, unless you object in whole or in part. Retroactive consent may be obtained in emergency situations.

4. Other uses and disclosures require your prior written authorization. In any other situation not described in Sections IIIA, 1118, and IIIC above. I will request your written authorization before using or disclosing any of your PHI. Even if you have signed an authorization to disclose your PHI, you may later revoke that authorization, in writing, to stop any future uses and disclosures (assuming that I haven't taken any action subsequent to the original authorization) of your PHI by me (please note related information as set forth by Wild Sunflower Counseling, PLLC office procedures/guidelines).

IV. The rights you have regarding your PHI:

1. The right to see and get copies of your PHI. In general, you have the right to see your PHI that is in my possession, or to get copies of it; however, you must request this in writing. If I do not have your PHI, but I know who does, I will advise you how you can get it. You will receive a response from me within 30 days of my receiving your written request. Under certain circumstances, I may feel I must deny your request, but if I do, I will give you, in writing, the reasons for the denial. I will also explain your right to have my denial reviewed. If you ask for copies of your PHI, I will charge you not more than \$0.25 per page. I may see fit to provide you with a summary or explanation of the PHI, but only if you agree to it, as well as to the cost, in advance.

2. The right to request limits on uses and disclosures of your PHI. You have the right to ask that I limit how I use and disclose your PHI. While I will consider your request, I am not legally bound to agree. If I do agree to your request, I will put those limits in writing and abide by them except in emergency situations. You do not have the right to limit the uses and disclosures that I am legally required or permitted to make.

3. The right to choose how I send your PHI to you. It is your right to ask that your PHI be sent to you at an alternate address (example, sending information to your work address rather than home

address) or by an alternate method (example, via email instead of by regular mail). I am obliged to agree to your request providing that I can give you the PHI, in the format you requested, without undue inconvenience. I may not require an explanation from you as to the basis of your request as a condition of providing communications on a confidential basis.

4. The right to get a list of the disclosures I have made. You are entitled to a list of disclosures of your PHI I have made. The list will not include uses or disclosures to which you have already consented, that is, those for treatment, payment, or health care operations, sent directly to you, or to your family; neither will the list include disclosures made for national security purposes, disclosures to corrections or law enforcement personnel, or disclosures made before April 15, 2003. After April 15, 2003, disclosure records will be held for 6 years. I will respond to your request for an accounting of disclosures within 60 days of receiving your request. The list I give you will include disclosures made in the previous 7 years (the first 7-year period being 2003-2010) unless you indicate a shorter period. The list will include the date of the disclosure, to whom PHI was disclosed (including their address, if known), a description of the information disclosed, and the reason for the disclosure. I will provide the list to you at no cost, unless you make more than one request in the same year, in which case I will charge you a reasonable sum based on a set fee for each additional request.

5. The right to amend your PHI. If you believe there is an error in your PHI or that important information has been omitted, it is your right to request I correct the existing information or add the missing information. Your request and reason for the request must be made in writing. You will receive a response within 60 days of my receipt of your request. I may deny your request, in writing, if I find that: the PHI is (a) correct and complete, (b) forbidden to be disclosed, (c) not part of my records, or (d) written by someone other than me. My denial must be in writing and must state the reasons for the denial. It must also explain your right to file a written statement objecting to the denial. If you do not file a written objection, you still have the right to ask that your request and my denial be attached to any future disclosures of your PHI. If I approve your request, I will make the change(s) to your PHI. Additionally, I will inform you that changes have been made, and I will advise all others who need to know about the change(s) to your PHI.

6. The right to get this notice by email. You have the right to get this notice by email. You also have the right to request a paper copy of it

V. How to complain about my privacy practices.

If, in your opinion, I may have violated your privacy rights, or if you object to a decision I made about access to your PHI, you are entitled to file a complaint with the person listed in Section VI below. You may also send a written complaint to the Secretary of the Department of Health and Human Services at 200 Independence Avenue S.W., Washington, D.C. 20201. If you file a complaint about my privacy practices, I will take no retaliatory action against you.

VI. Person to contact for information about this notice or to complain about my privacy practices.

If you have any questions about this notice or any complaints about Wild Sunflower Counseling, PLLC privacy practices, or would like to know how to file a complaint with the Secretary of the DHHS, please contact: Rebecca J. Ash, 20403 Encino Ledge #592054, San Antonio, TX, 78259, (210) 538-4296.

NOTICE TO CLIENTS: The Texas Behavioral Health Executive Council investigates and prosecutes professional misconduct committed by marriage and family therapists, professional counselors, psychologists, psychological associates, social workers, and licensed specialists in school psychology. Although not every complaint against or dispute with a licensee involves professional misconduct, the Executive Council will provide you with information about how to file a complaint. Please call 1-800-821-3205 for more information.

Texas Behavioral Health Executive Council
George H.W. Bush State Office Bldg.
1801 Congress Ave., Ste. 7.300
Austin, Texas 78701