

Health Insurance Portability and Accountability Act of 1996 (HIPAA)

All information revealed by you in a counseling/therapy session and most information placed in your patient file (medical records or other individually identifiable health information disclosed in any form—electronic, paper or oral) is considered protected health information “PHI” by HIPAA. Your PHI cannot be distributed to anyone without your informed and voluntary written consent/authorization. The exceptions that do not require your consent or authorization for use/disclosure of PHI are listed below:

1. Uses and disclosures required by law, such as files court-ordered by a judge;
2. Uses and disclosures about victims of abuse, neglect, or domestic violence, and other Duties to Warn explained in the confidentiality section in Tracy Webb Counseling, LLC Policies;
3. Uses and disclosures for health and oversight activities, such as correcting records or correcting records already disclosed;
4. Uses and disclosures for judicial and administrative proceedings, such as a case where you are claiming malpractice or breach of ethics;
5. Uses and disclosures for law enforcement purposes, such as if you intend to harm someone (see Duties to Warn in the confidentiality section of Tracy Webb Counseling, LLC Policies);
6. Uses and disclosures for research purposes, such as using client information in research while maintaining client confidentiality;
7. Uses and disclosures to avert a serious threat to health or safety, such as calling Probate Court for a commitment hearing;
8. Uses and disclosures for Worker’s Compensation, such as basic information obtained in counseling/therapy as a result of your worker’s Compensation claim.

Your Rights as a Counseling/Therapy Client under HIPAA

As a client, you have the right to see your counseling/therapy file. Psychotherapy notes are afforded special privacy protection under the HIPAA regulations and are excluded from this right. Therefore, your therapist will not release psychotherapy notes. In lieu of psychotherapy notes, your therapist can provide you with the following information (a designated record set), which HIPAA allows to be released:

Psychotherapy start and stop times	Modalities and frequencies of treatment
Results of any clinical testing	Functional status
Treatment plans	Progress to date
Symptoms	Diagnoses
Prognosis	Medication prescription and monitoring

As a client you have the right to receive a copy of your counseling/therapy file. Psychotherapy notes are afforded special privacy under the HIPAA regulations and are excluded from this right. You will be required to pay any copying fees at \$.20/page.

As a client, you have the right to receive a history of all disclosures of protected health information. You will be required to pay any copying fees at \$.20/page.

As a client, you have the right to request amendments to your counseling/therapy file.

As a client, you have the right to restrict the use and disclosure of your PHI for the purposes of treatment, payment, and operations. If you choose to release any PHI, you will be required to sign a Release of Information form detailing exactly to whom and what information you wish disclosed.

As a client, you have the right to register a complaint with the Secretary of Health and Human Services if you feel your rights, herein explained, have been violated.

Prior to your first therapy session, you will receive a copy of the HIPAA policies, Consent for Treatment Form, and a copy of Tracy Webb Counseling, LLC Policies. You may be asked to sign a Fee Agreement Form and Release of Information Form. **Please sign the Consent For Treatment Form indicating you received, read, and understand these documents.** This form will remain on file for 7 years after termination of treatment as required by state law. Please do not sign if you do not understand the HIPAA Client’s Rights or any of the information in the forms listed above. Your therapist will be glad to explain these documents further.