

## **Health Insurance Portability and Accountability Act of 1996 (HIPAA)**

All information revealed by you in a counseling or therapy session and most information placed in your therapy file (all medical records or other individually identifiable health information or disclosed in any form [electronic, paper or oral] is considered “protected health information” by HIPAA. As such, your protected health information cannot be distributed to anyone else without your express informed and voluntary written consent or authorization. The exceptions to those are defined below.

Use or disclosure of the following protected health information does not require your consent or authorization:

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, such as the Duties to Warn explained under the confidentiality section of the Professional Information Statement;
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 under the confidentiality section of the Professional Information Statement);
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 therapy/counseling 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 will be happy to provide you with the following information, which HIPAA allows to be released. HIPAA calls the following record a “designated record set” or DRS:

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 request amendments to your counseling/therapy file.

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 restrict the use and disclosure of your protected health information for the purposes of treatment, payment, and operations. If you choose to release any protected health information, 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 counseling/therapy, you will receive a copy of the HIPAA policies, Professional Information Statement, Consent for Treatment Form, Consent for Special Circumstances Form, Fee Agreement Form, and Release of Information Form. **You need to sign the Consent for Treatment Form indicating that you have received, read and understand these documents.** This form will be placed in your counseling/therapy file. Please do not sign the form if you do not understand any part of 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.