

**Counseling & Testing Services
University of North Texas**

NOTICE OF PRIVACY PRACTICES

**THIS NOTICE DESCRIBES HOW MENTAL HEALTH INFORMATION ABOUT YOU MAY
BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS
INFORMATION.**

PLEASE REVIEW IT CAREFULLY

I. What is Protected Health Information?

Protected Health Information (PHI) refers to information in your “health record” that could individually identify you. PHI may include personal and demographic information within your record. Further, it may include information that relates (whether past, present, or future) to your physical or mental health, assessment information, issues or problems and the provision of care to an individual. All of this information collected serves as a basis for planning your care and treatment, a means of communication among any health care professionals who contribute to your care, a tool for educating mental health professionals and as a tool for assessing and continually working to improve the quality care and services rendered.

This notice applies to all personal records collected or generated by Counseling and Testing Services (CTS) staff.

This notice will tell you about the ways we may use any disclosed Protected Health Information about you. It also describes your rights and our obligations regarding the use and disclosure of Protected Health Information.

II. How is my PHI used or disclosed?

Your Protected Health Information (PHI) will be used by the Counseling and Testing Services for client services, treatment, supervision/education of on-site mental health professionals and to maintain or improve center services and operations. The examples provided serve only as guidance and do not include every possible use or disclosure.

- **Treatment**: Your PHI may be shared with other health care professionals in order to provide, coordinate, or manage your mental health care and any related service (such as vocational counseling). These health care professionals could include other Counseling and Testing Services clinicians, supervised practicum students, testing personnel, or, with your consent, other health-care providers (such as physicians or psychologists/counselors) with whom referrals have been made, or other coordination of services are needed to maintain a high stand of care.
- **Health Care Operations**: Your PHI may be shared with appointment personnel in order to schedule a session, for assessment and quality assurance efforts, or as required by state or federal law (subpoenas for records, mandated reporting of child abuse, etc.) These uses and disclosures are necessary to operate the CTS and ensure that all clients receive quality care.

III. How is Protected Health Information (PHI) released?

Except in the cases listed below, Counseling and Testing Services only releases PHI when the client has signed an **Authorization for the Release of Records** form. An authorization to release PHI (records)

may be revoked by the patient in writing, except to the extent that the Counseling and Testing Service has already take action in reliance thereon.

IV. Is protected health information ever released without the client's authorization?

Yes, PHI may be released in certain circumstances:

In order to contact the client- such as making or changing appointments for service. It may also be used to provide the client information about suggested treatment choices.

- Child abuse: If we have cause to believe that a child has been, or may be abused, neglected, or sexually abused, we must make a report of such within 48 hours to the Texas Department of Protective and Regulatory Services, the Texas youth Commission or to any university, local or state law enforcement agency.
- Adult or domestic abuse: If we have cause to believe that an elderly or disabled person is in a state of abuse, neglect, or exploitation, we must immediately report such to the Department of Protective and Regulatory Services.
- Serious threat to health or safety: If we determine that there is a probability of imminent physical injury by you to yourself or others, or there is a probability of immediate mental or emotional injury to you, we may disclose relevant confidential mental health information to medical or law enforcement personnel.
- Judicial or Administrative Proceedings: If you are involved in a court proceeding and a request is made for information about your diagnosis and treatment and the records thereof, such information is privileged under state law, and we will not release information, without written authorization from you or your personal or legally appointed representative or a court order (or other legal mandate as determined by our legal office). (The privilege does not apply when you are being evaluated for a third party or where the evaluation is court ordered. You will be informed in advance if this is the case.)
- Health Oversight: If a complaint is filed against your mental health counselor with a professional board, the respective board may have the authority to subpoena confidential mental health information from the Counseling and Testing Service relevant to that complaint.
- Workers' Compensation: If you file a worker's compensation claim, we may disclose records relating to your diagnosis and treatment to your employer's insurance carrier.
- When the patient is a minor: In some instances, PHI may be released to the parent or legal guardian of a minor as they may act as the minor's personal representative.

V. What are my rights with respect to Protected Health Information (PHI)?

As described in state and federal legislation, patient rights with respect to PHI include:

- Right to Request Restrictions: You have the right to request restrictions on certain uses and disclosures of protected health information about you. However, CTS is not required to agree to a restriction you request.

- Right to Receive Confidential Communications by Alternative means and at Alternative Locations: You have the right to request and receive confidential communications of PHI by alternative means and at alternative locations. (For example, you may not want a family member or roommate to know you are seeing a counselor, so upon your request, we would contact you through an alternative phone number or mailing address.)
- Right to Inspect and Copy: You have the right to inspect or obtain a copy (or both) of PHI and counseling records (from your file) used to make decisions about you for as long as the PHI is maintained in the record. We may deny your access to PHI under certain circumstances, but in some cases you may have this decision reviewed. On your request, we will discuss with you the details of the request and denial process. Submit your request to inspect or obtain PHI and counseling records to your primary counselor or Tim Lane, Ph.D., Asst. Director, Counseling and Testing Services. You may be charged a reasonable fee for copying costs.
- Right to Amend: You have the right to request in writing an amendment of PHI for as long as the PHI is maintained in the record. We may deny your request. On your request, we will discuss with you the details of the amendment process.
- Right to receive an accounting of disclosures of PHI: You generally have the right to receive an accounting of disclosures of PHI for which you have neither provided consent nor authorization (as described in III above). You may submit your written request for accounting of disclosures to your personal counselor or Tim Lane, Ph.D., Asst. Director, Counseling and Testing Services.
- Right to a Paper Copy: You have the right to obtain a paper copy of this notice from CTS upon request, even if you have agreed to receive the notice electronically.

VI. What are the mental health counselor's responsibilities?

CTS is required by law to maintain the privacy of your PHI and to provide you with a notice of our current privacy policy and practices. CTS is required to abide by the stipulations currently in place. CTS reserves the right to change the privacy policies, but will notify current clients of such changes through an updated Privacy Notice before the changes are implemented. Any updated Privacy Notice will be posted and also available in brochure form to clients upon request. The Privacy Notice is published on the CTS website at www.unt.edu/cat/PrivacyNotice

VII. Questions, Complaints or Additional Information

If you have questions about this notice, disagree with a decision CTS or your counselor makes about access to your records, or have other concerns about your privacy rights, you may contact: Tim Lane, Ph.D., Asst. Director, Counseling and Testing Services; P.O. Box 310968; Denton TX 76203; or call (940-565-2741). We will be glad to discuss your concerns and try to seek a reasonable agreement.

The following criteria must be included in correspondence:

- Any complaint must be in writing.
- Any complaint must name CTS and/or the counselor that is subject to the complaint.
- Any complaint must be filed within 180 days of when the complainant knew or should have known that the act or omission occurred.
- The person(s) submitting the complain will **not** be subject to any retaliation for filing the complaint.

The Effective date of this notice: April 14, 2003