

Rae of Light Counseling, LLC
4600 E. Shea Blvd., Ste 200, Phoenix, AZ 85028
(602)540-6272

HIPAA Notice

Notice of Policies and Practices to Protect the Privacy of Your Health Information

THIS NOTICE DESCRIBES HOW PSYCHOLOGICAL AND MEDICAL INFORMATION ABOUT CLIENTS MAY BE USED AND DISCLOSED AND HOW A CLIENT MAY GAIN ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY.

I. Uses and Disclosures for Treatment, Payment, and Health Care Operations

Definitions:

- "PHI" refers to information in a client's health record that could identify a client.
- "Treatment" is providing, coordinating or managing a client's health care and other related services. An example of treatment includes consulting with another health care provider, such as a client's family physician or another counselor.
- "Payment" is obtaining reimbursement for a client's healthcare. An example of payment includes disclosing a client's PHI to the client's health insurer to obtain reimbursement for health care, or to determine eligibility or coverage.
- "Health Care Operations" are activities that relate to the performance and operation of this practice. Examples of health care operations include quality assessment and improvement activities, business-related matters such as audits and administrative services, and case management and care coordination.
- "Use" applies only to activities within the office(s), such as sharing, employing, applying, utilizing, examining, and analyzing information that identifies you.
- "Disclosure" applies to activities outside of the office(s), such as releasing, transferring, or providing access to information about you to other parties. **Federal Law states that your written authorization is not required to use or disclose your PHI for treatment, payment, or health care operations. However, the professional counseling code of ethics states that it is required; therefore you will be asked for your written authorization even though it is not legally necessary.*

Rae of Light Counseling, LLC and counselors doing business under this title may use or disclose a client's protected health information (PHI) for treatment, payment and health care operations purposes with a client's consent.

II. Uses and Disclosures Requiring Authorization

Definitions:

- "Authorization" is written permission above and beyond the general consent that permits only specific disclosures.
- "Psychotherapy Notes" are notes that some therapists make about conversations during a private, group, joint, or family counseling session, which are kept separate from the rest of the medical record.

Rae of Light Counseling, LLC and counselors doing business under this title may use or disclose PHI for purposes outside of treatment, payment, or health care operations when a client's appropriate authorization is obtained. In these instances, Rae of Light Counseling will obtain an authorization from the client before releasing this information. Authorization is, likewise, required before releasing your Psychotherapy Notes. These notes are given a greater degree of protection than PHI. Every effort will be made to keep the notes in a client's file as objective as possible and to disclose the minimum amount of PHI necessary to satisfy requests.

A client may revoke all such authorizations (PHI or Psychotherapy Notes) at any time, provided each revocation is in writing. An authorization cannot be revoked to the extent that (1) the authorization has already been fulfilled; or (2) if the authorization was obtained as a condition of obtaining insurance coverage, as law provides the insurer the right to contest the claim under the policy.

III. Uses and Disclosures with Neither Consent nor Authorization

Rae of Light Counseling, LLC and counselors doing business under this title may use or disclose PHI without your consent or authorization in the following circumstances:

- Child Abuse – Counselors are legally mandated to report PHI to the appropriate authorities when given reasonable grounds to believe that a minor is or has been the victim of neglect or physical and/or sexual abuse.
- Adult and Domestic Abuse – Counselors have the responsibility for the care of an incapacitated or vulnerable adult, and are required to disclose PHI given reasonable belief that abuse or neglect of the adult has occurred or that exploitation of the adult's property has occurred.
- Health Oversight Activities - If the Arizona Board of Behavioral Health Examiners is conducting an investigation, then a counselor is required to disclose PHI upon receipt of a subpoena from the Board.
- Judicial and Administrative Proceedings - If a client is involved in a court proceeding and a request is made for information about the professional services provided to you and/or the records thereof, such information is privileged under state law, and will not be released without the written authorization of the client or client's legally appointed representative, or a court order. The privilege does not apply when you are being evaluated for a third party or where the evaluation is court ordered. A client will be informed in advance if this is the case.
- Serious Threat to Health or Safety - If a client communicate an explicit threat of imminent serious physical harm or death to a clearly identified or identifiable victim(s) and it is reasonably believed that the client has the intent and ability to carry out such a threat, a counselor has a duty to take reasonable precautions to prevent the harm from occurring, including disclosing information to the potential victim and the police and in order to initiate hospitalization procedures. If a counselor believes there is an imminent risk that a client will inflict serious harm to self, the counselor may disclose information in order to protect the client.
- Worker's Compensation - Rae of Light Counseling, LLC and counselors doing business under this title may disclose PHI as authorized by and to the extent necessary to comply with laws relating to worker's compensation or other similar programs, established by law, that provide benefits for work-related injuries or illness without regard to fault.

IV. Patient's Rights and Counselor's Duties to Patient's Rights:

- Right to Request Restrictions – The client has the right to request restrictions on certain uses and disclosures of protected health information. However, Rae of Light Counseling, LLC is not required to agree to the requested restriction.

- **Right to Receive Confidential Communications by Alternative Means and at Alternative Locations** – A client has the right to request and receive confidential communications of PHI by alternative means and at alternative locations. (For example, a client may not want a family member to know he or she is attending counseling. On request, correspondence will be sent to another address.)
- **Right to Inspect and Copy** – A client the right to inspect and/or obtain a copy of PHI in mental health and billing records used to make decisions about you for as long as the PHI is maintained in the record. Rae of Light Counseling may deny a client’s access to PHI under certain circumstances, but in some cases a client may have this decision reviewed. On client request, the counselor will discuss with a client the details of the request and denial process. To inspect PHI, a client will need to make and pay for an appointment during which the counselor is present. If a client requests a copy of PHI, if appropriate, this will be provided to the client at no charge while the client is in treatment. After treatment, copies of PHI are provided for the cost of \$50.00 plus 10 cents per page, paid in advance of receiving the copy.
- **Right to Amend** – A client has the right to request an amendment of PHI for as long as the PHI is maintained in the record. Rae of Light Counseling, LLC and counselors doing business under this title may deny a client’s request. On client request, the counselor will discuss with the client the details of the amendment process.
- **Right to an Accounting** – A client generally has the right to receive an accounting of disclosures of PHI. On client request, the counselor will discuss with the client the details of the accounting process.
- **Right to a Paper Copy** – A client has the right to obtain a paper copy of the notice upon request, even if the client has agreed to receive the notice electronically.

Psychologist's Duties:

- Rae of Light Counseling, LLC and counselors doing business under this title are required by law to maintain the privacy of PHI and to provide clients with a notice of legal duties and privacy practices with respect to PHI.
- Rae of Light Counseling, LLC reserves the right to change the privacy policies and practices described in this notice. Unless Rae of Light Counseling, LLC notifies clients of such changes, however, Rae of Light Counseling, LLC and counselors doing business under this title are required to abide by the terms currently in effect.
- If Rae of Light Counseling, LLC revises its policies and procedures, clients will be notified by mail.

V. Complaints

If you are concerned that Rae of Light Counseling, LLC and counselors doing business under this title have violated your privacy rights, or you disagree with a decision made about access to your records, you may contact Janet Kartler, LPC, at (602)540-6272. You may also send a written complaint to the Office of Human Rights Advocates – 150 N. 18th Ave, Suite 210, Phoenix, AZ 85007, (800)421-2124 or (602)364-4585

VI. Effective Date, Restrictions, and Changes to Privacy Policy

This notice will go into effect immediately.

Rae of Light Counseling, LLC reserves the right to change the terms of this notice and to make the new notice provisions effective for all PHI that it maintains.