



The Health Insurance Portability and Accountability Act (HIPAA) establishes patient rights and protections associated with the use of protected health information. HIPAA provides patient protections related to the electronic transmission of data (“the transaction rules”), the keeping and use of patient records (“privacy rules”), and storage and access to health care records (“the security rules”). HIPAA applies to all health care providers, including mental health care providers. Providers and health care agencies are required to provide patients a notification of their privacy rights as it relates to their health care records.

This Patient Notification of Privacy Rights informs you of your rights. Please carefully read this Patient Notification, which can be found on the Clemson Creative Counseling website under Helpful Forms. It is important that you know and understand the patient protections HIPAA affords you as a patient.

In mental health care, confidentiality and privacy are central to the success of the therapeutic relationship; therefore, we will do all we can do to protect the privacy of your mental health records. Please contact your counselor if you have questions regarding matters discussed in this Patient Notification. Please print, sign, and date this form below to acknowledge that you have familiarized yourself with Clemson Creative Counseling Confidentiality/HIPAA practices.

I, _____, acknowledge that I have been able to review The Clemson Creative Counseling Patient Notification of Privacy Rights on the website or have read the physical copy provided in the office. My signature below indicates that I had opportunity to review this document prior to signing it.

Client Signature

Date

**Patient Notification of Privacy Rights/
HIPAA PRACTICES FORM**

I. Preamble

Records are kept documenting your care as required by law, professional standards, and other review procedures. HIPAA clearly defines what kind of information is to be included in your “designated medical record” or “case record” as well as some material, known as “Psychotherapy Notes” which is not accessible to insurance companies and other third-party reviewers and in some cases, not to the patient himself/herself. HIPAA provides privacy protections about your personal health information, which is called “protected health information (PHI)” which could personally identify you. PHI consists of three (3) components: treatment, payment, and health care operations. Treatment refers to activities in which we provide, coordinate or manage your mental health care service or other services related to your health care. Examples include a counseling session or communication with your primary care physician about your medication or overall medical condition. Payment is when Clemson Creative Counseling obtains reimbursement for your mental health care or other services related to your health care. Health care operations are activities related to our performance such as quality assurance. The use of your protected health information refers to activities our agency conducts for scheduling appointments, keeping records, and other tasks related to your care. Disclosures refer to activities you authorize such as the sending of your protected health information to other parties (i.e., your insurance company).

II. Uses and Disclosures of Protected Health Information Requiring Authorization

If you request Clemson Counseling Center to send any of your protected health information of any sort to anyone outside its offices, you must first sign a specific authorization to release information to this outside party. A copy of that authorization form is available upon request. In recognition of the importance of the confidentiality of conversations between therapist and patients in treatment settings, HIPAA permits keeping “psychotherapy notes” separate from the overall “designated medical record”. “Psychotherapy notes” are the therapist’s notes “recorded in any medium by a mental health provider documenting and analyzing the contents of a conversation during a private, group, or joint family counseling session and that are separated from the rest of the individual’s medical record.” “Psychotherapy notes” are private and contain information about you and your treatment. “Psychotherapy notes” are not the same as “progress notes” which could include any of the following: medication

and monitoring, assessment/treatment start and stop times, the modalities of care, frequency of treatment furnished, and any summary of your diagnosis, functional status, treatment plan, symptoms, prognosis and progress to date.

III. Business Associates Disclosures

HIPAA requires that we train and monitor the conduct of those performing ancillary administrative services for our office and refers to these people as “Business Associates”. In our office, “business associates” include our secretaries who provide such services as typing and billing-all activities which bring them into some measure of contact with your protected health information. Our other “business associates” include student interns or certain volunteers who have signed a formal contract which very clearly spells out to them the importance of protecting your mental health information as an absolute condition for their placement at our agency. We train them in our privacy practices, monitor their compliance, and correct any errors, should they occur.

IV. Uses and Disclosures Not Requiring Consent or Authorization

By law, protected health information may be released without your consent or authorization under the following conditions:

- o Suspected or known child abuse or neglect
- o Suspected or known sexual abuse of a child
- o Adult and Domestic abuse
- o Judicial or administrative proceedings (i.e. you are ordered here by the court)
- o Serious threat to health or safety (i.e. “Duty to Warn” and Threat to National Security)

V. Patient’s Rights and Our Duties

You have a right to the following:

- o The right to request restrictions on certain uses and disclosures of your protected health information which we may or may not agree to but if we do, such restrictions shall apply unless our agreement is changed in writing.
- o The right to receive confidential communications by alternative means and at alternative locations. For example, you may not want forms mailed to your home address so we will send them to another location of your choosing.
- o The right to inspect and copy your protected health information in the designated record and any billing records for as long as protected health information is maintained in the record.

- o The right to insert an amendment in your protected health information, although the therapist may deny an improper request and/or respond to any amendment(s) you make to your record of care.
- o The right to an accounting of non-authorized disclosures of your protected health information.
- o The right to a paper copy of notices/information from Clemson Counseling Center, even if you have previously requested electronic transmission of notices/information.
- o The right to revoke your authorization of your protected health information except to the extent that action has already been taken. For more information on how to exercise each of these aforementioned rights, please do not hesitate to ask your therapist for further assistance on these matters. Clemson Counseling Center is required by law to maintain the privacy of your protected health information and to provide you with a notice of your Privacy Rights and our duties regarding your PHI. Clemson Counseling Center reserves the right to change its privacy policies and practices as needed with these current designated practices being applicable unless you receive a revision of these policies when you come for future appointment(s). Our duties in these matters include maintaining the privacy of your protected health information, to provide you with a notice of your rights and our privacy practices with respect to your PHI, and to abide by the terms of the notice unless it is changed and you are so notified.

VI. Complaints

The Managing Partner is the appointed “Privacy Officer” for our agency per HIPAA regulations. If you have any concerns of any sort that your privacy rights may have been somehow compromised, please do not hesitate to speak to the appointed privacy officer immediately about this matter. You may also send a written complaint to the Secretary of the U.S. Department of Health and Human Services.

VII. Effective Date

This notice shall go into effect January 15, 2020 and remain so unless new notice provisions effective for all protected health information are enacted accordingly.