Notice of Psychologists’ and Licensed Professional Counselors’ policies and practices to protect the privacy of your health information

This notice describes how psychological and mental health information maintained by the University Counseling Center (UCC) about you may be used and disclosed and how you can gain access to this information. Please review it carefully.

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

The University Counseling Center (UCC) may use or disclose your protected health information (PHI) for treatment, payment, and health care operations purposes with your consent. To help clarify these terms, here are some definitions:

• “PHI” refers to information in your counseling record that could identify you.

• “Treatment, Payment and Health Care Operations”
  – Treatment is when the UCC provides, coordinates or manages your health care and other services related to your health care. An example of treatment would be when your counselor consults with another health care provider, such as your family physician or another mental health service provider.
  – Payment is when the UCC obtains reimbursement for your healthcare. Examples of payment are when the UCC discloses your PHI to your health insurer to obtain reimbursement for your health care or to determine eligibility or coverage.
  – Health Care Operations are activities that relate to the performance and operation of the UCC. Examples of health care operations are 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 UCC [office, practice group, etc.] such as sharing, employing, applying, utilizing, examining, and analyzing information that identifies you.

• “Disclosure” applies to activities outside of the UCC [office, practice group, etc.], such as releasing, transferring, or providing access to information about you to other parties.

II. Uses and Disclosures Requiring Authorization

The UCC may use or disclose PHI for purposes outside of treatment, payment, and health care operations when your appropriate authorization is obtained. An authorization is written permission above and beyond the general consent that permits only specific disclosures.
In those instances when the UCC is asked for information for purposes outside of treatment, payment, and health care operations, the UCC will obtain an authorization from you before releasing this information. The UCC will also need to obtain an authorization before releasing your psychotherapy notes. “Psychotherapy notes” are notes that your counselor has made about conversations and/or activities during a private, group, joint, or family counseling session which are kept separate from the rest of your counseling record. These notes are given a greater degree of protection than PHI.

You may revoke all such authorizations (of PHI or psychotherapy notes) at any time, provided each revocation is in writing. You may not revoke an authorization to the extent that (1) The UCC has relied on that authorization; or (2) if the authorization was obtained as a condition of obtaining insurance coverage, and the law provides the insurer the right to contest the claim under the policy.

III. Uses and Disclosures with Neither Consent nor Authorization

The UCC may use or disclose PHI without your consent or authorization in the following circumstances:

- **Child Abuse:** If a child receives counseling services at the UCC appears to be the victim of physical or sexual abuse the UCC must report such to the nearest law enforcement agency.

- **Adult and Domestic Abuse:** If the UCC has reason to believe that a vulnerable adult (defined below) is suffering from abuse, neglect, or exploitation the UCC is required by law to make a report to either the Oklahoma Department of Human Services, the district attorney’s office, or the municipal police department as soon as UCC becomes aware of the situation.

  A “vulnerable adult” is an individual who is incapacitated or who, because of physical or mental disability, incapability, or other disability, is substantially impaired in the ability to provide adequately for the care or custody of him or herself, or is unable to manage his or her property and financial affairs effectively, or to meet essential requirements for mental or physical health or safety, or to protect him or herself from abuse, neglect, or exploitation without assistance from others.

- **Health Oversight:** If you file a disciplinary complaint against a UCC counselor with the Oklahoma State Board of Examiners of Psychologists (for psychologists) or the Oklahoma Department of Health (for licensed professional counselors), they would have the right to view your relevant confidential information as part of the proceedings.

- **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 I will not release the information without written authorization from you or your personal or 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. You will be informed in advance if this is the case.

• **Serious Threat to Health or Safety:** If you communicate to a UCC counselor an explicit threat to kill or inflict serious bodily injury upon a reasonably identifiable person and you have the apparent intent and ability to carry out that threat, the UCC has the legal duty to take reasonable precautions. These precautions may include disclosing relevant information from your mental health records that is essential to protect the rights and safety of others. The UCC also has such a duty if you have a history of physical violence of which the UCC is aware, and has reason to believe there is a clear and imminent danger that you will attempt to kill or inflict serious bodily injury upon a reasonably identifiable person.

• **Worker’s Compensation:** If you file a worker’s compensation claim, you will be giving permission for the Administrator of the Worker’s Compensation Court, the Oklahoma Insurance Commissioner, the Attorney General, a district attorney (or a designee for any of these) to examine your records relating to the claim.

### IV. Patient's Rights and Psychologist's Duties

**Patient’s Rights:**

• **Right to Request Restrictions** - You have the right to request restrictions on certain uses and disclosures of protected health information about you. However, the UCC is not required to agree to a restriction that 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 to know that you are seeing a counselor at the UCC. Upon your request, the UCC will send your bills to another address.)

• **Right to Inspect and Copy** - You have the right to inspect or obtain a copy (or both) of PHI in my mental health and billing records used to make decisions about you for as long as the PHI is maintained in the record. The UCC may deny your access to PHI under certain circumstances, but in some cases you may have this decision reviewed. On your request, the UCC will discuss with you the details of the request and denial process.

• **Right to Amend** - You have the right to request an amendment of PHI for as long as the PHI is maintained in the record. The UCC may deny your request. On your request, the UCC will discuss with you the details of the amendment process.

• **Right to an Accounting** - You generally have the right to receive an accounting of disclosures of PHI regarding you. On your request, the UCC will discuss with you the details of the accounting process.
Right to a Paper Copy - You have the right to obtain a paper copy of the notice from me upon request, even if you have agreed to receive the notice electronically.

The UCC Psychologist’s and Licensed Professional Counselor’s Duties:

- I am required by law to maintain the privacy of PHI and to provide you with a notice of my legal duties and privacy practices with respect to PHI.
- I reserve the right to change the privacy policies and practices described in this notice. Unless I notify you of such changes, however, I am required to abide by the terms currently in effect.
- If I revise my policies and procedures, I will notify you either in person or by mail.

V. Questions and Complaints

If you have questions about this notice, disagree with a decision the UCC has made about access to your records, or have other concerns about your privacy rights, you may contact Sheldon Adkins, M.Ed., LPC Director, University Counseling Services by phone at (405) 425-5250 or by email at sheldon.adkins@oc.edu.

If you believe that your privacy rights have been violated and wish to file a complaint with the UCC, you may send your written complaint to Sheldon Adkins, M.Ed., LPC., Director, University Counseling Services, Oklahoma Christian University, Box 11000, Oklahoma City, Ok 73136-1100 or by emailing sheldon.adkins@oc.edu.

You may also send a written complaint to the Secretary of the U.S. Department of Health and Human Services. The person listed above can provide you with the appropriate address upon request.

You have specific rights under the Privacy Rule. UCC will not retaliate against you for exercising your right to file a complaint.

VI. Effective Date, Restrictions and Changes to Privacy Policy

This notice will go into effect on April 14, 2003.

The UCC reserves the right to change the terms of this notice and to make the new notice provisions effective for all PHI that the UCC maintains. The UCC will provide you with a revised notice by mail or email.