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

This notice describes how medical information about you may be used and disclosed and how you get access to this information. Please review this carefully. This document may be updated without notice so please review it each time you visit. A copy of this statement is available upon request.

All information revealed by you in a counseling/therapy session and most information placed in your counseling/therapy file (all medical records or other individually identifiable health information held 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 consent or authorization.** The exceptions to this are defined below. Additional information regarding your rights as a client can be found in the Professional Disclosure Statement and Consent for Treatment forms.

### **USE OR DISCLOSURE OF THE FOLLOWING PROTECTED HEALTH INFORMATION DOES NOT REQUIRE YOUR CONSENT OR AUTHORIZATION:**

1. Uses and disclosures required by law – for example, files subpoenaed by a Judge
2. Uses and disclosures about victims of abuse, neglect or domestic violence – like the duties to warn explained in the Professional Disclosure 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 in cases of malpractice or breach of ethics
5. Uses and disclosures for law enforcement purposes – such as when you claim mental health issues as a defense in a civil or criminal case
6. Uses and disclosures for research purposes – using client information in research; always maintaining confidentiality
7. Uses and disclosures to avert serious threat to health or safety – for example, Probate Court for a commitment hearing
8. Uses and disclosures for Worker’s Compensation – basic information in your record as a result of your Worker’s Compensation claim.

## **CLIENT’S RIGHTS UNDER HIPAA**

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

#### **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.

As a client, you have the right to receive a copy of your counseling/therapy file. Psychotherapy notes are afforded special privacy protection under the HIPAA regulations and are excluded from this right. You will be required to pay copying fees of \$.45/page.

As a client, you have a right to request amendments to your counseling/therapy file.

As a client, you have a right to receive a history of all disclosures of protected health information. You will be required to pay copying fees of \$.45/page.

As a client, you have the right to restrict the 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 to disclose.

As a client, you have the right to register a complaint with the Secretary of Health and Human Services OR THE South Carolina Licensing and Regulations Board if you feel your rights, herein explained, have been violated. Telephone numbers are available upon request.

Prior to your counseling or therapy, you will receive 1) a duplicate of these two pages and 2) your therapist’s/counselor’s Professional Disclosure Statement and Consent for Treatment Form for your personal records. It will be necessary for you to sign a certificate indicating that you have received, read and understood these documents. This certificate will be placed in your counseling/therapy file. Please do not sign this certificate if you do not understand any part of your Client’s Rights under HIPAA or the Professional Disclosure Statement and Consent for Treatment. Your therapist will be happy to explain these documents.