

## NOTICE OF PRIVACY PRACTICES

***THIS NOTICE DESCRIBES HOW YOUR MENTAL HEALTH INFORMATION MAY BE USED AND DISCLOSED AND HOW YOU CAN OBTAIN ACCESS TO IT.  
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 of 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 CTS 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 (e.g. vocational counseling). These health care professionals could include other CTS Services clinicians, supervised practicum students, testing personnel, or with your consent, other health-care providers (e.g. physicians or psychologists/counselors) with whom referrals have been made, or other coordination of services that are needed to maintain a high standard 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 (e.g. subpoenas for records, mandated reporting of child abuse, etc.) These uses and disclosures are necessary to operate CTS and ensure that all clients receive quality care.

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

Except in the cases listed below, CTS 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 CTS has already take action in reliance thereon.

**The effective date of this notice: January 28, 2022**

#### **IV. Is Protected Health Information (PHI) ever released without the client's authorization?**

PHI may be released in order to contact the client (e.g. making or changing appointments for service) or it may be used to provide the client information about suggested treatment choices. It may also be released in the following circumstances:

- 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.
- Adult 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 a licensed counselor or other mental health professional determines 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 confidential mental health information to medical or law enforcement personnel. If further assessment is recommended, transportation to Denton County MHMR or a local behavioral hospital may be necessary. In order to facilitate this assessment, UNT police may be asked to provide this transportation. When the UNT police provide transportation, a CTS counselor may accompany you to the assessment location.
- 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, 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.
- Title IX Sexual Misconduct: Texas law requires all sexual assault/dating violence/sexual harassment/stalking incidents involving a current student or employee of the university be reported to the Title IX coordinator. All Counseling and Testing Center employees are required to only report the type of incident which occurred. Any additional identifying information is not required when reported in the confidential clinical setting.
- 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 CTS 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 your protected health information; however, CTS is not required to agree to your request.

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- 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. (e.g. 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. Although rare, 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 Bethany Evans, Psy.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 Bethany Evans, Psy.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 <https://studentaffairs.unt.edu/student-counseling>.

## **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:

Bethany Evans, Psy.D. Director of Clinical Services/Program for Counseling Diverse Students  
(940) 565-2741  
1155 Union Circle #310968 Denton, TX 76203-5017

We will be glad to discuss your concerns and try to seek a reasonable agreement.

The following criteria must be included in your correspondence:

- Any complaint must be in writing.
- Any complaint must name CTS and/or the counselor that is subject to the complaint.

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- 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 complaint will **not** be subject to any retaliation for filing the complaint.

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