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Short-Term Therapy...Long-Term Results

NOTICE OF PRIVACY PRACTICES

(EFFECTIVE 01 November 2004)

THIS NOTICE DESCRIBES HOW MEDICAL INFORMATION MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO IT. PLEASE REVIEW THIS DOCUMENT CAREFULLY.

WHAT DOES THIS NOTICE MEAN TO ME?

This privacy notice tells you about your rights related to your health care records. A new government law requires that this office provide you this notice. The law is known as the Health Insurance Portability and Accountability Act (HIPAA) of 1996, Public Law 104-191. HIPAA was designed to keep your confidential information secure and it gives patients more control over their health information:

- ✓ It sets boundaries on the use and release of health records;
- ✓ It establishes appropriate safeguards that health care providers and others must achieve to protect the privacy of health information;
- ✓ It holds violators accountable, with civil and criminal penalties that can be imposed if they violate patients' privacy rights;
- ✓ And it strikes a balance when public responsibility supports disclosure of some forms of data – for example, to protect public health;
- ✓ For patients – it means being able to make informed choices when seeking care and reimbursement for care based on how personal health information may be used;
- ✓ It enables patients to find out how their information may be used, and about certain disclosures of their information that have been made;
- ✓ It generally limits release of information to the minimum reasonably needed for the purpose of the disclosure;
- ✓ It generally gives patients the right to examine and obtain a copy of their own health records and request corrections;
- ✓ It empowers individuals to control certain uses and disclosures of their health information.

This Privacy Notice contains seven (7) parts:

- 1) Health Care Records,
- 2) Rights related to those records,
- 3) Access to your records & your written approval,
- 4) Access to your records with no written approval,
- 5) Mental health provider's duties to protect health care records,
- 6) Information about this notice, and

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7) Complaints about health care providers.

WHAT ARE HEALTH CARE RECORDS?

Health care records can be made up all or some of the following:

- Verbal or written communication between a client and a clinical provider
- Written records
- Computer files, including billing and other related information

Your written records or computer files can include:

- Records of your identity
- Information about your diagnosis & treatment
- Assessment instruments, such as paper-and-pencil tests
- Notes about your sessions with the professional, including treatment information
- Other communication with the professional, such as phone messages or emails
- Records from other professionals about your previous assessment, diagnosis, and treatment

Clinical records are usually kept in a folder with your name on it. This office may also store your records in a computerized format. Your records convey what treatments and tests you have had and state what decisions a clinical provider have made regarding your treatment.

HEALTH CARE RECORDS & YOUR RIGHTS

You have the right to access your treatment record(s):

- Parents may have access to the treatment record of their child (depending upon the age of the child and presenting problems)
- You may request copies of your records or a summary of your treatment record. (A fee to cover the costs of copying the record or preparing a report will be assessed). However, if a clinical provider determines that access would be harmful to your mental, emotional or psychological well-being, access to your treatment record may be denied. If your request is denied, you will be provided a written statement for the reasons.

You have the right to amend your treatment record:

- You can request corrections if you identify errors and mistakes in your records
- You cannot remove or alter the treatment record, only add information
- If you determine that any part of your treatment record is inaccurate, you may write a statement that describes and corrects the inaccuracy. Your statement will become a permanent part of the treatment record. The provider is not obligated to agree with your statement—only to include it in the record.

You have the right to request additional restrictions on your confidential information

- For example, you may restrict specific uses related to treatment, payment, and daily operations. However, your treatment provider is not obligated to agree to your restrictions.

You have the right to know to whom your confidential information has been disclosed:

- Reasonable care will be exercised to make sure your treatment records and personal information are kept confidential.

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For example, I restrict who has access to this office area—even after-hours. Office spaces are not easily visible from the waiting area and clients are asked to wait in the waiting room so that what is said in an office is not overheard.

- You have the right to know any other disclosures of your confidential information beyond those permitted for treatment, payment, and daily operations.

WHO HAS ACCESS TO CONFIDENTIAL INFORMATION WITHOUT WRITTEN APPROVAL?

Clinical providers are permitted to disclose protected health information without an individual's consent for:

- Treatment, which includes the provision, coordination, and management of health care services.
- Payment, which includes activities to determine coverage, provision of benefits, and obtain reimbursement or payment for services.
(For example, I may contact your health insurance to determine benefits, co-pays, and deductibles, and to obtain reimbursement for services I provide to you).
- Daily operations, which include quality assurance activities, provider performance evaluation, treatment audits, business planning, business management, and general administrative activities.
- Clinical providers are permitted by State law to disclose confidential information in certain situations without the patient's consent:
 - Whenever you have given specific permission to disclose confidential information;
 - Court proceedings affecting the parent-child relationships;
 - Criminal proceedings;
 - When a patient sues a professional or files a licensure complaint;
 - If the patient shows a probability of imminent harm.
- Likewise, clinical providers are permitted, by state law, to disclose confidential information without a client's consent if they have reason to suspect that there is:
 - Child abuse;
 - Abuse of the elderly or disabled person;
 - Abuse in a health care facility;
 - Sexual exploitation by a mental health provider; or
 - A court ordered by a court to provide a psychological, psychosocial evaluation, or forensic evaluation.

WHO CANNOT SEE CONFIDENTIAL RECORDS WITHOUT APPROVAL?

If state law does not require or permit a mental health professional to disclose confidential information, then the provider must have your permission to disclose your personal information.

- This office will ask your consent for disclosures to other persons or institutions, such as your primary care physician, other mental health professionals, family members, or a social support network.
- This office will ask your permission to provide appointment reminders or otherwise to contact you by phone at home, work, or mobile phone, and will ask permission to contact you by email.

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WHAT ARE THE MENTAL HEALTH PROVIDER'S DUTIES TO PROTECT HEALTH CARE RECORDS?

- A mental health provider is required by law to maintain the privacy of your confidential information and to provide you with a notice of privacy practices to maintain confidential information.
- A clinical provider is required by law to abide by the terms of this notice. The provider reserves the right to change the terms of this notice and make the new provisions effective for all confidential information that he or she maintains.
- Texas state law mandates that clinical records be kept for five (5) years.

WHAT IF I WANT FURTHER INFORMATION ABOUT THIS NOTICE?

If you want further information about this notice, please contact the U.S. Government by going to <http://www.hhs.gov/ocr/hipaa/> or by calling 1-866-627-7748 (the phone call is free) or you can contact Dr. David Franklin, 19206 Huebner Road; Suite 104; San Antonio, Texas 78258 (210) 490-2648.

WHAT DO I DO IF I HAVE COMPLAINTS ABOUT MY HEALTH CARE PROVIDER?

- If you believe your privacy rights have been violated, you may file a written complaint with Dr. David Franklin, 19206 Huebner Road; Suite 104; San Antonio, Texas 78258 (210) 490-2648 or you can contact the U.S. Government by going to <http://www.hhs.gov/ocr/hipaa/> or by calling 1-866-627-7748 (the phone call is free).
- You will not be retaliated against for making a complaint.
- If you believe a mental health provider has violated the licensure act, you may make a written complaint to the appropriate licensure board of your mental health provider:

Department of State Health Services
The Texas State Board of Social Worker Examiners (TSBSWE)
1100 West 49th Street
Austin, Texas 78756-3183
(800) 232-3162

**ACKNOWLEDGEMENT OF RECEIPT OF NOTICE OF
PRIVACY PRACTICES**

I, _____, have received a copy of this office's notice of Privacy Practices.

Please Print Name

Date

FOR OFFICE USE ONLY

Attempted to obtain written acknowledgement of Privacy Practices, but acknowledgement could not be obtained because: Refusal to sign Communication barrier prohibited acknowledgement An emergency situation prevented obtaining acknowledgement other _____