

NOTICE OF PRIVACY POLICIES (Limits of Confidentiality)

THIS NOTICE INVOLVES YOUR PRIVACY RIGHTS AND DESCRIBES HOW INFORMATION ABOUT YOU MAY BE DISCLOSED, AND HOW YOU CAN OBTAIN ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY.

I. Confidentiality

As a general principle, Vitality Clinical Services (VCS) will not disclose protected health information (PHI) about you (the Client), or the fact that you are a VCS client, without your written consent. The Electronic Health Record (EHR) describes the services provided to you and contain many types of information, including (but not limited to), the dates of our sessions, your diagnosis/diagnoses, functional status, symptoms, prognosis and progress, and any psychological testing reports. Health care providers are legally allowed to use or disclose records or information for treatment, payment, and health care operations purposes. For other situations, VCS will require your permission in advance. This could be through your consent at the onset of our relationship (by signing this document and the Psychologist-Client Service Agreement or VCS-Client Service Agreement), or through your written authorization at the time the need for disclosure arises. You may revoke your permission, in writing, at any time, by contacting VCS.

II. "Limits of Confidentiality"

Possible Uses and Disclosures of EHR without Consent or Authorization

There are some important exceptions to this rule of confidentiality which were created by law or by VCS. If you wish to receive mental health services from VCS, you must sign this form and the Psychologist-Client Service Agreement or VCS-Client Service Agreement indicating that you understand and accept the policies about confidentiality and its limits.

VCS may use or disclose records or other information about you without your consent or authorization in the following circumstances:

- a) Emergency: If you are involved in a life-threatening emergency, VCS may share information if staff believe you would have wanted it disclosed or if it will be helpful to you.
- b) Child Abuse Reporting: If VCS staff have reason to suspect that a child (17 years old or younger) is abused or neglected, staff are required by Texas law to immediately make a report and provide relevant information to the appropriate authorities (e.g., Texas Department of Family and Protective Services).
- c) Adult Abuse Reporting: If VCS staff have reason to suspect that an elderly adult (age 65 years or older) or an adult with disabilities is abused, neglected, or exploited, staff are

required by Texas law to immediately make a report and provide relevant information to the appropriate authorities.

- d) **Serious Threat to Health or Safety:** If you communicate a specific and immediate threat to cause serious bodily injury or death to an identified/identifiable person (such as yourself or someone else), and VCS staff believe you have the intent and ability to carry out that threat immediately or imminently, staff may contact third parties to ensure your safety and/or the safety of others. These precautions may include 1) warning the potential victim(s), or the parent or guardian of the potential victim(s) if under 18, 2) notifying a law enforcement officer, or 3) seeking your hospitalization. Staff may also disclose information about you when necessary to prevent an immediate, serious threat to your own health and safety. If you become a party in a civil commitment hearing, staff may be required to provide your records to the magistrate, your attorney or guardian ad litem, a community service board evaluator, or a law enforcement officer. This could occur regardless of if you are a minor or an adult.
- e) **Court Proceedings:** If you are involved in a court proceeding and a request is made for information about your diagnosis, treatment, and other EHR, such information is usually privileged under state law. VCS will not release information unless you provide written authorization, or a judge issues a court order. If staff receive a subpoena for records or testimony, staff will notify you so you can file a motion to quash (block) the subpoena if desired. However, while awaiting the judge's decision, staff may be required to place said records in a sealed envelope and provide them to the Clerk of Court. Protections of privilege may not apply if staff do an evaluation for a third party or where the evaluation is court-ordered.
- f) **Workers Compensation:** If you file a worker's compensation claim, staff may be required by law to submit your relevant mental health information to you, your employer, the insurer, or a certified rehabilitation provider.
- g) **Health Oversight:** As a healthcare professional, it is important to maintain the integrity of the healthcare profession. If you describe unethical or dangerous behavior a health care professional has engaged in, is currently engaged in, or will engage in, VCS staff may disclose this to the appropriate authorities to ensure the physical, mental, and/or spiritual health of others. Staff may also consult with colleagues to inform your treatment plan. Staff will not disclose your name or other identifiable information during consultation. Staff may also disclose PHI during audits and investigations.
- h) **Communication with You:** VCS staff may use and disclose your PHI when communicating with you regarding your services (e.g., scheduling, answering questions, sending you resources).
- i) **Billing/Insurance:** Insurance payers may request additional information from your EHR for billing or quality assurance purposes, including diagnoses, progress notes, treatment plans, and mental status exams. VCS may use 3rd parties to assist in billing for services, and the appropriate information will need to be provided to them.
- j) **Training/Consultation:** VCS takes pride in being a training facility. This allows clients to receive high-quality care at significantly reduced rates. In order to enhance the care you and other clients receive, a supervisor may observe one or more of your sessions with a trainee for training purposes. The supervisor and trainee may discuss your case on a

regular basis and consult with other professionals as needed. Whenever possible, your PHI will be protected in this process.

- k) **Assessment:** VCS staff may use and disclose your PHI to 3rd parties to assist in test administration and scoring (e.g., having a testing center email you a link to complete a psychological test)
- a) **Risky Behavior:** In addition to the “Serious Threat to Health or Safety” section above, VCS staff may disclose your PHI if you are engaging in behavior that significantly increases the risk of harm to other people (e.g., flying under the influence of a substance). VCS staff may also disclose your PHI if you are at significant risk of harming others (e.g., wanting to crash your plane even without disclosing specific plans). VCS staff may report this information to employers or third parties if warranted. See <https://www.law.cornell.edu/cfr/text/14/61.53> and <https://www.law.cornell.edu/cfr/text/14/91.13>
- b) **Other:** When disclosure is required by state or federal law, and the use or disclosure complies with and is limited to the relevant requirements of such law.

Other uses and disclosures of information not covered by this notice or by the laws that apply to VCS will be made only with your written permission.

III. Patient’s Rights and Provider’s Duties:

Right to Request Restrictions: You have the right to request restrictions on certain uses and disclosures of PHI about you. You also have the right to request a limit on the medical information disclosed about you to someone who is involved in your care or the payment for your care. If you ask VCS staff to disclose information to another party, you may request that staff limit the information disclosed. However, staff are not required to agree to a restriction you request. To request restrictions, you must make your request in writing and include: 1) what information you want to limit; 2) whether you want to limit use, disclosure, or both; and 3) to whom you want the limits to apply.

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. To request alternative communication, you must make your request in writing, specifying how or where you wish to be contacted. VCS will agree to all reasonable requests.

Right to an Accounting of Disclosures: 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 section II of this Notice). On your written request, VCS will discuss with you the details of the accounting process.

Right to Inspect and Copy: In most cases, you have the right to inspect and copy your medical and billing records. To do this, you must submit your request in writing. If you request a copy of

the information, staff may charge a fee for administrative costs proportionate to the time required to complete the task. Staff may deny your request to inspect and copy in some circumstances. Staff may refuse to provide you access to certain notes or to information compiled in reasonable anticipation of, or use in, a civil criminal, or administrative proceeding.

Right to Amend: If you feel that your PHI is incorrect or incomplete, you may ask VCS to amend the information. To request an amendment, your request must be made in writing. In addition, you must provide a reason that supports your request. Staff may deny your request if you ask to amend information that: 1) was not created by staff; staff will add your request to the information record; 2) is not part of the medical information kept by staff; 3) is not part of the information which you would be permitted to inspect and copy; 4) is accurate and complete according to staff recollections.

Right to a copy of this notice: You have the right to a copy of this notice. You may ask VCS to give you a copy of this notice at any time.

Changes to this notice: VCS reserves the right to change my policies and/or to change this notice and to make the changed notice effective for medical information VCS already has about you as well as any information received in the future. The notice will contain the effective date. A new copy will be given to you. You will have copies of the current notice available on request.

Complaints: If you believe your privacy rights have been violated, you may file a complaint. To do this, you can submit your request in writing to VCS. You may also send a written complaint to the U.S. Department of Health and Human Services.

This notice went into effect on 12/29/2024

Acknowledgement of Receipt of Privacy Notice

Under the Health Insurance Portability and Accountability Act of 1996 (HIPAA), you have certain rights regarding the use and disclosure of your protected health information. By checking the box below, you are acknowledging that you have received a copy of Notice of Privacy Policies.

BY CLICKING ON THE CHECKBOX BELOW you (the Client) ARE AGREEING THAT YOU HAVE READ, UNDERSTOOD AND AGREE TO THE ITEMS CONTAINED IN THIS DOCUMENT.