



**PATIENT CONSENT FOR USE AND/OR DISCLOSURE OF HIPAA DEFINED PROTECTED HEALTH INFORMATION TO CARRY OUT TREATMENT, PAYMENT AND HEALTHCARE OPERATIONS**

I, \_\_\_\_\_, hereby state that by signing this Consent, I acknowledge and agree as follows:

The Provider's Privacy Notice has been provided to me prior to my signing this Consent. The Privacy Notice includes a complete description of the uses and/or disclosures of my protected health information ("PHI") necessary for the Provider to provide treatment to me, and also necessary for the Provider to obtain payment for that treatment and to carry out its health care operations. The Provider explained to me that the Privacy Notice will be available to me in the future at my request. The Provider has further explained my right to obtain a copy of the Privacy Notice prior to signing this Consent, and has encouraged me to read the Privacy Notice carefully prior to my signing this Consent.

The Provider reserves the right to change its privacy practices that are described in its Privacy Notice, in accordance with applicable law.

I understand that, and consent to, the following appointment reminders that may be used by the Provider:

- Yes  No — a letter mailed to me at the address provided by me
- Yes  No — telephoning my home and leaving a message on my answering machine or with the individual answering the phone
- Yes  No — telephoning my office and leaving a message on my phone mail or with the individual answering the phone
- Yes  No — an email may be sent to an email address provided by me
- Yes  No — a text may be sent to a number provided by me

The Provider may use and/or disclose my PHI (which includes information about my health or condition and the treatment provided to me) in order for the Provider to treat me and obtain payment for that treatment, and as necessary for the Provider to conduct its specific health care operations.

I understand that I have a right to request that the Provider restrict how my PHI is used and/or disclosed to carry out treatment, payment and/or health care operations. However, the Provider is not required to agree to any restrictions that I have requested. If the Provider agrees to a requested restriction, then the restriction is binding on the Provider.

I understand that this Consent is valid for seven years and that I have the right to revoke this Consent, in writing, at any time for all *future* transactions, with the understanding that any such revocation shall not apply to the extent that the Provider has already taken action in reliance on this consent.

I understand that if I revoke this consent at any time, the Provider has the right to refuse to treat me.

I understand that if I do not sign this Consent evidencing my consent to the uses and disclosures described to me above and contained in the Privacy Notice, then the Provider will not treat me.

**I have read and understand the foregoing notice, and all of my questions have been answered to my full satisfaction in a way that I can understand.**

\_\_\_\_\_  
Name of Client (Printed)

\_\_\_\_\_  
Signature of Client/Parent/Guardian

Date Signed \_\_\_\_/\_\_\_\_/\_\_\_\_

Counselor: \_\_\_\_\_



## **HIPAA NOTICE OF PRIVACY PRACTICES**

Effective April 14, 2003

*THIS NOTICE DESCRIBES HOW MEDICAL INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THAT INFORMATION*

### **PLEASE REVIEW THIS NOTICE CAREFULLY**

This Provider is committed to maintaining the privacy of your protected health information ("PHI"), which includes information about your health condition and the care and treatment you receive from the Provider. The creation of a record detailing the care and services you receive helps this office to provide you with quality health care. This Notice details how your PHI may be used and disclosed to third parties. This Notice also details your rights regarding your PHI.

### **CONSENT**

The Provider may use and/or disclose your PHI provided that it first obtains a valid Consent signed by you. The Consent will allow the Provider to use and/or disclose your PHI for the purposes of:

(a) Treatment – In order to provide you with the health care you require, the Provider will provide your PHI to those health care professionals, whether on the Provider's staff or not, directly involved in your care so that they may understand your health condition and needs. For example, a physician treating you may need to know the condition for which you are being counseled by this office.

(b) Payment – In order to get paid for services provided to you, the Provider will provide your PHI, directly or through a billing service, to appropriate third party payors, pursuant to their billing and payment requirements. For example, the Provider may need to provide information to your insurance plan about treatment you are going to receive so that it can determine whether or not it will cover the treatment expense.

(c) Health Care Operations – In order for the Provider to operate in accordance with applicable law and insurance requirements and in order for the Provider to continue to provide quality and efficient care, it may be necessary for the Provider to compile, use and/or disclose your PHI. For example, the Provider may use your PHI in order to evaluate the performance of the Provider's personnel in providing care to you.

### **NO CONSENT REQUIRED**

The Provider may use and/or disclose your PHI, without a written Consent from you, in the following instances:



MELANIE CHUNG-SHERMAN, LCSW PLLC

Empathy. Encouragement. Empowerment.

- (a) De-identified Information – Information that does not identify you and, even without your name, cannot be used to identify you. (b) Business Associate – To a business associate if the Provider obtains satisfactory written assurance, in accordance with applicable law, that the business associate will appropriately safeguard your PHI. A business associate is an entity that assists the Provider in undertaking some essential function, such as a billing company that assists the office in submitting claims for payment to insurance companies or other payors
- (c) Personal Representative – To a person who, under applicable law, has the authority to represent you in making decisions related to your health care
- (d) Emergency Situations
- (i) for the purpose of obtaining or rendering emergency treatment to you provided that the Provider attempts to obtain your Consent as soon as possible; or
- (ii) to a public or private entity authorized by law or by its charter to assist in disaster relief efforts, for the purpose of coordinating your care with such entities in an emergency situation
- (e) Communication Barriers – If, due to substantial communication barriers or inability to communicate, the Provider has been unable to obtain your Consent and the Provider determines, in the exercise of its professional judgment, that your Consent to receive treatment is clearly inferred from the circumstances
- (f) Public Health Activities - Such activities include, for example, information collected by a public health authority, as authorized by law, to prevent or control disease
- (g) Abuse, Neglect or Domestic Violence - To a government authority if the Provider is required by law to make such disclosure. For example, the Provider is required by Section 681.43 of the Texas Administrative Code to report (1) abuse or neglect of minors, (2) abuse, neglect, or exploitation of elderly or disabled persons, (3) abuse, neglect, and illegal, unprofessional, or unethical conduct in an inpatient mental health facility, a chemical dependency treatment facility, or a hospital providing comprehensive medical rehabilitation services, and (4) sexual exploitation by a mental health services provider.
- (h) Health Oversight Activities - Such activities, which must be required by law, involve government agencies and may include, for example, criminal investigations, disciplinary actions, or general oversight activities relating to the community's health care system.
- (i) Judicial and Administrative Proceeding - If you are involved in a lawsuit or a dispute, the Provider may disclose medical information about you in response to a subpoena, a court order, or administrative order. For example, the Provider may be required to disclose your PHI in response to a court order or a lawfully issued subpoena
- (j) Law Enforcement Purposes - In certain instances, your PHI may have to be disclosed to a law enforcement official. For example, your PHI may be the subject of a grand jury subpoena, court order, warrant, summons or



similar process. The Provider may disclose your PHI if the Provider believes that a death was the result of criminal conduct. The Provider may disclose your PHI to law enforcement officials to identify or locate a suspect, fugitive, material witness, missing person, or to report a crime.

(k) Coroner or Medical Examiner - The Provider may disclose your PHI to a coroner or medical examiner for the purpose of identifying you or determining your cause of death.

(l) Organ, Eye or Tissue Donation - If you are an organ donor, the Provider may disclose your PHI to the entity to whom you have agreed to donate your organs

(m) Research - If the Provider is involved in research activities, your PHI may be used, but such use is subject to numerous governmental requirements intended to protect the privacy of your PHI.

(n) Avert a Threat to Health or Safety - The Provider may disclose your PHI if it believes that such disclosure is necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the public and the disclosure is to an individual who is reasonably able to prevent or lessen the threat

(o) Specialized Government Functions - This refers to disclosures of PHI that relate primarily to military and veteran activity.

(p) Workers' Compensation - If you are involved in a Workers' Compensation claim, the Provider may be required to disclose your PHI to an individual or entity that is part of the Workers' Compensation system.

(q) National Security and Intelligence Activities – The Provider may disclose your PHI in order to provide authorized governmental officials with necessary intelligence information for national security activities and purposes authorized by law.

(r) Military and Veterans – If you are a member of the armed forces, the Provider may disclose your PHI as required by the military command authorities

(s) Protective Services for the President and Others - The Provider may disclose medical information about you to authorized federal officials so they may provide protection to the President, other authorized persons, or foreign heads of state or conduct special investigations.

## **APPOINTMENT REMINDER**

The Provider may, from time to time, contact you to provide appointment reminders or information about treatment alternatives or other health-related benefits and services that may be of interest to you. The following appointment reminders may be used by the Provider: (a) a business card given to you at the end of each session; (b) telephoning your home and leaving a message on your answering machine or with the individual answering the phone; and/or (c) telephoning your office and leaving a message on your voice mail or with the individual answering the phone; (d) text messaging; (e) email/electronic reminders.



## **DIRECTORY/SIGN-IN LOG AND APPOINTMENT CALENDAR**

The Provider does not maintain a sign-in log for individuals seeking care and treatment in the Provider's office.

The Provider does maintain an appointment electronic HIPAA-protected calendar that can only be accessed by Ms. Chung-Sherman and/or authorized providers. This information may be seen by others who are seeking care or services in the Provider's office.

## **FAMILY/FRIENDS**

The Provider may disclose to your family member, other relative, a close personal friend, or any other person identified by you, your PHI directly relevant to such person's involvement with your care or the payment for your care. The Provider may also use or disclose your PHI to notify or assist in the notification (including identifying or locating) a family member, a personal representative, or another person responsible for your care, of your location, general condition or death. However, in both cases, the following conditions will apply:

(a) If you are present at or prior to the use or disclosure of your PHI, the Provider may use or disclose your PHI if you agree, or if the Provider can reasonably infer from the circumstances, based on the exercise of its professional judgment, that you do not object to the use or disclosure.

(b) If you are not present, the Provider will, in the exercise of professional judgment, determine whether the use or disclosure is in your best interests and, if so, disclose only the PHI that is directly relevant to the person's involvement with your care.

## **AUTHORIZATION**

Uses and/or disclosures, other than those described above, will be made only with your written Authorization.

## **YOUR RIGHTS**

You have the right to:

(a) Revoke any Authorization and/or Consent, in writing, at any time. To request a revocation, you must submit a written request to the Provider's Privacy Officer

(b) Request restrictions on certain use and/or disclosure of your PHI as provided by law. However, the Provider is not obligated to agree to any requested restrictions. To request restrictions, you must submit a written request to the Provider's Privacy Officer. In your written request, you must inform the Provider of what information you want to limit, whether you want to limit the



MELANIE CHUNG-SHERMAN, LCSW PLLC

Empathy. Encouragement. Empowerment.

Provider's use or disclosure, or both, and to whom you want the limits to apply. If the Provider agrees to your request, the Provider will comply with your request unless the information is needed in order to provide you with emergency treatment

(c) Receive confidential communications or PHI by alternative means or at alternative locations. You must make your request in writing to the Provider's Privacy Officer. The Provider will accommodate all reasonable requests

(d) Inspect and copy your PHI as provided by law. To inspect and copy your PHI, you must submit a written request to the Provider's Privacy Officer. The Provider can charge you a fee for the cost of copying, mailing or other supplies associated with your request. In certain situations that are defined by law, the Provider may deny your request, but you will have the right to have the denial reviewed as set forth more fully in the written denial notice

(e) Amend your PHI as provided by law. To request an amendment, you must submit a written request to the Provider's Privacy Officer. You must provide a reason that supports your request. The Provider may deny your request (1) if it is not in writing, (2) if you do not provide a reason in support of your request, (3) if the information to be amended was not created by the Provider (unless the individual or entity that created the information is no longer available), (4) if the information is not part of your PHI maintained by the Provider, (5) if the information is not part of the information you would be permitted to inspect and copy, and/or (6) if the information is accurate and complete. If you disagree with the Provider's denial, you will have the right to submit a written statement of disagreement (f) Receive an accounting of disclosures of your PHI as provided by law. To request an accounting, you must submit a written request to the Provider's Privacy Officer. The request must state a time period which may not be longer than six (6) years and may not include dates before April 14, 2003. The request should indicate in what form you want the list (such as a paper or electronic copy). The first list you request within a twelve (12) month period will be free, but the Provider may charge you for the cost of providing additional lists. The Provider will notify you of the costs involved and you can decide to withdraw or modify your request before any costs are incurred

(g) Receive a paper copy of this Privacy Notice from the Provider upon request to the Provider's Privacy Officer

(h) Complain to the Provider or to the Secretary of HHS if you believe your privacy rights have been violated. To file a complaint with the Provider, you must contact the Provider's Privacy Officer. All complaints must be in writing

(i) To obtain more information on, or have your questions about your rights answered, you may contact Melanie Chung-Sherman, 1514 N. Greenville Avenue, Ste. 310, Allen, Texas, 75002.





## **PROVIDER'S REQUIREMENTS**

The Provider

- (a) Is required by federal law to maintain the privacy of your PHI and to provide you with this Privacy Notice detailing the Provider's legal duties and privacy practices with respect to your PHI.
- (b) Is required by State law to maintain a higher level of confidentiality with respect to certain portions of your mental health records than is provided for under federal law. In particular, the Provider is required to comply with the Texas Health and Safety Code, Chapter 611, concerning confidentiality and access to records.
- (c) Is required to abide by the terms of this Privacy Notice
- (d) Reserves the right to change the terms of this Privacy Notice and to make the new Privacy Notice provisions effective for all of your PHI that it maintains
- (e) Will distribute any revised Privacy Notice to you prior to implementation.
- (f) Will not retaliate against you for filing a complaint

## **EFFECTIVE DATE**

This Notice is in effect as of April 14, 2003 and updated as of 3/20/17.