

## DAKOTA HOPE COUNSELING: NOTICE OF PRIVACY PRACTICES

This notice describes how psychological and medical information about you may be used and disclosed and how you can get access to this information. Please review it carefully.

**Uses and Disclosures Requiring Authorization:** We may use or disclose PHI (Protected Health Information) for purposes outside of treatment, payment and health care operations when your appropriate authorization is obtained. An “authorization” is written permission about and beyond the general consent that permits only specific disclosures. In those instances, when we are asked for information for purposes outside of treatment, payment and health care operations, we will obtain an authorization from you before releasing this information. We will also need to obtain authorizations before releasing your psychotherapy notes. “Psychotherapy notes” are notes that your therapist has made about conversations with you during a private, group, joint, or family counseling session, which are kept separate from the rest of your medical record. These notes are given a greater degree of protection than PHI.

**Uses and Disclosures with Neither Consent Nor Authorization:** We may use or disclose PHI without your consent or authorization in the following circumstances

- **Child, Elder or Vulnerable Adult Abuse:** If your therapist has reasonable cause to suspect that a child under the age of 18 or a vulnerable adult or adult 65+ years of age has been abused or neglected, your therapist is required by law to report that information to the State’s attorney, the Department of Social Services, or law enforcement personnel.
- **Health Oversight:** If the South Dakota Board of Examiners for Counselors and Marriage & Family Therapists or other oversight committee is conducting an investigation, then we are required to disclose your mental health records upon receipt of a subpoena from the Board or committee.
- **Judicial or Administrative Proceedings:** If you are involved in a court proceeding and request is made for information about your diagnosis and treatment and the records thereof, such information is privileged under state law, and we may not release information without your written authorization or court order. 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.
- **Serious Threat to Health or Safety:** When your therapist judges the a disclosure of confidential information is necessary to protect against a clear and substantial risk of imminent harm being inflicted by you on yourself or another person, your therapist may disclose such information to those persons who would address such a problem (for example the police or a potential victim).
- **Worker’s Compensation:** If you file for a worker’s compensation claim, we are required by law to provide your mental health information relevant to the particular injury, upon demand, to you, your employer, the insurer, and the department of Labor.
- **Questions and Complaints:** If you have questions about this notice, disagree with a decision we have made about access to your records, or have other concerns about your privacy rights, you may contact me with questions. You may also send a written complaint to the Secretary of the U.S. Department of Health and Human Services. You have specific rights under the Privacy Rule. Under no circumstances will you be penalized or retaliated against for filing a complaint.

**Effective Date, Restrictions, and Changes to Privacy Policy:** Dakota Hope Counseling reserves the right to change the terms of this notice and to make the new notice provisions effective for all PHI that we maintain. We will post the latest revision of this notice in the office and provide a copy if requested.