

ROBYN WENDELL, LCSW

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Notice of Privacy Practices

This notice tells you how Robyn Wendell, LCSW uses your health information, how it would be disclosed to others, and how you can gain access to it. The practices outlined below are in compliance with Texas laws and federal regulations under the Health Insurance Portability and Accountability Act (HIPAA). Please review this notice carefully. Your privacy is important to me.

Your medical record may contain personal information about your health. This information may identify you and relate to your past, present or future physical or mental health condition and related health care services and is called Protected Health Information (PHI). This Notice of Privacy Practices describes how I may use and disclose your PHI in accordance with applicable law. It also describes your rights regarding how you may gain access to and control your PHI. I am required by law to maintain the privacy of PHI and to provide you with notice of my legal duties and privacy practices with respect to PHI. I am required to abide by the terms of this Notice of Privacy Practices. I reserve the right to change the terms of my Notice of Privacy Practices at any time. Any new Notice of Privacy Practices will be effective for all PHI that I maintain at that time. I will provide you with a copy of the revised Notice of Privacy Practices by posting a copy on my website, sending a copy to you in the mail upon request, or providing one to you at your next appointment.

How I may use and disclose health care information about you:

For Care or Treatment: Your PHI may be used and disclosed to those who are involved in your care for the purpose of providing, coordinating, or managing your services. This includes consultation with clinical supervisors or other team members. Your authorization is required to disclose PHI to any other care provider not currently involved in your care.

Example: *If another physician referred you to me, I may contact that physician to discuss your care. Likewise, if I refer you to another physician, I may contact that physician to discuss your care or they may contact me.*

For Payment: Your PHI may be used and disclosed to any parties that are involved in payment for care or treatment. If you pay for your care or treatment completely out of pocket with no use of any insurance, you may restrict the disclosure of your PHI for payment. In some cases, however, someone else may be paying for treatment (e.g. a parent, a foundation) and I may release some of your PHI in order to obtain payment. **Example:** *Your payer may require copies of your PHI during the course of a medical record request, chart audit or review.*

For Business Operations: I may use or disclose, as needed, your PHI in order to support my business activities including, but not limited to, quality assessment activities, employee review activities, licensing, and conducting or arranging for other business activities. I may also disclose PHI in the course of providing you with appointment reminders or leaving

messages on your phone or at your home about questions you asked. **Example:** *I may share your PHI with third parties that perform various business activities (e.g., Accountants, the Texas State Board of Social Worker Examiners or other regulatory or licensing bodies) provided I have a written contract with the business that requires it to safeguard the privacy of your PHI.*

Required by Law: Under the law, I must make disclosures of your PHI available to you upon your request. In addition, I must make disclosures to the Secretary of the Department of Health and Human Services for the purpose of investigating or determining my compliance with the requirements of the Privacy Rule, if so required.

Without Authorization: Applicable law and ethical standards permit me to disclose information about you without your authorization only in a limited number of other situations. Examples of some of the types of uses and disclosures that may be made without your authorization are those that are:

- Required by Law, such as the mandatory reporting of child abuse or neglect or mandatory government agency audits or investigations (such as the health department). Specifically:
 - **Child Abuse:** If I have cause to believe that a child has been, or may be, abused, neglected, or sexually abused, I must make a report of this belief within 48 hours to the Texas Department of Family and Protective Services, the Texas Youth Commission, or any local or state law enforcement agency.
 - **Adult and Domestic Abuse:** If I have cause to believe that an elderly or disabled person is in a state of abuse, neglect, or exploitation, I must immediately report this belief to the Texas Department of Family and Protective Services.
- **Health Oversight:** If a complaint is filed against me with the Texas State Board of Social Worker Examiners, they have the authority to subpoena confidential mental health information from me relevant to that complaint.
- **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. I will not release such information unless I have either written authorization from you or your personal or legally appointed representative or else a 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:** If I determine 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, I may disclose relevant confidential mental health information to medical or law enforcement personnel.
- **Worker's Compensation:** If you file a worker's compensation claim, I may disclose records relating to your diagnosis and treatment to your employer's insurance carrier.

Verbal Permission: I may use or disclose your information to family members that are directly involved in your receipt of services with your verbal permission.

With Authorization: With certain exceptions (discussed below) Robyn Wendell, LCSW may not use or disclose PHI for purposes outside of treatment, payment, and health care operations unless your appropriate authorization has been obtained. An "*authorization*" is written permission permitting specific disclosures above and beyond those permitted by the general consent. In those instances when I am asked for information for purposes outside of treatment, payment and health care operations, I will obtain an authorization from you before releasing this information. I will also need to obtain an authorization before releasing your psychotherapy notes. "*Psychotherapy notes*" are notes I have made about our conversation during a private, group, joint, or family counseling session, which I have kept separate from the rest of your individual record. Under Federal law, these notes are given a greater degree of protection than PHI.

You may revoke all such authorizations (regarding PHI or psychotherapy notes) at any time, provided each revocation is in writing. You may not revoke an authorization to the extent that (1) Robyn Wendell, LCSW may have relied on that authorization; or (2) if the authorization was obtained as a condition of obtaining insurance coverage, and the law provides the insurer the right to contest the claim under the policy.

Your rights regarding your PHI

You have the following rights regarding PHI I maintain about you. To exercise any of these rights, please submit your request in writing to me:

- **Right of Access to Inspect and Copy.** You have the right, which may be restricted only in exceptional circumstances or with documents released to me, to inspect and copy PHI that may be used to make decisions about service provided.
- **Right to Amend.** If you feel that the PHI I have about you is incorrect or incomplete, you may ask me to amend the information although I am not required to agree to the amendment.
- **Right to an Accounting of Disclosures.** You have the right to request an accounting of the disclosures that I make of your PHI. I may charge you a reasonable fee if you request more than one accounting in any 12-month period.
- **Right to Request Restrictions.** You have the right to request a restriction or limitation on the use or disclosure of your PHI for services, payment, or business operations. I am not required to agree to your request.
- **Right to Request Confidential Communication.** You have the right to request that I communicate with you about PHI matters in a specific manner (e.g. telephone, email, postal mail, etc.)
- **Right to a Copy of this Notice.** You have the right to a copy of this notice.

Website Privacy

Any personal information you provide me with via my website, including your e-mail address, will never be sold or rented to any third party without your express permission. If you provide me with any personal or contact information in order to receive anything from me, I may collect and store that personal data. I do not automatically collect your personal e-mail address simply because you visit my site. In some instances, I may partner with a third party to provide services such as newsletters, and in such case, I may need to provide your contact information to said third parties. This information, however, will only be provided to these third- party partners specifically for these communications, and the third party will not use your information for any other reason. While I may track the volume of visitors on specific pages of my website and download information from specific pages, these numbers are only used in aggregate and without any personal information. This demographic information may be shared with my partners, but it is not linked to any personal information that can identify you or any visitor to our site.

My site may contain links to other outside websites. I cannot take responsibility for the privacy policies or practices of these sites and I encourage you to check the privacy practices of all Internet sites you visit. While I make every effort to ensure that all the information provided on my website is correct and accurate, I make no warranty, express or implied, as to the accuracy, completeness or timeliness, of the information available on my site. I am not liable to anyone for any loss, claim or damages caused in whole or in part, by any of the information provided on my site. By using my website, you consent to the collection and use of personal information as detailed herein. Any changes to this Privacy Policy will be made public on this site so you will know what information I collect and how I use it.

Breaches:

You will be notified immediately if I receive information that there has been a breach involving your PHI.

Complaints:

If you believe I have violated your privacy rights, you have the right to file a complaint in writing with me. Robyn Wendell, LCSW. If you have questions and would like additional information, you may contact me at (512) 910-5279.

This notice goes into effect September 1, 2016.