

Janet Dougherty, PhD, LPC-S
907 West Main Street
Lewisville, Tx 75067
214/538-4532

HIPAA

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

What is medical information?

When you become a client of Janet Dougherty like other “healthcare providers,” I create a file about you and the services you receive. During your initial intake, I begin collecting information about you and your physical and mental health (and/or your child if your child is a client of Janet Dougherty). Every time I interact with you or take some other action related to your case, I add more information to that file. In the law, all of that information is called **Protected Health Information**, or **PHI**. We are required to keep that information for seven years for adult clients and for seven years beyond the age of 18 for minor clients.

Notice Regarding Non-PHI Services

Janet Dougherty provides some services which do not result in the creation of PHI. Education services are services during which no counseling takes place, and no record is made of the client’s response to the material presented or their participation level, for example, a workshop about parenting. On the other hand, we also run parenting groups that do create PHI, because they have a group counseling component (ex. CPR-T or Filial Therapy), or are associated with the client’s counseling. In that case, records are kept of client response, participation level or progress.

Privacy and the Law

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) requires us to keep your PHI private, and to give you this notice of our legal duties and our privacy practices, which is called Notice of Privacy Practices or NPP. We are required to abide by our current NPP. Those duties and practices may change. If they do, the new NPP will apply to the entire PHI we keep. If we change the NPP, we will post the new notice in our office where everyone can see. You or anyone else can also get a copy from Janet Dougherty, MS, LPC-S, at any time.

Use and Disclosure

When your information is read by your therapist the law calls that “use.” If the information is shared with or sent to others outside this office, the law calls that “disclosure.” I use and disclose information for several reasons. Mainly, I will use and disclose it for the routine purposes of treatment, payment and health care (TPO), which are explained below. Some other uses and disclosures require me to tell you about them and to have a written authorization. There are also uses and disclosures that are permitted or even required without your authorization.

Uses and Disclosures of PHI with your consent

In addition to this Notice, you will be asked to sign a separate Consent Form to allow me to use and share your PHI. In almost all cases I intend to use your PHI here or share your PHI with other people or organizations to provide treatment to you, arrange for payment for my services, or some other business functions called health care operations. Together, these routine purposes are called TPO, and the Consent Form allows us to use and disclose your PHI for TPO. Reread that last sentence until it is clear, because it is very important.

You have to agree to allow me collect the information, and to use it and share it as necessary to care for you properly. Therefore you must sign the Consent Form before I begin to treat you because if you do not agree and consent, I cannot treat you. Following are specific examples of TPO uses and disclosures.

For Treatment

Your therapist will use your PHI to plan for your treatment services. He/she may share this information with other professional counselors to coordinate additional services, such as groups, or evaluate services. Janet Dougherty MS, LPC,-S routinely discusses cases in professional supervision to decide if the best services are being provided for each client. In these supervision sessions every effort is made to protect the specific identity of the client whose case is being reviewed. In some cases you may be asked for permission to video tape a session to be used in supervision or for training purposes. Signing the permission to video tape is completely optional.

For Payment

I may use your PHI to bill you, or another third party such as your insurance company to be paid for the treatment I provide you. I may also contact that third party to verify your coverage and to find out exactly which services are covered. I may have to tell them about your diagnoses, what services you have received, your progress, and other similar things that are part of your PHI.

There are some other ways I may use or disclose your PHI which are called health care operations. For example, I may use your PHI to see where I can make improvements in the care and services we provide. We also are subject to performance audits by various organizations that need to see PHI to confirm that services are being delivered according to contract or other rules.

Other Uses and Disclosures

Appointment Reminders. Although I do not routinely send appointment reminders, I may need to use your PHI to contact you for scheduling purposes.

Use and Disclosures Requiring Your Authorization

If I want to use your PHI for any purpose besides the TPO or those described above I need your permission on an Authorization Form (ex. videotaping for supervision; consultation with other professionals or organizations such as schools). If you do authorize us to use or disclose your PHI, you can revoke (cancel) that permission, in writing, at any time. After that time I will not use or disclose your PHI for the purposes that required authorization. Of course, I cannot take back any information I had already disclosed with your permission or that I had used in my office.

Use and Disclosure of PHI Not Requiring Consent or Authorization

The laws let us and sometimes require us, to disclose some of your PHI without your consent or authorization in some cases. For example:

-We have to report suspected child or elder abuse and/or neglect.

-If you are involved in a lawsuit or legal proceeding and I receive a subpoena, or other lawful process, I may have to release some of your PHI. If the service you received was ordered by the court I will release all requested information. Otherwise, I will do so only after trying to tell you about the request, consulting my attorney, or trying to get a court order to protect the information they requested.

-Licensed Professional Counselors are required to "...take reasonable action to inform medical or law enforcement personnel if the professional determines that there is a probability of imminent physical injury by the client; to the client, or others, or there is a probability of immediate mental or emotional injury to the client."

-Other possible required disclosures include, but are not limited to: abuse of patients in mental health facilities; sexual exploitation by a mental health professional; possible transmission of AIDS/HIV; criminal prosecutions; suits in which the mental health of a party is an issue; fee disputes between the therapist and client; a negligence suit brought by the client against the therapist; the filing of a complaint with the licensing board; or the disclosure of some information to the government agencies which check on us to see that we are obeying the privacy laws. If you are participating in a group, each group member is instructed to keep group information confidential, but the members, and not the therapist, have ultimate control over the quality of that confidentiality. This is not a complete list, but only examples of the many laws that require or permit release of your PHI. We are committed to protecting your privacy, but will always abide by the law.

Your Rights Regarding Your PHI

Although your health record is the physical property of Janet Dougherty, the information belongs to you. You have the following rights regarding your health information. You may exercise these rights through written requests:

- Right to request restrictions on certain uses and disclosures, but we are not required to agree to your requests
- Right to confidential communications. If you want us to call or write you only at your home or work, or prefer some other way to reach you, we usually can arrange that.
- Right to inspect and copy. You have a right to inspect, read, or review your medical record. If you would like a copy, we can make one for you, but may charge you for the costs of copying. In some very unusual circumstances, you cannot see all of what is in your records.
- Right to amend. If you find anything in your records that you think is incorrect or something important is missing, you can ask us to amend (add information to) your record, although in some rare instances, we don't have to agree to do that.
- Right to an Accounting of Disclosures. When we disclose your PHI for other than TPO purposes, we record that. You may request a list of those disclosures.
- Right to a Copy of this Notice. You will receive a copy of our current NPP in your first meeting, but you or anyone else can also request a copy at any time.

If you have a question or a problem

If you need more information or have questions about the privacy practices described, please ask. If you have a problem with how your PHI has been handled or if you believe your privacy rights have been violated, please contact your therapist. You have the right to file a complaint with us and with the Secretary of the Federal Department of Health and Human Services. We promise that we will not retaliate against you if you complain.

Your signature indicates you have read and understand this notice and have received a copy.

Client/Guardian Signature

Date