

In Luck Counseling, LLC

NOTICE OF PRIVACY PRACTICES

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

“Notice of Privacy Practices”

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 rule, your therapist will disclose no information about you, or the fact that you are their patient, without your written consent. Your formal Mental Health Record describes the services provided to you and contains the dates of your sessions, your diagnosis, 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. However, your therapist does not routinely disclose information in such circumstances, so they will require your permission in advance, either through your consent at the onset of our relationship (by signing the attached general consent form), 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 your therapist.

II. “Limits of Confidentiality”

Possible Uses and Disclosures of Mental Health Records without Consent or Authorization

There are some important exceptions to this rule of confidentiality – some exceptions created voluntarily by my own choice, and some required by law. If you wish to receive mental health services from me, you must sign the attached form indicating that you understand and accept my policies about confidentiality and its limits. We will discuss these issues now, but you may reopen the conversation at any time during our work together.

Your therapist may use or disclose records or other information about you without your consent or authorization in the following circumstances, either by policy, or because legally required:

- Emergency: If you are involved in a life-threatening emergency and your therapist cannot ask your permission, your therapist will share information if they believe you would have wanted them to do so, or if they believe it will be helpful to you.

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- Child Abuse Reporting: If your therapist has reason to suspect that a child is abused or neglected, they are required by Virginia law to report the matter immediately to the Virginia Department of Social Services.
- Adult Abuse Reporting: If your therapist has reason to suspect that an elderly or incapacitated adult is abused, neglected or exploited, they are required by Virginia law to immediately make a report and provide relevant information to the Virginia Department of Welfare or Social Services.
- Health Oversight: Virginia law requires that licensed psychologists [social workers; counselors] report misconduct by a health care provider of their own profession. By policy, your therapist also reserves the right to report misconduct by health care providers of other professions. By law, if you describe unprofessional conduct by another mental health provider of any profession, your therapist is required to explain to you how to make such a report. If you are yourself a health care provider, your therapist is required by law to report to your licensing board that you are in treatment with if they believe your condition places the public at risk. Virginia Licensing Boards have the power, when necessary, to subpoena relevant records in investigating a complaint of provider incompetence or misconduct.
- Court 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, and your therapist will not release information unless you provide written authorization, or a judge issues a court order. If your therapist receives a subpoena for records or testimony, they will notify you so you can file a motion to quash (block) the subpoena. However, while awaiting the judge's decision, they are required to place said records in a sealed envelope and provide them to the Clerk of Court. In Virginia civil court cases, therapy information is not protected by patient-therapist privilege in child abuse cases, in cases in which your mental health is an issue, or in any case in which the judge deems the information to be "necessary for the proper administration of justice." In criminal cases, Virginia has no statute granting therapist-patient privilege, although records can sometimes be protected on another basis. Protections of privilege may not apply if your therapist does an evaluation 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: Under Virginia law, if your therapist is engaged in their professional duties and you communicate to them a specific and immediate threat to cause serious bodily injury or death, to an identified or to an identifiable person, and they believe you have the intent and ability to carry out that threat immediately or imminently, your therapist is legally required to take steps to protect third parties. 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. By their own policy, they may also use and disclose medical information about you when

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necessary to prevent an immediate, serious threat to your own health and safety. If you become a party in a civil commitment hearing, they can be required to provide your records to the magistrate, your attorney or guardian ad litem, a CSB evaluator, or a law enforcement officer, whether you are a minor or an adult.

- Workers Compensation: If you file a worker's compensation claim, your therapist is required by law, upon request, to submit your relevant mental health information to you, your employer, the insurer, or a certified rehabilitation provider.

- Records of Minors: Virginia has a number of laws that limit the confidentiality of the records of minors. For example, parents, regardless of custody, may not be denied access to their child's records; and CSB evaluators in civil commitment cases have legal access to therapy records without notification or consent of parents or child. Other circumstances may also apply, and we will discuss these in detail if your therapist provides services to minors.

Other uses and disclosures of information not covered by this notice or by the laws that apply to me 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 protected health information about you. You also have the right to request a limit on the medical information your therapist discloses about you to someone who is involved in your care or the payment for your care. If you ask your therapist to disclose information to another party, you may request that they limit the information they disclose. However, your therapist is not required to agree to a restriction you request. To request restrictions, you must make your request in writing, and tell them: 1) what information you want to limit; 2) whether you want to limit my 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. (For example, you may not want a family member to know that you are seeing me. Upon your request, your therapist will send your bills to another address. You may also request that your therapist contact you only at work, or that your therapist not leave voice mail messages.) To request alternative communication, you must make your request in writing, specifying how or where you wish to be contacted.

- 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 III of this Notice). On your written request, your therapist 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

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writing. If you request a copy of the information, your therapist may charge a fee for costs of copying and mailing. Your therapist may deny your request to inspect and copy in some circumstances. Your therapist may refuse to provide you access to certain psychotherapy 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 the protected health information your therapist has about you is incorrect or incomplete, you may ask them to amend the information. To request an amendment, your request must be made in writing, and submitted dot me. In addition, you must provide a reason that supports your request. Your therapist may deny your request if you ask them to amend information that: 1) was not created by them; your therapist will add your request to the information record; 2) is not part of the medical information kept by them; 3) is not part of the information which you would be permitted to inspect and copy; 4) is accurate and complete.

- Right to a copy of this notice – You have the right to a paper copy of this notice. You may ask me to give you a copy of this notice at any time. Changes to this notice: your therapist reserves the right to change their policies and/or to change this notice, and to make the changed notice effective for medical information they already have about you as well as any information they receive in the future. The notice will contain the effective date. A new copy will be given to you or posted in the waiting room. Your therapist 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 must submit your request in writing to your therapist's office. You may also send a written complaint to the U.S. Department of Health and Human Services.

EFFECTIVE DATE: 02/15/2021