

# *Sunlight Counseling LLC*

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## **Notice of Privacy Practices**

The Health Insurance Portability and Accountability Act (HIPAA) of 1996 was enacted by congress to help protect health coverage for workers and their families. It also addresses electronic transaction standards and the need to ensure the security and privacy of health data. We are required by law to maintain the privacy of protected health information, and must inform you of my privacy practices and legal duties. The security and privacy of your protected health information (PHI) is the subject of this Notice of Privacy Practices, hereinafter called Privacy Notice.

### **1. Use and Disclosure of Your Protected Health Information (PHI) for treatment, Payment, and Health Care Operations.**

Definitions:

**You (Your)**—Throughout this notice, these terms may refer to the individual who is the client or the client's parent, legal guardian or adult who has been legally determined to be responsible for the client.

**We (Our)**—Throughout this document, these terms refer to any individual named in the Articles of Organization for Sunlight Counseling LLC filed with the Secretary of State for Missouri, and listed in the Operating Agreement of Sunlight Counseling LLC and/or who is employed or contracted at any later date to perform duties on behalf of Sunlight Counseling LLC as described in this document.

**PHI**—Throughout this document, this term refers to information (Protected Health Information) in a client's health record that could identify that client or is attached to information that could identify that client.

**Use**—This term refers to all activities in which we engage to provide you with counseling services and to receive payment for such services.

**Disclosure**—Disclosure of information refers to activities involving the release of clients’ PHI outside of our practice such as releasing, transferring, or providing access to information about you to other parties.

## **2. Use and Disclosure Requiring Your Authorization**

Except as described in this Privacy Notice, we may not make any use or disclosure of information from your record for purposes outside of treatment and payment unless you give your written authorization.

In providing for your treatment, we may **use** or **disclose** information in your record to help you obtain health care services from another provider, or to assist us in providing for your care. For example, we might consult with another health care provider, such as your pediatrician or other physician, therapist, or another psychologist.

In order to obtain payment for services, we may **use** or **disclose** information from your record. For example, we may submit the appropriate diagnosis to your health insurer to help you obtain reimbursement for your care or for us to receive reimbursement from your insurance provider for services rendered to you.

In particular, we will need to secure a separate authorization before releasing psychotherapy notes or reports except as in cases outlined below in “Use and Disclosure without your consent or authorization.” You may revoke an authorization in writing at any time, but this will not affect any use or disclosure made by us before the revocation. In addition, if the authorization was obtained as a condition of obtaining insurance coverage, the insurer may have the right to contest the policy or a claim under the policy even if you revoke the authorization.

BY SIGNING THE ASSOCIATED “PROFESSIONAL DISCLOSURE AND TREATMENT CONTRACT” YOU ARE AGREEING TO SUCH USES AND DISCLOSURES AS OUTLINED ABOVE.

## **3. Use and Disclosure Without Your Consent or Authorization**

There are certain circumstances, listed below, in which we are allowed, or in some cases required by law, to use or disclose information from your record without your permission.

- **Child abuse**—If we know, or have reasonable cause to suspect, that a child is or has been abused, abandoned, or neglected by a parent, legal custodian, legal guardian, caregiver or other person responsible for the child’s welfare, the law requires that we report such knowledge or suspicion to the Missouri Department of Social Services or other appropriate government agency. If we know, or have reasonable cause to suspect, that a child has been abused by a non-caretaker, the law also requires that we report to the Missouri Family Services, which may be required to submit the report to other governmental agencies.

- **Adult and Domestic Abuse**—If we know, or have reasonable cause to suspect, that a vulnerable adult (disabled or elderly) has been or is being abused, neglected, or exploited, we are required by law to report such knowledge or suspicion to the Abuse Hotline or other appropriate governmental agencies.
- **Health Oversight**—If a complaint is filed against the therapist with the Missouri Department of Health on behalf of the Board under which the therapist is licensed, the Department has the authority to subpoena confidential mental health information relevant to that complaint.
- **Judicial or Administrative Proceedings**—PHI is privileged by state law. If you are involved in a court proceeding and a request is made for your records we will not release information without the written authorization of you or your legal representative, or a subpoena of which you have been properly notified and you have failed to inform us that you are opposing the subpoena, or a court order. If it is a child then we have the right to ask for a judge's signed order to release those records. The privilege does not apply if you are being evaluated for a third party, or if the evaluation is court-ordered or in certain other limited instances. You will be informed in advance if this is the case.
- **Serious Threat to Health or Safety**—If a client presents a clear and immediate probability of physical harm to himself or herself, to other individuals, or to society, we may communicate relevant information concerning this to the potential victim, appropriate family member, or appropriate authorities.
- **Workers' Compensation**—If you file a workers' compensation claim, we may disclose information from your record as authorized by workers' compensation laws.

#### 4. Client's Rights and Therapist Duties

##### Client's Rights

- **Right to request restrictions**—You have the right to request restrictions on certain uses and disclosures of PHI. However, the therapist is not required to agree to a restriction you request.
- **Right to Receive Confidential Communications by Alternative Means and at Alternative locations**—You have the right to request to have confidential communications of PHI delivered by alternative means and/or at alternative locations (For example, you may not want a family member to know you are seeing us. Upon your request, we may be able to arrange to send your bills or other communication to another address.)
- **Right to Inspect and Copy**—You have the right to inspect or obtain a copy (or both) of PHI in your mental health and billing records used to make decisions about you for as long as the PHI is maintained in the record. Such requests must be submitted in writing. This may be subject to certain limitations and fees.

Upon request, we will discuss with you the details of the request process. Please understand that older records may be destroyed in accordance with applicable laws or standards, and therefore, no longer available. In the case of a minor child, the child's legal guardian has the right to inspect or obtain a copy (or both) of PHI on record which was used to make decisions about the child for as long as the PHI is maintained in the record. However, psychotherapy notes including statements made by a child during therapy sessions will not be released, in order to protect the child's right to confidentiality, unless required by law or deemed by us to be in the best interests of the child. In most cases, we are prohibited by law from disclosing raw psychological test data and test materials to anyone other than a licensed psychologist qualified to interpret such data.

- **Right to Amend**—You have the right to request an amendment of PHI as long as the PHI is maintained in the record. Your request must be in writing and we may deny your request.
- **Right to an Accounting**—You have the right to request an accounting of certain disclosures made by us. Upon request, we will discuss with you the details of the accounting process.
- **Right to a Paper Copy**—You have the right to obtain a paper copy of this Privacy Notice from us upon request, even if you have agreed to receive the Privacy Notice electronically.

### **Therapist's Duties**

- We are required by law to maintain the privacy of PHI and to provide you with a notice of our legal duties and privacy practices with respect to PHI.
- We reserve the right to change the privacy policies and practices in this Privacy Notice. Unless we notify you of such changes, however, we are required to abide by the terms which were currently in effect at the time you signed the "Professional Disclosure and Treatment Contract."
- If we make significant revisions to our policies and procedures which might affect the privacy of your PHI, we will provide you with a copy of those revisions. If you are still in treatment with us, you will be provided a copy of the revisions in the manner permitted by law, generally by hand delivery at your next appointment. As needed, former clients may be mailed a copy of significant revisions to the most recent mailing address on file. Updated notices of our privacy policies will always be available for review upon request at our office.

## **5. Questions and Complaints**

If you have questions about this Notice, disagree with a decision made about access to your records, or have other concerns about your privacy rights, you may contact us at our office. We

recommend such inquiries be done in writing. If you believe that your privacy rights have been violated and wish to file a complaint with us, you may send your written complaint to us at our office address.

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You may also send a written complaint to the Secretary of the US Department of Health and Human Services or the appropriate administrative office. We can provide you with the appropriate address upon request. You have specific rights under the Privacy Rule. We will not retaliate against you for exercising your right to file a complaint, in accordance with the provisions of applicable law.