



**Hart to Heart Counseling, PLLC  
NOTICE OF PRIVACY PRACTICES  
AND DATA SECURITY**

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

Information we gather about you is classified in Minnesota as private data and will only be used by authorized individuals. The Minnesota Government Data Practices Act and the Federal Health Insurance Portability and Accountability Act (HIPAA) require that when we ask you to provide us with private or confidential information about yourself that you be told:

- the purpose for which the information will be used.
- the legal requirements, if any, of supplying it
- the consequences to you of providing the information or refusing to supply it

**PURPOSE** – The information we ask from you will be used to establish a diagnosis and prognosis; determine a treatment plan and goals; and to provide the services you request. The information will also be used to establish your ability to pay for those services or collect reimbursement for those services from a third party payer such as an insurance company or social service agency.

**LEGAL REQUIREMENTS AND CONSEQUENCES** – You are not legally required to provide any of the information we request. In most cases it is to your benefit to provide the information since failure to provide the information means that we will be unable to provide the services you request. In some situations, providing the services will be hindered. If you are here because of a court order and you refuse to provide information, that refusal may be communicated to the court. If you do not provide financial/insurance information, you may be responsible for all the costs.

**PRIVACY PRACTICES**

1. Hart to Heart Counseling is permitted to make uses and disclosures of protected health information for treatment, payment, and health care operations. Following are some examples:
  - a. For treatment – If you desire medication, then your therapist will provide your information to one of our consulting psychiatrists.
  - b. For payment – The business office staff will disclose certain information to your insurance company so that Hart to Heart Counseling can receive reimbursement from your insurance company.
  - c. For health care operations – Another mental health professional reviews your chart to help ensure you are receiving appropriate mental health care.
2. Hart to Heart Counseling is permitted or required, under specific circumstances, to use or disclose protected health information without the individual’s written authorization. Hart to Heart Counseling will disclose protected health information as prescribed by law. This includes the following:
  - a. Pursuant to a Court Order
  - b. Pursuant to a statute authorizing release including:
    - i. reporting any suspected child or vulnerable adult abuse or neglect
    - ii. reporting substance abuse by a pregnant woman
    - iii. providing information to a Pre-commitment Screening Team if a commitment is being considered.
  - c. Pursuant to a contract authorizing access including various accrediting firms or auditors.
  - d. Per the request of the Commissioner of Human Services for:
    - i. a new use of data approved by the Commissioner
    - ii. fraud investigation
    - iii. investigating a child mortality case by a Child Mortality Review Team
  - e. Per the request of the Food and Drug Administration (FDA) if the FDA needs to access to the information to warn you about health hazards associated with a medication.
  - f. If you are here because of Worker’s Compensation, then we will release information per the request of the employer or insurance company.

- g. If you are deemed to be in imminent danger of causing injury to yourself or others, we will release information to appropriate others to prevent any harm.
  - h. A medical emergency that leaves you incapacitated.
  - i. To obtain reimbursement for service fees through a collection agency or the courts.
  - j. Information compiled by Hart to Heart Counseling to defend itself in any court case.
  - k. To the county medical examiner to identify, or locate relatives of a deceased person.
  - l. To a mental health ombudsman on decedents.
3. Other uses and disclosures will be made only with your written authorization, and you may revoke such authorization at any time by providing written notice to Hart to Heart Counseling. You cannot revoke an authorization or consent to the extent that Hart to Heart Counseling has already taken action on the authorization or consent.
4. Hart to Heart Counseling may contact you to provide appointment reminders if you desire and give written consent.
5. You have the following rights regarding your protected health information:
  - a. The right to request restrictions on certain uses and disclosures of protected health information. This request must be in writing. However, Hart to Heart Counseling is not required to agree to a requested restriction.
  - b. The right to receive confidential communications or protected health information, as applicable.
  - c. The right to inspect and copy protected health information, as provided in the Privacy Regulation.
  - d. The right to amend protected health information, as provided in the Privacy Regulation.
  - e. The right to receive an accounting of disclosures of protected health information. This request must be in writing.
  - f. The right to obtain a paper copy of this Notice from Hart to Heart Counseling. This right extends to an individual who has agreed to receive the notice electronically.
6. Hart to Heart Counseling is required by law to maintain the privacy of protected health information and to provide individuals with notice of its legal duties and Privacy Practices with respect to protected health information.
7. Hart to Heart Counseling is required to abide by the terms of the Notice of Privacy Practices currently in effect.
8. Hart to Heart Counseling reserves the right to change the terms of this Notice. The new Notice provisions will be effective for all protected health information that it maintains.
9. Hart to Heart Counseling will provide active clients with a revised Notice by posting in our offices and making the Notices available at the reception desk to all our active clients.
10. Individuals may complain to Hart to Heart Counseling and to the Secretary of the Department of Health and Human Services, without fear of retaliation by Hart to Heart Counseling, if they believe their privacy rights have been violated. An individual may file a complaint with Hart to Heart Counseling by completing a Grievance Form which is available upon request.
11. Hart to Heart Counseling contact person for matters relating to complaints is:

Privacy Official  
Hart to Heart Counseling  
(218)779-0134

12. This notice is in effect on November 1, 2015.

### **DATA SECURITY**

In order to protect the security of data, Hart to Heart Counseling employees given access to private data must comply with the following requirements. The following list is not exhaustive. Exercise common sense and due caution with all private data. Data protection is every employee's responsibility.

1. Access. Employees shall be given access only to protected data to which access is reasonably required in order to accomplish a work assignment or to satisfy the employee's job duties. Employees of Hart to Heart Counseling shall not be given access to private data unless the access is authorized by law or the agency receives the informed consent of the subject of the data.

2. Minimum Necessary Use. Employees must abide by the notice of privacy practices policy.
3. Passwords. Employees who are given access to electronic Hart to Heart Counseling systems are prohibited from sharing their access passwords. Passwords must be secured and must not be stored or posted in any accessible location.
4. Workspaces. Employees who have private data on desktops or visible on their computer monitors must take precautions to ensure that visitors to their workspace cannot view private data to which the visitor does not legitimately have access, including by locking the computer during the visit. Employees must log off of any electronic Hart to Heart Counseling systems or lock their computers when their workspace is unattended.
5. Email data. Employees must ensure that the email contains the correct addressee; encrypted data sent to the wrong person will still be accessible by that person. Employees must also ensure that the subject of the data has given written informed consent for the data to be transmitted to the addressee, or the addressee has statutory authority to receive the data.
6. Facsimile. Sending and receiving private data by facsimile is discouraged. Whenever possible, private data should not be sent by facsimile, and instead sent by encrypted email. If facsimile transmission is necessary, the sender must take steps to ensure that the data is being sent to the correct facsimile number and should notify the recipient that a facsimile is about to be sent. The sender should also confirm receipt by the intended recipient. The facsimile should include a statement concerning the private nature of the information being sent and a warning not to release the information inappropriately, and to notify the sender if the information was received in error.
7. Shared Spaces. Copies of documents containing private data must be immediately removed from copiers, printers and facsimile machines that are not located in private offices. Browsing of documents left at copiers, printers and facsimile machines, other than to determine the owner of the document, is prohibited. When necessary to discuss private data, conversations should be conducted in a manner so as to safeguard the data; for example, to the extent feasible, in closed offices or behind partitions.
8. Removing Private Data from Hart to Heart systems. Employees may only remove private data from Hart to Heart systems if they have a work-related purpose to do so, and must have prior approval from their supervisor or manager. This includes both paper and electronic private data. A single approval may be granted by the supervisor or manager to cover repeated or similar needs to remove private data. Employees removing private data from Hart to Heart systems must ensure that the data, information or electronic equipment containing the data is secure and protected from theft or loss. Employees must ensure that any computing devices or electronic or paper media containing private data in their possession or realm of responsibility is stored and transported in a secure manner. Employees must ensure that any private data removed from Hart to Heart systems is not accessed by or accessible to anyone other than an agency employee whose job responsibilities reasonably require access, and must ensure that the data is either returned to the workplace, or is disposed of as provided below.
9. Disposal. When private data is disposed of, it must be shredded, erased or otherwise destroyed in such a way that prevents its contents from being determined, and makes the private data inaccessible, unreadable, unrecoverable and not capable of being reconstructed.
10. Retention. Documentation will be stored electronically for a minimum of seven years past termination of services. This data will be subject to all privacy and security policies listed.

Every employee who is provided access to any Hart to Heart Counseling System in the course of his or her job duties or work assignments must be given a copy of this Policy and must sign and acknowledge the receipt/review. The signed Acknowledgement will be kept in the employee's personnel file.