

Notice of Privacy Practices

Linden Tree Counseling, PLLC

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EFFECTIVE DATE OF THIS NOTICE This notice went into effect on January 1, 2023

NOTICE OF PRIVACY PRACTICES

By law, and in accordance with the ethics of the counseling profession, Linden Tree Counseling, PLLC is required to protect the privacy of your personal health information. This practice is also required to give you this notice to explain how personal health information may be used and disclosed, as well as to inform you of your rights pertaining to your health information.

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

Definitions of Terms

- "Personal health information" (PHI) includes any information about you, and records of services you received through this practice, including and not limited to:
 - Dates, times, and lengths of your therapy sessions
 - Information you disclosed during sessions, over the phone, in email, or at other times
 - Your therapist's observations of you
 - Your therapist's assessment of your mental health concerns
 - Results of psychological tests and diagnostic interviews
 - Treatment plans
 - Medication Records
 - Billing and insurance information
 - Records obtained from other healthcare providers who have treated you
- "Treatment" is when your therapist provides, coordinates, or manages your health care and other services related to your health care. An example of treatment would be when your therapist consults with another health care provider, such as your psychiatrist or another therapist.

- “Healthcare operations” are activities that relate to the performance and operation of Linden Tree Counseling, PLLC. Examples of healthcare operations are quality assessment and improvement activities, business-related matters such as audits and administrative services, and case management and care coordination.
- “Use” applies only to activities within Linden Tree Counseling, PLLC (office, clinic, practice group, etc.) such as sharing, employing, applying, utilizing, examining, and analyzing information that identifies you.
- “Disclosure” applies to activities outside of Linden Tree Counseling, PLLC such as releasing, transferring, or providing access to information about you to other parties.

I. OUR PLEDGE REGARDING HEALTH INFORMATION:

Linden Tree Counseling, PLLC understands that health information about you and your health care is personal. We are committed to protecting health information about you. As part of therapy, Linden Tree Counseling, PLLC does create a record of the care and services you receive from our practice in order to provide you with quality care and to comply with certain legal requirements. This notice applies to all of the records of your care generated by this mental health care practice. This notice will tell you about the ways in which Linden Tree Counseling, PLLC may use and disclose health information about you; your rights to the health information the practice keeps about you, and describe certain obligations the practice has regarding the use and disclosure of your health information. All therapists at Linden Tree Counseling, PLLC are required by law to:

- Make sure that protected health information (“PHI”) that identifies you is kept private.
- Give you this notice of our legal duties and privacy practices with respect to health information.
- Follow the terms of the notice that is currently in effect.

If at any time the ownership of Linden Tree Counseling, PLLC chooses to change the terms of this Notice, such changes will apply to all information the practice has about you. The new Notice will be available upon request, in the office, and on Linden Tree Counseling, PLLC’s website.

II. HOW LINDEN TREE COUNSELING, PLLC MAY USE AND DISCLOSE HEALTH INFORMATION ABOUT YOU:

The following categories describe different ways that Linden Tree Counseling can use and disclose health information. For each category of uses or disclosures, there are some examples provided below. Not every use or disclosure in a category will be listed. However, all of the ways Linden Tree Counseling, PLLC is permitted to use and disclose information will fall within one of the categories.

Treatment: Your health information can be used and disclosed to manage and coordinate your care. This could include consultation to improve your care, coordination with another provider who is treating you, and for referral purposes.

Disclosures for treatment purposes are not limited to the minimum necessary standard. Because therapists and other health care providers need access to the full record and/or full and complete information in order to provide quality care. The word "treatment" includes, among other things, the coordination and management of health care providers with a third party, consultations between health care providers and referrals of a patient for health care from one health care provider to another.

Healthcare Operations: Your health information can be used and disclosed to run this practice, improve your care, contact you when necessary, and resolve any complaints you may have. Your information may also be used to review treatment procedures, review business activities, certification, training, compliance and licensing activities.

Payment: Your health information can be used and disclosed to bill for services and receive payment from health plans and other entities. Your health insurance plan may use this information to make determination of coverage for benefits, review services to determine medical necessity, and for utilization review activities. If your account is referred to a collection agency or you dispute a charge, these entities may ask for parts of your personal health information relevant to their task. Signed financial agreements will be provided to banks, collection agencies, or other similar institutions if requested to resolve a payment issue.

Lawsuits and Disputes: If you are involved in a lawsuit, I may disclose health information in response to a court or administrative order. I may also disclose health information about your child in response to a subpoena, discovery request, or other lawful process by someone else involved in the dispute, but only if efforts have been made to tell you about the request or to obtain an order protecting the information requested.

III. CERTAIN USES AND DISCLOSURES REQUIRE YOUR AUTHORIZATION:

1. Psychotherapy Notes. I do keep "psychotherapy notes" as that term is defined in 45 CFR § 164.501, and any use or disclosure of such notes requires your Authorization unless the use or disclosure is:
 - a. For my use in treating you.
 - b. For my use in training or supervising mental health practitioners to help them improve their skills in group, joint, family, or individual counseling or therapy.
 - c. For my use in defending myself in legal proceedings instituted by you.
 - d. For use by the Secretary of Health and Human Services to investigate my compliance with HIPAA.
 - e. Required by law and the use or disclosure is limited to the requirements of such law.
 - f. Required by law for certain health oversight activities pertaining to the originator of the psychotherapy notes.
 - g. Required by a coroner who is performing duties authorized by law.
 - h. Required to help avert a serious threat to the health and safety of others.
2. Marketing Purposes. Linden Tree Counseling, PLLC will not use or disclose your PHI for marketing purposes.
3. Sale of PHI. Linden Tree Counseling will not sell your PHI in the regular course of my business.

IV. CERTAIN USES AND DISCLOSURES DO NOT REQUIRE YOUR AUTHORIZATION. Linden Tree Counseling, PLLC is allowed or required to disclose your information in other ways – usually in ways that contribute to the public good, such as public health and research. This practice has to meet conditions in the law before your information can be disclosed for these purposes, and disclosures will be made in a manner consistent with applicable laws. For more information see: www.hhs.gov/ocr/privacy/hipaa/understanding/consumers/index.html. Subject to certain limitations in the law, I can use and disclose your PHI without your Authorization for the following reasons:

1. To comply with the law. When disclosure is required by state or federal law, and the use or disclosure complies with and is limited to the relevant requirements of such law. For example, we will disclose information about you if state or federal laws require it, including with the Department of Health and Human Services if it wants to see that we're complying with federal privacy law, or to state licensing board for investigations of complaints.
2. For health oversight activities, including audits and investigations.
3. For public health and safety issues. Counselors are considered mandatory reporters and if there is a reasonable expectation of suspected child, elder, or dependent adult abuse, your counselor must report it. Linden Tree Counseling, PLLC can also disclose information to help prevent or reduce a serious threat to anyone's health or safety, including emergency situations and the spread of communicable illnesses.
4. For law enforcement purposes, including reporting crimes occurring on my premises.
5. To address workers' compensation, law enforcement, and other government requests. Although our practice's preference is to obtain an Authorization from you, Linden Tree Counseling, PLLC may provide your PHI in order to comply with workers' compensation laws. Additionally, the practice may have to provide information to help ensure the safety of those working within or housed in correctional institutions or for special government functions such as military, national security, and presidential protective services.
6. For legal actions, judicial proceedings, and administrative proceedings, including responding to a court or administrative order, although my preference is to obtain an Authorization from you before doing so.
7. To coroners or medical examiners, when such individuals are performing duties authorized by law.
8. For research purposes, including studying and comparing the mental health of patients who received one form of therapy versus those who received another form of therapy for the same condition. Linden Tree Counseling, PLLC is not currently conducting research and will notify clients if this changes.
9. Appointment reminders and health related benefits or services. I may use and disclose your PHI to contact you to remind you that you have an appointment with me. I may also use and disclose your PHI to tell you about treatment alternatives, or other health care services or benefits that I offer.

V. CERTAIN USES AND DISCLOSURES REQUIRE YOU TO HAVE THE OPPORTUNITY TO OBJECT.

1. Disclosures to family, friends, or others. I may provide your PHI to a family member, friend, or other person that you indicate is involved in your care or the payment for your health care, unless you object in whole or in part. The opportunity to consent may be obtained retroactively in emergency situations.
2. If you have a clear preference for how this practice discloses your information in the situations described, please inform Linden Tree Counseling, PLLC of your request in writing. Reasonable efforts will be made to follow your instructions. If you are not able to tell us your preference, for example if you are unconscious, we may go ahead and disclose your information if we believe it is in your best interest. We may also disclose your information when needed to lessen a serious and imminent threat to health or safety.

VI. YOU HAVE THE FOLLOWING RIGHTS WITH RESPECT TO YOUR PHI:

1. The Right to Request Limits on Uses and Disclosures of Your PHI. You have the right to ask Linden Tree Counseling, PLLC not to use or disclose certain PHI for treatment, payment, or health care operations purposes. I am not required to agree to your request, and I may say "no" if I believe it would affect your health care.

2. The Right to Request Restrictions for Out-of-Pocket Expenses Paid for In Full. You have the right to request restrictions on disclosures of your PHI to health plans for payment or health care operations purposes if the PHI pertains solely to a health care item or a health care service that you have paid for out-of-pocket in full.
3. The Right to Choose How Linden Tree Counseling, PLLC Sends PHI to You. You have the right to ask me to contact you in a specific way (for example, home or office phone) or to send mail to a different address, and I will agree to all reasonable requests. It is important to remember that certain forms of communication, including electronic communication such as text or email, may not be fully secure.
4. The Right to See and Get Copies of Your PHI. Other than "psychotherapy notes," you have the right to get an electronic or paper copy of your medical record and other information that Linden Tree Counseling, PLLC has about you. Your counselor will provide you with a copy of your record, or a summary of it, if you agree to receive a summary, within 30 days of receiving your written request, subject to the reasonable, cost based fee for doing so. Records will only be maintained for seven (7) years past the last date of service in the case of an adult client. In the case of a child client, records will be maintained 5 years past the child's eighteenth (18th) birthday or seven (7) years, whichever is greater. Thus requests for records should be made prior to the associated date.
5. The Right to Get a List of the Disclosures Linden Tree Counseling, PLLC Has Made. You have the right to request a list of instances in which Linden Tree Counseling, PLLC has disclosed your PHI for purposes other than treatment, payment, or health care operations, or for which you provided me with an Authorization. Linden Tree Counseling, PLLC will respond to your request for an accounting of disclosures within 60 days of receiving your request. The list you will receive include disclosures made in the last six years unless you request a shorter time. I will provide the list to you at no charge, but if you make more than one request in the same year, I will charge you a reasonable cost based fee for each additional request.
6. The Right to Correct or Update Your PHI. If you believe that there is a mistake in your PHI, or that a piece of important information is missing from your PHI, you have the right to request that I correct the existing information or add the missing information. This request must be made in writing. We may say "no" to your request, but we'll tell you why in writing within 15 days. If your request is denied you have the right to file a disagreement in writing which will be kept in your record.
7. The Right to Get a Paper or Electronic Copy of this Notice. You have the right get a paper copy of this Notice, and you have the right to get a copy of this notice by e-mail. And, even if you have agreed to receive this Notice via e-mail, you also have the right to request a paper copy of it.
8. The Right to Choose Someone to Act for You. If you have given someone medical power of attorney or if someone is your legal guardian, that person can exercise your rights and make choices about your health information. We will make sure the person has this authority and can act for you before we take any action. For minor clients, this includes obtaining copies of any court documentations pertaining to custodianship.

9. The Right to File a Complaint if you Feel Your Rights Are Violated. You can complain if you feel we have violated your rights by contacting the Privacy Officer – Lindsey Bass, LPC, lindseybass@lindentreecounseling.com

If you and the privacy officer are unable to resolve your concerns to your satisfaction, you can file a complaint with the U.S. Department of Health and Human Services Office for Civil Rights by sending a letter to 200 Independence Avenue, S.W., Washington, D.C. 20201, calling 1-877-696-6775, or visiting www.hhs.gov/ocr/privacy/hipaa/complaints/. We will not retaliate against you for filing a complaint.

VII. LINDEN TREE COUNSELING, PLLC'S RIGHTS AND RESPONSIBILITIES.

1. Linden Tree Counseling, PLLC must follow the duties and privacy practices described in this notice and give you a copy of it.
2. Linden Tree Counseling, PLLC is required by law to maintain the privacy and security of your protected health information. We will not use or disclose your information other than as described here unless you tell us we can in writing.
3. If you tell Linden Tree Counseling, PLLC that we can disclose certain information, you may change your mind at any time. Let us know in writing if you change your mind.
4. Linden Tree Counseling, PLLC reserves the right to change the privacy policies and practices described in this notice and provide you with a revised notice at any time. Unless you are notified of such changes, Linden Tree Counseling, PLLC and its staff are required to abide by the terms currently in effect. If there is a breach of your private health information, we will let you know promptly if such a breach may have compromised the privacy or security of your information.

For more information see: www.hhs.gov/ocr/privacy/hipaa/understanding/consumers/noticapp.html.

Acknowledgement of Receipt of Privacy Notice

Under the Health Insurance Portability and Accountability Act of 1996 (HIPAA), you have certain rights regarding the use and disclosure of your protected health information. By checking the box below, you are acknowledging that you have received a copy of HIPAA Notice of Privacy Practices.

BY SIGNING BELOW I AM AGREEING THAT I HAVE READ, UNDERSTOOD AND AGREE TO THE ITEMS CONTAINED IN THIS DOCUMENT.