

Client: _____ Date: _____ DOB: _____ # _____
(To be filled out by LWC&SS personnel)

Living Well Counseling & Support Services, LLC

Notification of Privacy, Human Rights, and Informed Consent for Treatment

This notice describes how private personal medical information about you may be used and disclosed and how you can get access to this information. Please review this notice carefully.

Your Privacy is important to us: This notice describes how your health information may be used and disclosed while being served by Living Well Counseling and Support Services, LLC (LWC&SS)/ Sherry Shuler, LPC , independent contractors (et al) We are required to abide by the terms of this notice.

Documentation: Each time you receive services from us, we make a record of the contract. Types of information kept in your record may include written assessments, treatment plans, progress notes, diagnoses, treatment records, transition and/or discharge planning.

Billing and payment use of your health information: To receive payment of services, your health information may be sent to companies or groups responsible for payment coverage. A bill from LWC&SS, Sherry Shuler, LPC or other independent contractor (et al) is sent to the responsible party you have identified.

Your Privacy Rights: are defined under 45 CFR Parts 160 and 164, HIPAA, The American Reinvestment and Recovery Act of 2009, and The Commonwealth of Virginia's Code 35-115-80 and 35-115-90, Human Rights. The HIPAA Privacy Rule establishes rights for recipients of health care and provides clients with authority over their health care information.

The HIPAA Privacy Rule Gives You the Right to:

- **Access to review and gain copies of your health records and make corrections:** You have the right to have access to your medical record in order to inspect, challenge, copy, amend, or correct it. The right is not absolute. In certain situations, access may be denied if a physician or psychologist believes that reviewing your records would result in harm to self or others. Make this request by contacting your counselor. If denied access, you will receive a timely, written notice of the decision and reason. A copy of this written notice becomes a part of your record.
- **Receive an accounting of disclosures:** You have the right to receive an accounting of all disclosures of your protected health information that were not part of providing treatment, receiving payment, or other health care operations, or already authorized by you.
- **Request a Restriction of Specific staff access to Your records:** You have the right to request a restriction of use with use and disclosure of your protected health information. We seriously consider all restriction requests and you will be

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informed whether we are able to use the restriction and still offer effective services, receive payment, and maintain health care operations. Legally we are not required to agree to a restriction if the restriction keeps us from providing or billing for services.

- **Receive Private & Confidential Communication:** You have the right to receive confidential communications about your protected health information.
- **Change How we contact you:** You have the right to request an alternative mode of communication or contact for billing purposes and for service related contacts such as calls to remind you about an appointment.

Use & Disclosure of Information:

- **"Use" of Your Health Information:** Upon signing the *LWC&SS Intake Form and/or LWC&SS Consent Form*, you are allowing me to use and disclose necessary health information about you within the private practice and with business associates in order to provide services, collect payments for services provided, and conduct other day to day business practices.
- **Minimum Necessary Rule:** We use the minimum amount of health care information necessary when responding to appropriate needs for information.
- **"Disclosure" of your health information:** We are required to get your authorization to use or disclose your protected health information when it is shared outside of the private practice. Communication and coordination of services with other providers or agencies may be necessary during the course of providing care. You have the ability to revoke a signed authorization but it would not apply to any sharing of information that already occurred under that authorization. You have a right to obtain a copy of any authorizations you sign.
- **When We cannot Confirm or Deny:** If we are approached with a request for your health care information that we believe to be unauthorized or for which we have no current or active authorization to disclose information signed by you, then we cannot confirm or deny either that you are a client or that we possess health care information about you. If you have needs that require me to communicate with others for any purpose, such as transportation or appointment dates and times, please notify me so that we can gain an appropriate authorization for the specific types of communication necessary.

Other Ways We May use Your Health Information:

- **Consultation:** In order to effectively provide services, we may consult within the private practice. During consultation health information about you may be shared. In day-to-day business practices, trained staff may handle and use your health information when filing documents, storing and securing files and folders, process insurance authorizations perform billing functions, or assure that your information is current and readily accessible to our clinical staff.
- **Quality Improvement:** As a part of our continuous quality improvement efforts to provide the most effective services, your record may be reviewed and audited by staff to assure accuracy, completeness and organizations. Your health information may also be reviewed during audits by state, federal and/or private oversight or regulatory boards.
- **Enhancing Your Healthcare:** We may provide the following support to enhance your overall health care and may contact you to provide: appointment reminders by phone call, text, email or letter informing you about treatment

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options or information about health-related benefits and services that may be of interest to you.

- **Specific Circumstances for Disclosure:** Although you have the right to give or not give consent to the disclosure of your health information, we are allowed by federal and state law in certain circumstances to disclose specific health information about you without your consent, authorization, or opportunity to agree or object. Communication or sharing of information may occur for the following:
 - **As required by law** (example: court-ordered warrant, Virginia Health Information)
 - **Public Health activities** (example: communicable diseases)
 - **Judicial and Administrative proceedings** (example order from a court or administrative tribunal, or legal counsel to the agency, or Inspector General)
 - **Law enforcement** purposes (example: reporting of gun shot wounds, limited information requested about suspects, fugitives, material witnesses, missing persons, criminal conduct on agency premises).
 - **To avert a serious threat to health and safety** (example: in response to a statement made by client to harm self or another or substantial property damage.)
 - **To protect children or incapacitate adults who are victims of abuse, neglect or exploitation** by reporting suspected abuse to the Department of social Services-Child or Adult Protective Services.

Specialized Government Functions: We may communicate with state and federal government in certain situations and for certain purposes without your permission. These include: Military Services (ex: in response to appropriate military command to assure the proper execution of the military mission); National Security and Intelligence activities (ex: in relation to protective services to the President of the United States); State Department (ex: medical suitability for the purpose of security clearance); Correctional facilities (ex: to correctional facility about an inmate); Workers Compensation to facilitate processing and payment; Coroners and Medical Examiners for identification of a deceased person or to determine cause of death. Documentation will be included in your health record of information disclosed without authorization or those not covered under the permissions granted in the *Notification of Privacy, Human Rights and Informed consent for Treatment* or your Individualized Service Plan.

Breach Notification: *The Health Information Technology for Economic and Clinical Health Act (HITECH)*, which is part of the American Recovery and Reinvestment Act of 2009 (ARRA) enacted February 17, 2009, requires that we notify you if we discover that your health care information is ever disclosed to, accessed by, or used by an unauthorized person or entity. It also applies to disclosures of protected health information, which compromises the security or privacy of the health information. This type of unauthorized exposure to PHI is referred to as a "breach" and applies to me and my business associates. We must respond to the breach events by notifying any and all clients whose information was accessed or disclosed and notify the federal government by informing the Department of Health and Human Services. In the event of a privacy breach of your health information you will receive formal written notification.

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Use or disclosure of protected health information that is incident to an otherwise permissible use or disclosure and occurs despite reasonable safeguards and proper minimum necessary procedures would not be a violation of the *Privacy Rule* pursuant to 45 CFR 164.502(a)(1)(iii) and, therefore, would not qualify as a potential breach. Violations of administrative requirements, such as lack of reasonable safeguards or a lack of training, do not themselves qualify as potential breaches under this law.

Disposition and Retention of Medical Records Upon Discharge: As directed by the Code of Virginia, we have included this information to inform you of how we handle medical records of persons who are no longer receiving services from the private practice. You are welcome to contact us 100 Arbor Drive, Suite 105, Christiansburg, VA 24073 at 540-449-1102 if you have any questions.

The standard procedure is to retain medical records for a period of at least six (6) years past the date of discharge. At that time, if there is no indication that the discharged individual is planning to return to our agency to receive services, then the medical records for that individual may be destroyed per Virginia (18VAC85-20-26) which state that practitioners must maintain a patient record for a minimum of six (6) years following the last patient encounter with the following exceptions:

- Records of a minor child, including immunizations, must maintained until the child reaches the age of 18 or becomes emancipated, with a minimum time for record retention of six (6) years from the last patient encounter regardless of the age of the child;
- Records that have previously been transferred to another practitioner or health care provider to the patient or his personal representative; or
- Records that are required by contractual obligation or federal law to be maintained for a longer period of time.

As a client of Living Well Counseling and Support Services, Sherry L. Shuler, LPC, and independent contractors (et al), You have the following rights:

- To receive services in the least restrictive environment, and to be free from any unnecessary use of seclusion, restriction, or time out. To be treated with dignity and in a professional and courteous manner; to be protected from harm including abuse, harassment, neglect and exploitation.
- To use your preferred or legal name.
- To have your protected health information treated with confidentiality and not released without written consent, except for situations required by law as noted previously. You have the right to determine what information is disclosed, to whom, and the purposes for which it will be used. You have the right to be provided an accounting of disclosures.
- To read, request amendment to, or obtain a copy of your service record, except in instances as noted in this privacy notice. You have the right to be notified of changes in the regulations regarding privacy of protected health information.
- To receive services meeting your individual needs and abilities according to law and sound therapeutic practice. To be involved in all aspects of services

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provided to you and provided information to help you make decisions. To ask questions of your counselor about services including treatment and discharge planning and to share any concerns regarding services provided to you. To be provided with general information about services, policies, and rules in writing and in the manner format and language easily understood by me. To be provided help in learning about/applying for public services or benefits to which you may be entitled.

- To not to be included in any experimental program or research without your knowledge and written consent.
- To have opportunities to communicate in private with lawyers, judges, legislators, clergy, licensed health care practitioners, legally authorized representatives, advocates, and the Inspector General; and have access to an advocate or representative, self-help groups, and legal services.
- If you have a complaint regarding me or the services provided, you have the right to have make your complaint without negative action being taken against complaining.
- To be afforded the opportunity to have an individual of your choice notified of my general condition, location, and transfer to another facility

To take a complaint:

- You can talk with your counselor to resolve the issue,
- If you feel that I have not resolved the issue. You can contact the Local Human Rights Advocate Ms Nan Neese, DBHDS Southwest Satellite Office, 340 Bagley Circle, Marion, VA 24354. Phone (276) 783-1219 or toll free (877) 600-7434.
- You can contact the VA Board of Counseling, 9960 Maryland Dr, Richmond, VA 23233 (804) 367-4610, <https://www.dhp.virginia.gov/counseling>

Informed Consent for treatment:

I, _____, hereby agree to receive services and consent to the standard and customary procedures of evaluation and treatment as prescribed by Christian Life Counseling & the Living Well (Lisa F. Pugh, LPC, Sherry Shuler, LPC and independent contractors)

- myself (adult), myself (emancipated youth)
 My minor child _____

_____ for whom I serve as the legal guardian (must provide documentation as to proof of guardianship)

I understand that my agreement and consent apply to all services I, or the person whom I am signing for may receive during care. This signed Notification of Privacy, Human rights and Informed Consent for Treatment form is valid for up to one year from the date of signature, until time of voluntary or involuntary discharge, or upon revocation.

In addition to my informed consent for treatment, I authorize the following:

Medical Emergency: In the event of a medical emergency, I hereby authorize Living Well Counseling and Support Services, LLC/Sherry Shuler, LPC and independent

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contractors (et al) to apply basic first aid and CPR measures, to call my personal physician, and/or to call the local rescue squad if it is indicated. I further give my consent for the transport of myself, or the person for whom I am signing, if necessary to facilitate medical care. They may also contact the person/agency listed below as those to be notified in case of an emergency.

Emergency Contact: _____ relationship _____

Phone # _____ cell # _____ work # _____

Transportation: Living Well Counseling and Support Services, LLC/Sherry Shuler, LPC and independent contractors (et al) may transport the individual named on this consent on an as needed basis in the course of delivering services. The individual, parent, legal or authorized representative signing this consent agree to release Living Well Counseling and Support Services, LLC/Sherry Shuler, LPC and independent Contractors) from all liability and responsibility regarding personal injury due to accidents which may occur while being transported in the course of receiving services.

Financial Consent to Pay

- I agree to notify Living Well Counseling and Support Services, LLC/ Sherry Shuler, LPC, and independent contractors (et al) of any changes in financial/insurance information. I agree to pay all non-covered charges for services provided. I shall pay these charges at the time of service unless alternative arrangements are made.
- I hereby authorize payments directly to Living Well Counseling and Support Services, LLC/ Sherry Shuler, LPC, and independent contractors (et al) for any third party benefits to which I am entitled. I agree to pay 100% of any co-payments or deductibles. I further authorize the release of medical /clinical information necessary in order to process third party claims.
- I understand that by signing this consent, HIPAA regulations permit Living Well Counseling and Support Services, LLC/ Sherry Shuler, LPC, and independent contractors (et al) to use established collection procedures, including debt-set off and/or a collection agency that operates as a business associate of Living Well Counseling and Support Services, LLC/ Sherry Shuler, LPC, and independent contractors (et al), if I do not meet my payment responsibilities. This signed consent permits the limited disclosure of my protected health information necessary to recover payment. I understand that I will be charged for any collection fees and/or legal fees in recovery payment for services.
- I will be charged \$35 for any payments returned as non-sufficient or non-payable.
- I understand that I can be charged a \$45 fee for a no show for an appointment. I will give 24-hour notice if possible.
- I understand that my records are protected under the federal regulations governing Confidentiality of Alcohol and Drug Abuse Patient Records., 42 CFR, Part 2 and cannot be disclosed without my written consent unless otherwise provided in the regulations. I also understand that I may revoke this consent at any time except to the extent that action has been taken in reliance on it, and that in any event this consent expires automatically when my financial

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obligations to Living Well Counseling and Support Services, LLC/ Sherry Shuler, LPC, and independent contractors (et al) have been completely settled. This consent includes information placed in my records after the date indicated below.

I have read or had read to me the Notification of Privacy, Human Rights, and Informed Consent for Treatment. I understand that I can have a copy of this agreement.

X

DATE: _____

Client/parent/guardian signature

X

DATE: _____

Client/parent/guardian printed name

X

DATE: _____

Counselor (independent contractor)