

# Larry L. Hanselka, Ph.D.

*Clinical & Consulting Psychologist*

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## Notice of Dr. Hanselka's Policies and Practices to Protect the Privacy of Your Health Information

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

### I. Uses and Disclosures for Treatment, Payment, and Health Care Operations

Dr. Hanselka may *use or disclose* your *protected health information (PHI)*, for *treatment, payment, and health care operations* purposes with your *consent*. To help clarify these terms, here are some definitions:

- “*PHI*” refers to information in your health record that could identify you.
- “*Treatment, Payment and Health Care Operations*”
  - *Treatment* is when Dr. Hanselka provides, coordinates or manages your health care and other services related to your health care. An example of treatment would be when Dr. Hanselka consults with another health care provider, such as your family physician or another psychologist, psychiatrist or counselor.
  - *Payment* is when Dr. Hanselka obtains reimbursement for your healthcare. Examples of payment are when Dr. Hanselka discloses your PHI to your health insurer to obtain reimbursement for your health care or to determine eligibility or coverage.
  - *Health Care Operations* are activities that relate to the performance and operation of our practice. Examples of health care 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 Dr. Hanselka’s practice such as employing, applying, utilizing, examining, and analyzing information that identifies you.
- “*Disclosure*” applies to activities outside of Dr. Hanselka’s practice, such as releasing, transferring, or providing access to information about you to other parties.

### II. Uses and Disclosures Requiring Authorization

Dr. Hanselka may use or disclose PHI for purposes outside of treatment, payment, and health care operations when your appropriate authorization is obtained. An “*authorization*” is written permission above and beyond the general consent that permits only specific disclosures. In those instances when Dr. Hanselka is asked for information for purposes outside of treatment, payment and health care operations, Dr. Hanselka will obtain an authorization from you before releasing this information. Dr. Hanselka will also need to obtain an authorization before releasing your psychotherapy notes. “*Psychotherapy notes*” are notes Dr. Hanselka has made about your conversation during a private, group, joint, or family counseling session, which Dr. Hanselka has kept separate from the rest of your medical record. These notes are given a greater degree of protection than PHI.

You may revoke all such authorizations (of PHI or psychotherapy notes) at any time, provided each revocation is in writing. You may not revoke an authorization to the extent that (1) Dr. Hanselka

has relied on that authorization; or (2) if the authorization was obtained as a condition of obtaining insurance coverage, and the law provides the insurer the right to contest the claim under the policy.

### III. Uses and Disclosures with Neither Consent nor Authorization

Dr. Hanselka may use or disclose PHI without your consent or authorization in the following circumstances:

- **Child Abuse:** If Dr. Hanselka has cause to believe that a child has been, or may be, abused, neglected, or sexually abused, a report of such must be made within 48 hours to the Texas Department of Protective and Regulatory Services, the Texas Youth Commission, or to any local or state law enforcement agency.
- **Adult and Domestic Abuse:** If Dr. Hanselka has cause to believe that an elderly or disabled person is in a state of abuse, neglect, or exploitation, an immediate report of such must be made to the Department of Protective and Regulatory Services.
- **Health Oversight:** If a complaint is filed against Dr. Hanselka with the State Board of Examiners of Psychologists, the State Board of Medical Examiners or the State Board of Licensed Professional Counselors, they have the authority to subpoena confidential mental health information from Dr. Hanselka relevant to that complaint.
- **Judicial or Administrative 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 Dr. Hanselka will not release information, without written authorization from you or your personal or legally appointed representative, or a court order. The privilege does not apply when you are being evaluated 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:** If Dr. Hanselka determines that there is a probability of imminent physical injury by you to yourself or others, or there is a probability of immediate mental or emotional injury to you, Dr. Hanselka may disclose relevant confidential mental health information to medical or law enforcement personnel.
- **Worker's Compensation:** If you file a worker's compensation claim, Dr. Hanselka may disclose records relating to your diagnosis and treatment to your employer's insurance carrier.

### IV. Patient's Rights and Dr. Hanselka's Duties

#### Patient's Rights:

- *Right to Request Restrictions* – You have the right to request restrictions on certain uses and disclosures of protected health information about you. However, Dr. Hanselka 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 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 Dr. Hanselka. Upon your request, Dr. Hanselka will send your bills to another address.)
- *Right to Inspect and Copy* – You have the right to inspect or obtain a copy (or both) of PHI and psychotherapy notes in the mental health and billing records used to make decisions about you for as

long as the PHI is maintained in the record. Dr. Hanselka may deny your access to PHI under certain circumstances, but in some cases you may have this decision reviewed. On your request, Dr. Hanselka will discuss with you the details of the request and denial process.

- *Right to Amend* – You have the right to request an amendment of PHI for as long as the PHI is maintained in the record. Dr. Hanselka may deny your request. At your request, Dr. Hanselka will discuss with you the details of the amendment process.
- *Right to an Accounting* – 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 request, Dr. Hanselka 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 notice from Dr. Hanselka upon request, even if you have agreed to receive the notice electronically.

#### Dr. Hanselka's Duties:

- Dr. Hanselka is required by law to maintain the privacy of PHI and to provide you with a notice of the legal duties and privacy practices with respect to PHI.
- Dr. Hanselka reserves the right to change the privacy policies and practices described in this notice. Unless you are notified of such changes, however, Dr. Hanselka is required to abide by the terms currently in effect.
- If Dr. Hanselka revises these policies and procedures, you will be notified that changes have been made. You may then access the changes electronically or a paper copy of the changes will be provided at your request.

#### V. Complaints

If you are concerned that Dr. Hanselka has violated your privacy rights, or you disagree with a decision made about access to your records, you may contact Dr. Hanselka for further information.

You may also send a written complaint to the Secretary of the U.S. Department of Health and Human Services. Dr. Hanselka can provide you with the appropriate address upon request.

#### VI. Effective Date, Restrictions and Changes to Privacy Policy

This notice will go into effect on April 14, 2003.

- Dr. Hanselka reserves the right to change the terms of this notice and to make the new notice provisions effective for all PHI that Dr. Hanselka maintains. If Dr. Hanselka revises these policies and procedures, you will be notified that changes have been made in person, by telephone, by mail or by email. You may then access the changes electronically or a paper copy of the changes will be provided at your request.