

DISCLOSURE STATEMENT AND NOTICE OF PRIVACY RIGHTS

The Disclosure Statement & Notice of Privacy Rights describes how medical and mental health information about you may be used and disclosed, and how you can get access to this information.

Please review this information carefully.

During the process of providing services to you, the provider/psychotherapist will obtain, record, and use mental health and medical information about you that is protected health information. Ordinarily, that information is confidential and will not be used or disclosed, except as described below.

I. USES AND DISCLOSURES OF PROTECTED INFORMATION

A. General Uses and Disclosures Not Requiring the Client's Consent. The therapist will use and disclose protected health information in the following ways:

- **Treatment.** Treatment refers to the provision, coordination, or management of health care [including mental health care] and related services by one or more health care providers. For example, the provider will use your information to plan your course of treatment. As to other examples, the provider will consult with professional colleagues in this practice or ask professional colleagues to cover calls or the practice for the provider and will provide the information necessary to complete those tasks.
- **Payment.** Payment refers to the activities undertaken by a health care provider [including a mental health provider] to obtain or provide reimbursement for the provision of health care. The provider will use your information to develop accounts receivable information, bill you, and with your consent, provide information to your insurance company or other third-party payers for services provided. The information provided to insurers and other third-party payers may include information that identifies you, as well as your diagnosis, type of service, date of service, provider name/identifier, and other information about your condition and treatment.
- **Health Care Operations.** Health Care Operations refers to activities undertaken by the provider that are regular functions of management and administrative activities of the practice. For example, the provider

may use or disclose your health information in the monitoring of service quality, staff evaluation, and obtaining legal services.

- **Contacting the Client.** The provider may contact you to remind you of appointments and to tell you about treatments or other services that might be of benefit to you. The provider does not guarantee confidentiality if you are discussing issues via cell phone, cordless phone etc. and you must give consent for your provider to leave a message on an answering machine. Confidentiality cannot be guaranteed if you choose to communicate with your therapist via email.
- **Required by Law.** The provider will disclose protected health information when required by law or necessary for health care oversight. This includes, but is not limited to: (a) reporting suspected child abuse or neglect; (b) when court ordered to release information; (c) to health oversight agencies for oversight activities authorized by law and necessary for the oversight of the health care system, government health care benefit programs, or regulatory compliance; (d) when a coroner is investigating the client's death; (e) when there is a legal duty to warn or take action regarding imminent danger to others, for example, (school violence, a methamphetamine lab or other violent crime). The provider is required to report any threat of imminent physical harm by a client to law enforcement and to the person(s) threatened; (f) The provider is required to initiate a mental health evaluation of a client who is imminently dangerous to self or to others, or who is gravely disabled, as a result of a mental disorder; (g) The provider is required to report any suspected threat to national security to federal officials.
- **Crimes on the premises, observed, or reported to the provider.** Crimes that are observed by the provider or the provider's staff, crimes that are directed toward the provider or the provider's staff, crimes that occur on the premises, or crimes reported to law enforcement.
- **Business Associates.** Some of the functions of the provider may be provided by contracts with business associates. For example, some of the billing, legal, auditing, and practice management services may be provided by contracting with outside entities to perform those services. In those situations, protected health information will be provided to those contractors as is needed to perform their contracted tasks. Business associates are required to enter into an

agreement maintaining the privacy of the protected health information released to them.

- **Research.** The provider may use or disclose protected health information for research purposes if the relevant limitations of the Federal HIPAA Privacy Regulations are followed. 45 CFR § 164.512(i).
- **Involuntary Clients.** Information regarding clients, who are being treated involuntarily, pursuant to law, will be shared with other treatment providers, legal entities, third party payers and others, as necessary to provide the care and management coordination needed.
- **Family Members.** Except for certain minors, incompetent clients, or involuntary clients, protected health information cannot be provided to family members without the client's consent. In situations where family members are present during a discussion with the client and it can be reasonably inferred from the circumstances that the client does not object, information may be disclosed in the course of that discussion. However, if the client objects, protected health information will not be disclosed. Under Colorado law, C.R.S. 14-10-123.8, parents have the right to access mental health treatment information concerning their minor children, unless the court has restricted access to such information. If you request treatment information, the therapists may provide you with a treatment summary, in compliance with Colorado law and HIPPA Standards.
- **Welfare Checks.** When we are concerned about a client's safety, it is our policy to request a Welfare Check through local law enforcement. In doing so, we may disclose to law enforcement officers information concerning our concerns. By signing this Disclosure Statement and agreeing to treatment at Kin & Soul Counseling, you consent to this practice, if it should become necessary.
- **Client/Patient Rights.** (1) You are entitled to receive information from your therapist about the methods of therapy, the techniques used, the duration of your treatment (if it can be determined), and the fee structure. Please ask if you wish to receive this information from your therapist. (2) You may seek a second opinion from another therapist and may terminate your therapy at any time. (3) In a professional relationship (such as ours), sexual intimacy is never appropriate. If sexual intimacy occurs, it should be reported to the board that licenses, registers, or certifies the licensee, registrant or certificate holder.
- **Confidentiality.** Generally speaking, the information provided by and to a client during therapy sessions is legally confidential and cannot

be released without the client's consent. If information is legally confidential, your therapist cannot be required to disclose such information without your consent. There are exceptions to the general rule of legal confidentiality, some of which are listed in section 12-43-218 of the Colorado Revised Statutes, as well as other exceptions in Colorado and Federal law. Be advised that legal confidentiality may not apply in a criminal or delinquency proceeding. If a legal exception arises during therapy, if feasible, you will be informed accordingly. The Mental Health Practice Act (CRS 12-43-101, et seq.) is available at

<http://www.dora.state.co.us/mental-health/Statute.pdf>.

- **Hold Harmless.** I agree to hold harmless, and I will not institute or be part of any claim or suit against the therapist, evaluator, staff and agency in their provision and administration of my services and treatment program.
- **Release of Information.** Information in your case may be shared with the Kin & Soul Counseling supervisor listed in this document for case consultation and supervision purposes. This information is considered confidential for this supervisor. Your signature gives consent for this consultation and supervision.

B. Client Authorization or Release of Information. The provider may not use or disclose protected health information in any other way without a signed authorization or release of information. When you sign an authorization, or a release of information, it may later be revoked provided that the revocation is in writing. The revocation will apply, except to the extent the provider has already taken action in reliance thereon.

II. YOUR RIGHTS AS A CLIENT

- A. **Non-Discrimination Practices.** It is Kin & Soul Counseling's policy to provide a healing environment free from any form of harassment, intimidation, or change in service delivery based on sex, race, religion, national origin, disability, veteran status, sexual orientation or gender expression.
- B. **Access to Protected Health Information.** You have the right to inspect and obtain a copy of the protected health information the provider has regarding you, in the designated record set. However, you do not have the right to inspect or obtain a copy of psychotherapy notes. There are other limitations to this right, which will be provided to you at the time of your request, if any such limitation applies. To make a request, ask your therapist.
- C. **Amendment of Your Record.** You have the right to request that the provider amend your protected health information. The provider is not required to amend the record if it is determined that the record is accurate and

complete. There are other exceptions, which will be provided to you at the time of your request, if relevant, along with the appeal process available to you. To make a request, ask your therapist.

- D. **Accounting of Disclosures.** You have the right to receive an accounting of certain disclosures the provider has made regarding your protected health information. However, that accounting does not include disclosures that were made for the purpose of treatment, payment or health care operations. In addition, the accounting does not include disclosures made to you, disclosures made pursuant to a signed Authorization, or disclosures made prior to April 14, 2003. There are other exceptions that will be provided to you, should you request an accounting. To make a request, ask your therapist.
- E. **Additional Restrictions.** You have the right to request additional restrictions on the use or disclosure of your health information. The provider does not have to agree to that request and there are certain limits to any restriction, which will be provided to you at the time of your request. To make a request, ask your therapist.
- F. **Alternative Means of Receiving Confidential Communications.** You have the right to request that you receive communications of protected health information from the provider by alternative means or at alternative locations. For example, if you do not want the provider to mail bills or other materials to your home, you can request that this information be sent to another address. There are limitations to the granting of such requests, which will be provided to you at the time of the request process. To make a request, ask your therapist.
- G. **Copy of this Notice.** You have the right to obtain another copy of this Notice upon request.

III. ADDITIONAL INFORMATION

- A. **Privacy Laws.** The provider is required by State and Federal law to maintain the privacy of protected health information. In addition, the provider is required by law to provide clients with notice of the provider's legal duties and privacy practices with respect to protected health information.
- B. **Terms of the Notice and Changes to the Notice.** The provider is required to abide by the terms of this Notice, or any amended Notices that may follow. The provider reserves the right to change the terms of its Notice and to make the new Notice provisions effective for all protected health information that it maintains. When the Notice is revised, the revised Notice will be posted at the provider's service delivery sites and will be available upon request.
- C. **Complaints Regarding Privacy Rights.** If you believe the provider has violated your privacy rights, you have the right to complain to the provider.

Your therapist is the person designated within the practice to receive your complaints. The Colorado Department of Regulatory Agencies regulates the practice of both licensed and unlicensed persons in the field of psychotherapy. Questions or complaints may be addressed to:

Colorado Department of Regulatory Agencies State Grievance Board
1560 Broadway, Suite 1340
Denver CO 80202
(303) 894-7766

It is the policy of the provider that there will be no retaliation for your filing such complaints.

- D. **Regulation of Psychotherapists.** The practice of licensed or unlicensed persons in the field of psychotherapy is regulated by the Mental Health Licensing Section of the Division of Registrations. The regulatory boards can be reached at:

1560 Broadway, Suite 1350
Denver, Colorado 80202
(303) 894-7800

The regulatory requirements for mental health professionals provide that a Licensed Clinical Social Worker, a Licensed Marriage and Family Therapist, and a Licensed Professional Counselor must hold a Master's degree in their profession and have two years of post-Masters supervision. A Marriage and Family Therapist Candidate and a Licensed Professional Counselor Candidate must hold the necessary licensing degree and be in the process of completing the required supervision for licensure. An Unlicensed Psychotherapist is listed in the State's database and is authorized by law to practice psychotherapy in Colorado but is not licensed by the State and is not required to satisfy any standardized educational or testing requirements to obtain a registration from the State.

- E. **Disclosure Regarding Divorce and Custody Litigation.** If you are involved in divorce or custody litigation, your therapist's role is not to make recommendations to the court concerning custody or parenting issues. By signing this Disclosure Statement, you agree not to subpoena your/your child's therapist to court for testimony or for disclosure of treatment information in such litigation; and you agree not to request that the therapist write any reports to the court or to your attorney, making recommendations concerning custody. The court can appoint professionals, who have no prior relationship with family members, to conduct an investigation or evaluation and to make recommendations to the court concerning parenting time in the best interests of the family's children.

- F. **Record Retention.**

- Effective July 14 2020, with the House Bill 20-1206, mental health professionals may not maintain client records after seven years.
- Specifics for file retention for each type of therapist:
 - a) For Marriage and Family Therapists: Except as provided in subsection (D) of Section 4 CCR 736-1.16, every licensed marriage and family therapist shall create and shall maintain records on the primary client(s). Every licensed marriage and family therapist shall retain a record as defined in subsection (B) Section 4 CCR 736-1.16, on the primary client(s) for a period of seven years, commencing on the termination of marriage and family therapy/psychotherapy services or on the date of last contact with the client(s), whichever is later. Exception. When the client is a child, the record shall be retained for a period of seven years commencing either upon the last date of treatment or when the child reaches eighteen years of age, whichever is later.
 - b) For Licensed Professional Counselors: Every licensed professional counselor shall create and shall maintain a record as defined in subsection (b) of Section 4 CCR 737-1.16 for each client, this record shall be retained for a period of seven (7) years, commencing on either the termination of professional counseling services or the date of last contact with the client, whichever is later. Exception: When the client is a child, the record shall be retained for a period of seven (7) years commencing either upon the last day of treatment or when the child reaches eighteen (18) years of age, whichever comes later. But in no event shall records be kept for more than twelve (12) years.
 - c) For Clinical Social Workers: Every social worker shall create and shall maintain a record for each social work/psychotherapy client. Every social worker shall retain a record on each social work/psychotherapy client for a period of seven years.

G. **Clinical Team:** The Kin & Soul Counseling treatment team consists of your therapist, who is a Candidate for Licensure (Unlicensed therapist) and a Licensed Therapist who provides supervision to your therapist. By signing the acceptance of these disclosures, you agree that you have been informed of the therapist's and her supervisor's degrees, credentials, and licenses, on the attached document.

H. **Additional Information.** If you desire additional information about your privacy rights, ask your therapist.

- A Certified Addiction Technician (CAT/ACA) 1 must be a high school graduate or equivalent, complete required training hours, 1,000 hours of supervised experience and pass the NAADAC NCAC Level I exam.
- A Certified Addiction Specialist (CAS/ACC)1 must have a bachelor's degree in clinical behavioral health, complete required training hours, 3,000 hours of supervised experience (may include hours completed for the CAT/ACA), and pass the NAADAC NCAC Level II exam.
- A Licensed Addiction Counselor (LAC/ACD) 1 must have a clinical master's degree, meet the CAS/ACC requirements OR complete 2,000 additional hours of supervised experience, and pass the NAADAC MAC exam. A Licensed Social Worker must hold a master's degree from a graduate school of social work and pass an examination in social work.
- A Licensed Clinical Social Worker (LCSW/CSW) 1 must hold a master's or doctorate degree from a graduate school of social work, practice as a social worker for at least two years, and pass an examination in social work. A Psychologist Candidate, a Marriage and Family Therapist Candidate, and a Licensed Professional Counselor Candidate must hold the necessary licensing degree and be in the process of completing the required supervision for licensure.
- A Licensed Marriage and Family Therapist must hold a master's or doctoral degree in marriage and family counseling, have at least two years post-master's or one year post-doctoral practice, and pass an exam in marriage and family therapy.
- A Licensed Professional Counselor must hold a master's or doctoral degree in professional counseling, have at least two years post-master's or one year postdoctoral practice, and pass an exam in professional counseling.
- A Licensed Psychologist must hold a doctorate degree in psychology, have one year of post-doctoral supervision, and pass an examination in psychology.

KIN & SOUL COUNSELING LLC TREATMENT TEAM

Therapist: Brianna Mai, MA, MFT-C #0014412, LPCC #0020341

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Therapist's Clinical Supervisor: Alison Hartman, MA, LMFT #0001326

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