

Suffolk University Counseling Center
Counseling Services Notice and Agreement Form
April 2003

Welcome to the Counseling Center! This document (“the Agreement”) contains important information about the services offered to students and to others in the Suffolk University community and outlines the policies and procedures that underlie the delivery of those services. It also contains summary information about the **Health Insurance Portability and Accountability Act (HIPAA)**, a new federal law that took effect on April 14, 2003. HIPAA provides new privacy protections and patient rights with regard to the use and disclosure of “**Protected Health Information**” (**PHI**) used for the purpose of treatment, payment for services, and health care operations.

CONTACTING THE COUNSELING CENTER

The Counseling Center is open from 9:00-4:30, Monday through Friday. Limited early morning and evening hours can also be scheduled, by appointment. When the Center is closed, messages can be left through the University’s voice-mail system. After-hour messages are checked on a routine basis. Generally, calls are returned by the following day at the latest, with the exception of weekends and holidays. If it is difficult to be reached, clients should leave times they would like to be contacted by a counselor. In emergency situations when it is difficult to wait for a return call from a counselor, students should contact their family physician or the nearest emergency room and ask for the psychologist and/or psychiatrist on call.

FEES AND APPOINTMENTS

Short-term counseling, psychiatric evaluations and monthly medication follow-ups are services provided free of charge to enrolled students at Suffolk University. In cases where medication is recommended as part of ongoing treatment in the Counseling Center, students bear the cost of payment for prescribed medications. Clients are reminded by telephone of their scheduled appointment with the consulting psychiatrists at least two days in advance of the appointment. It is important that every effort be made to keep, and to be on time, for scheduled appointments. The Counseling Center would appreciate notification of a cancellation as early as possible, in

order to offer appointments to clients on the waiting list. Clients should also be aware that by not keeping follow-up appointments with the consulting psychiatrist, it is very likely that prescribed medication(s) may run out and the wait to have them re-filled will be longer than recommended by the prescribing psychiatrist.

INSURANCE REIMBURSEMENT

State laws require that every student enrolled in a Massachusetts college or university be covered by a health insurance policy that includes provisions for mental health treatment. In the event that a counselor recommends an off-campus referral for continued treatment, it is important for clients to evaluate what personal resources are available to pay for mental health treatment and/or medication and to determine the extent of mental health coverage provided by individual insurance policies. It is sometimes difficult to determine exactly how much mental health coverage is available. “Managed Health Care” plans often require authorization before they provide reimbursement for mental health services. These plans are often limited to short-term treatment approaches designed to work out specific problems that interfere with a person’s usual level of functioning. It may be necessary to seek approval for more therapy after a certain number of sessions. If clients have questions about their coverage, they should consult with their plan administrator. Counselors will assist clients by helping to complete the required authorization forms, by providing coverage information to new mental health professionals, and by acting as an advocate to assure that clients receive the benefits to which they are entitled. It should also be noted that some health insurance contracts may require that counselors provide information relevant to the mental health services being recommended. In such situations, counselors will make every effort to release only the minimum personal information that is necessary for the purpose requested. Staff counselors will also provide clients with copies of any submitted reports, if requested in writing.

LIMITS ON CONFIDENTIALITY

Massachusetts laws on confidentiality protect the privacy of all communications between a client and a psychologist. In the great majority of situations, licensed psychologists will only release information about their treatment to others if clients sign a written authorization form that meets certain legal requirements imposed by HIPAA. There are other situations that do not require such

written authorizations. In such cases, clients are generally notified that such contacts have taken place. Examples of such interactions are listed below:

- Psychologists may occasionally find it helpful to consult other health and mental health professionals about a case. During such consultations, every effort is made to avoid revealing the identity of clients. The other professionals are also legally bound to keep the information confidential. Unless clients raise objections to such interactions, counselors generally do not provide notification of such consultations unless they feel that it is important for the work being undertaken with their clients. In such situations, each consultation is recorded in clients' Clinical Records (which is called "PHI" in the Notice of Psychologist's Policies and Practices to Protect the Privacy of Health Information).
- The Counseling Center employs administrative staff to assist psychologists in providing services to students. In a very limited number of cases, protected information may be shared between staff members for both clinical and administrative purposes, such as scheduling, case management and to maintain quality assurance. Members of the Counseling Center staff are bound by the same rules of confidentiality and have received training about protecting your privacy and have agreed not to release any information outside of the practice without the permission of a professional staff member.
- In order to assure that it continues to meet accepted standards of care, the Counseling Center has formal relationships with the International Association of Counseling Services (IACS) and the American Psychological Association (APA). As required by HIPAA, the Counseling Center will establish a formal business associate contract with its accrediting organizations, in which they will agree to maintain the confidentiality of your personal health information except as specifically allowed in the contract or otherwise required by law.

There are some situations where counselors are permitted or required to disclose information without the consent or authorization by clients:

- If clients are involved in a court proceeding and a request is made for information concerning either diagnosis and/or the progress of treatment, such information is protected by the laws governing the use and release of privileged communications. Counselors cannot provide any information without their client's (or a designated legal

representative's) written authorization, or a court order. If clients are either involved in or contemplating litigation, they should consult with their attorney to determine whether a court would be likely to order their counselor to disclose otherwise protected information.

- If a government agency is requesting the information for health oversight activities, counselors may be required to provide it for them.
- If a client files a complaint or lawsuit against a counselor, that counselor may disclose relevant client information as part of h/her defense against the complaint(s).
- If a client files a worker's compensation claim, counselors must, upon written request, provide appropriate information, including a copy of the client's record, to the client's employer, the insurer or the Department of Workmen's Compensation.

There are some situations in which mental health professionals are obligated to take actions that they believe are necessary to attempt to protect others from harm. To do so, they may have to reveal some information about a client's treatment. Such cases have been extremely rare in the Counseling Center.

- If a counselor has reasonable cause to believe that a child under age 18 is suffering physical or emotional injury resulting from abuse inflicted upon him or her which causes harm or substantial risk of harm to the child's health or welfare (including sexual abuse), or from neglect (including malnutrition), the law requires that h/she must file a report with the Department of Social Services. Once such a report is filed, counselors may be required to provide additional information.
- If a counselor has reason to believe an elderly or handicapped individual is suffering from abuse, the law requires that h/she must file a report with the Department of Elder Affairs. Once such a report is filed, the counselor may be required to provide additional information.
- If a client communicates an immediate threat of serious physical harm to an identifiable victim or if a client has a history of violence and the apparent intent and ability to carry out the threat, a counselor may be required to take protective actions. These actions may include notifying the potential victim, contacting the police, and/or seeking hospitalization for the client.

- If a client threatens to harm himself/herself, counselors may be obligated to seek hospitalization for him/her, or to contact family members or others who can help provide protection.

If such a situation arises, counselors make every effort to fully discuss the requirements with clients before taking any action and will limit any disclosures to what is necessary and required by law.

While this written summary of exceptions to confidentiality is written to provide helpful information about potential problems, it is important that clients discuss any questions or concerns that they may have now or in the future with their counselor. In situations where specific advice is required, formal legal advice may also be needed.

MINORS AND PARENTS

If clients are under 18 years of age and are not legally emancipated, they should be aware that the law allows parents to examine their child's treatment records, unless the counselor believes that such a review would be harmful to the client and to his/her treatment. Because privacy in psychotherapy is often crucial to successful progress, particularly with teenagers, the Counseling Center may request an agreement from parents that they consent to give up their access to their child's records. If clients are under-age and their parents agree, counselors may provide them only with general information about the progress of the treatment and client's attendance at scheduled sessions. Counselors may also provide parents and/or legal guardians with a summary of treatment when it is complete. Any other communication will require client's written authorization, unless counselors determine that clients may be in danger or could be a danger to someone else. In such cases, counselors may then notify parents and/or legal guardians, as needed and required by law. Before providing any information to parents or guardians, counselors discuss the need to do so with clients and, if possible under the circumstances, to respond to any objections raised by their clients.

PROFESSIONAL RECORDS

Massachusetts state laws and standards for the practice of psychology require that Protected Health Information be included in Clinical Records. Among other things, such records include

information regarding client's reasons for seeking therapy, a description of the ways in which personal problems impacts clients' lives, diagnosis (if there is one), treatment goals and progress toward those goals, clients' social and medical history, previous treatment history, any past treatment records received from other providers, reports of any professional consultations, and any records that may have been sent to insurance carriers authorizing referrals and/or treatment. Clinical records will also include the contents of conversations between clients and counselors, assessments of those conversations, and how they may impact on treatment. Clients may examine and/or receive a copy of their Clinical Record, if requested in writing, unless the counselor believes that such access might be harmful to the client. In those situations, clients have a right to a summary and to have the record sent to another mental health provider or to a designated legal representative. Due to their content, clinical records can be misinterpreted and/or be upsetting to untrained readers. Accordingly, it is recommended that clients initially review them in the presence of their counselor.

While insurance companies can request a copy of Clinical Records, they cannot receive a copy without a client's written authorization. Insurance companies cannot require a client's authorization as a condition of coverage nor penalize clients in any way for their refusal to sign such authorizations.

CLIENT RIGHTS

HIPAA provides clients with several new or expanded rights with regard to their Clinical Record and the protection of private health information. These rights include requesting amendments to client-records; requesting restrictions on the amount of information from Clinical Records that can be disclosed to others; requesting an accounting of most disclosures of protected health information that clients have neither consented to nor authorized; determining the location to which protected information disclosures are sent; having any complaints made about the Counseling Center's policies and procedures recorded in client records; and the right to a paper copy of this Agreement, and the Counseling Center's privacy policies and procedures. Counselors will be pleased to discuss any of these rights with clients, as needed and requested.

PSYCHOLOGIST’S DUTIES

- Psychologists are required by law to maintain the privacy of PHI and to provide clients with a notice of their legal duties and privacy practices with regard to PHI.
- Psychologists may reserve the right to change the privacy policies and practices described in this notice. Unless they notify clients of such changes, however, counselors are required to abide by the terms currently in effect.
- If counselors revise their policies and/or procedures, they must provide clients with a revised notice, by mail or by an alternative form of notification, as per client’s written request.

COMPLAINTS

If clients are concerned that their privacy rights may have been violated, or disagree with a decision that has been made about access to personal records, they may contact:

Dr. Kenneth F. Garni
Director/Privacy Officer, Suffolk University Counseling Center
@ 617-573-8226

Clients may also send a written complaint to the Secretary of the U.S. Department of Health and Human Services. The person listed above will provide the appropriate address upon request.

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