



## Notice of Privacy Practices

### **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.**

**PURPOSE.** The Student Counseling Center (SCC) at Texas A&M University – San Antonio maintains your mental health information in records that are kept in a confidential manner, as required by Texas law and the Family Educational Rights and Privacy Act (20 U.S.C. § 1232g; 34 C.F.R. Part 99). SCC follows the privacy and security practices described in this Notice.

**DOES THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA) APPLY TO YOUR MENTAL HEALTH INFORMATION MAINTAINED BY SCC?** No. FERPA, applicable state licensure laws, and TAMU-SA policies govern the privacy of your mental health information maintained by SCC.

**MENTAL HEALTH RECORDS.** The SCC is required to maintain accurate records of the mental health services you receive. The clinic is also required to keep those records secure. Your mental health information will not be part of your permanent university record nor will your visits to the SCC be noted on your transcripts. Records are stored in an electronic database for a period of seven years and are password protected.

**HOW WILL THE STUDENT COUNSELING CENTER USE AND DISCLOSE MY MENTAL HEALTH INFORMATION?** SCC must use and disclose your mental health information as necessary for your treatment and its healthcare operations to provide you with quality mental health care as further described herein. Treatment includes sharing information among mental healthcare providers involved in your care, including graduate student trainees and residents, and other SCC staff for consultation.

In addition, SCC may use or disclose your mental health information for the following purposes: (1) payment for your treatment; (2) to inform you of treatment alternatives or benefits or services related to your mental health; (3) appointment reminders (unless you refuse such communications from the SCC); (4) certain research projects in which your health information is de-identified before disclosure and use; and (5) to carry out mental healthcare treatment and operations through vendors and other third parties, such as to install a new computer system.

In addition to the use and disclosure purposes listed above, SCC may use or disclose your mental health information without your consent for the following purposes:

- Although rare, there are instances when client records may be subpoenaed for legal proceedings.
- Communication with law enforcement (including University Police) when professionals are coordinating your emergency mental health care.
- Information released to other professionals involved in treatment. Most commonly this would be to other members of the counseling staff at the SCC.
- If you are determined to be in imminent danger of harming yourself or someone else.
- If you engage in suicidal or homicidal thoughts or behaviors while a client of the SCC, the SCC may, after careful consideration and professional consultation, share a limited amount of confidential information about you with other mental health or medical care professionals who are also providing you with care. The purpose of this disclosure would be to facilitate your emergency treatment. CARE Reports filed with the Dean of Students office may also be disclosed, if they contain information related to your risk and safety.
- If you disclose sexual misconduct by a therapist.
- If you disclose abuse or neglect of children, the elderly, or disabled persons. Sexual assault of an adult is not a mandated report under Texas law.
- To qualified personnel for certain kinds of program audits or evaluations.
- In some cases, a graduate trainee may discuss cases with a supervisor/professor at their own university. In order to protect your privacy, no identifying information will be used.
- If you are under 18 years of age,\* your parents or legal guardian(s) may request access to your records and may authorize their release to other parties.
- Where otherwise legally required.

\*Prior to the start of counseling services to a minor client, a clinician will obtain and review a current copy of the custody agreement or court order, as well as any applicable divorce decree. Clinicians will maintain these documents as part of the client's record.

**YOUR AUTHORIZATION IS REQUIRED FOR OTHER DISCLOSURES.** Except as previously described, SCC will not use or disclose your mental health information unless you allow SCC, in writing, to do so. You may withdraw or revoke your permission in writing, which will be effective upon receipt by SCC.

**REQUESTS REGARDING YOUR MENTAL HEALTH INFORMATION.** You may make certain requests with respect to your mental health information maintained by SCC, if requested on the form(s) provided by the SCC:

- **Restrictions.** You may request that SCC not use or disclose your mental health information for certain treatment or healthcare operations, but SCC is not required to agree to any such restriction.
- **Confidential communications.** You may request that SCC contact you in a certain way (e.g., cell phone) or at a certain location, but you must tell us how or where you wish to be contacted.
- **Inspect and copy.** You have the right to review and obtain a copy of your mental health records. SCC may charge you a fee for copying, mailing, and supplies. Under limited circumstances, your request may be denied if your mental health professional determines that release of the record would be harmful to your physical, mental, or emotional health. In such event, SCC will allow examination and copying of the record by another professional selected by you who is treating you for the same or a related condition.
- **Amendments.** If you believe that the mental health information SCC has about you is incorrect or incomplete, you may request an amendment on the form provided by the SCC. If the SCC does not agree with your requested corrections, it will notify you in writing and explain why your request was denied. You may submit a statement of disagreement that the SCC will place in your file.
- **Copy of this Notice.** You may request a copy of this Notice at any time.

**REVISIONS TO THIS NOTICE.** SCC will comply with this Notice for as long as it is in effect. SCC may change this Notice, and these changes will be effective for mental health information SCC has about you, as well as any information that it may receive in the future. Each time you provide your consent to receive mental health services from the SCC, you may receive a copy of the Notice in effect at the time.

**COMPLAINTS.** If you believe your privacy rights have been violated, you may file a complaint with Mary Buzzetta, Ph.D., Director of the Student Counseling Center, the U.S. Department of Education, or the Secretary of the Texas Department of Health and Human Services. SCC will not penalize or retaliate against you in any way for making a complaint to Texas A&M University – San Antonio, the U.S. Department of Education, or the Texas Department of Health and Human Services.

**QUESTIONS.** Contact the Director of the Student Counseling Center at (210) 784-1331 if you have any questions about this Notice or wish to make a request with respect to your mental health information as described in this Notice.

*Effective as of January 6, 2022*