



CONFIDENTIALITY & PRIVACY POLICY

Policy:

It is the policy of Connections Family Counseling, LLC & Mark L. Vander Ley, MC, LCPC, as a licensed clinical professional counselor, to protect the confidentiality and privacy of the clients who receive services from him.

Connections Family Counseling, LLC & Mark L. Vander Ley, MC, LCPC observes and abides by all state and federal laws regarding the privacy and confidentiality of records. In accordance with the Health Insurance Portability & Accountability Act of 1996 (HIPAA) Mark L. Vander Ley, MC, LCPC endorses the following procedure to protect the confidential information of clients.

Procedure:

1. Definitions:

Client: A client for the purposes of this policy is anyone who has or is receiving services from Connections Family Counseling, LLC & Mark L. Vander Ley, MC, LCPC.

Privacy: Privacy is the client's legal right to have information about them protected from review by other individuals without their permission.

Confidentiality: Confidentiality is the process in which Connections Family Counseling, LLC & Mark L. Vander Ley, MC, LCPC protects the privacy of clients receiving his services.

Staff: Any office personnel who work for Connections Family Counseling, LLC & Mark L. Vander Ley, MC, LCPC.

Disclosure: Disclosure is the act of releasing information from one individual to another. Within this policy it refers to the releasing of private client information to another party.

Amendment: An amendment is a request for a change to be made in information kept on file.

2. Connections Family Counseling, LLC & Mark L. Vander Ley, MC, LCPC maintains full responsibility for all aspects of client privacy as the Privacy Representative for his clinical practice. Any concerns regarding confidentiality or requests of information amendments should be made to him, or may be made to the state licensing board maintained by the Illinois Department of Professional Regulation. Requests for releasing of information will be processed by Mark L. Vander Ley, MC, LCPC.

3. All staff and all clients receiving services from Connections Family Counseling, LLC & Mark L. Vander Ley, MC, LCPC will review the Confidentiality and Privacy Policy.

- a. There will be a confidentiality agreement signed by staff kept on file. This agreement will indicate the commitment of staff to abide by the policy as well as state and federal laws on confidentiality. Clients may request to review these agreements.
 - b. New clients will receive a copy of the policy, which will also be reviewed with them by Mark L. Vander Ley, MC, LCPC. Their signature will be kept on file indicating that they have received and reviewed the policy.
4. Authorization for Release of Information:
- a. Will be written in specific language to indicate exactly what type of information is to be disclosed and to what person or entity the disclosure will be made.
 - b. There will be an expiration date on all Authorizations for Release of Information, which will not exceed 12 months from the date of the signature on the release.
 - c. Protected health information will never be released for any reason without proper written authorization and/or a valid court order and/or pursuant to lawful exceptions to confidentiality as noted on page 4 of this document.
 - d. Protected health information requiring a signed Authorization for Release of Information shall include but not be limited to photographs, name and identifying information, social security number, diagnosis, session dates and contact dates, progress notes and assessments. Any information regarding a client who is receiving services or who has received services in the past from Connections Family Counseling & Mark L. Vander Ley, MC, LCPC will be considered protected health information.
 - e. An Authorized Signature will be the person who has legal rights to sign for the client according to the law. For an adult it will be the person who has the legal authority to act as guardian for the individual whose information is to be disclosed. For children it will be the legal parent or guardian who provides the authority to release information. Children over the age of 12 will also sign, as required by mental health code, before information about that child is released.
 - f. The least information required will be released in the effort to comply with requests to release information. Assessment and intake reports will be released only if specifically asked for and approved by the authorized signature on the Authorization to Release of Information.
 - g. For releases received by outside entities Connections Family Counseling, LLC & Mark L. Vander Ley, MC, LCPC may contact the client for the purpose of obtaining confirmation of authorization to release and to discuss any concerns regarding the type of information to be disclosed. Mark Vander Ley reserves the right to raise concerns with the client regarding whether or not requested information should be disclosed. Illinois state law permits the therapist to withhold information if the therapist believes such release would be detrimental to the well-being of the client.
 - h. Release of information for marital/couples therapy or family therapy will only be authorized after ALL parties to the treatment sessions sign a valid release.
5. Disclosure contact information will be kept in the file each time information was disclosed to a third party. Disclosure contacts may be reviewed by clients upon request.

6. Clients have the right to review their counseling record and request that changes be made to that record. Clients have the right to receive a copy of their record by making their request in writing. A nominal copying and service fee may be charged to cover the cost of copying the record.
7. Client Information Amendment Requests may be made by clients when they object to information in their file or would like to have information within their file modified. Clients shall make this request in writing. Clients may submit this request to Connections Family Counseling, LLC & Mark L. Vander Ley MC, LCPC.
8. Confidential Communications with clients will be conducted as the client prefers. Client demographic information such as address and phone numbers will be gathered for the client file. However, the client will be asked upon admission to outpatient services where they would like confidential communications in writing and by phone to be made. Connections Family Counseling, LLC & Mark Vander Ley, MC, LCPC will ask for any restrictions in the type of information to be left in messages or communicated in any form upon intake. Once the client has received the policy and acknowledged they have received the policy in writing it is the client's responsibility to inform Connections Family Counseling, LLC & Mark L. Vander Ley, MC, LCPC of any changes they request in how confidential communication is handled after the first session. If a change is requested, Connections Family Counseling, LLC & Mark L. Vander Ley, MC, LCPC will immediately make the change in the file indicating the person who made the request and the date of the requested change.
9. Connections Family Counseling & Mark L. Vander Ley, MC, LCPC will safeguard client records within the computer by:
 - a. Assuring that if the computer is not in use and is unattended, the computer will be shut down and/or the staff person logged out. Once logged out a password will be needed to access the computer
 - b. All client records stored on removable electronic storage media will be locked in a secure area when not in use.
10. Connections Family Counseling, LLC & Mark L. Vander Ley, MC, LCPC will safeguard client records on paper by assuring that unattended files are locked in secure cabinets at all times.
11. Client files may be destroyed in a manner that protects confidentiality either by shredding or burning of files. Client files are maintained as required by the Illinois Mental Health code, HIPAA and professional ethics.
12. Clients have a right to be notified if there are any breaches of unsecured protected health information or any other unauthorized disclosure of protected health information.
13. Clients have the right to restrict certain disclosures of protected health information to health plans/insurance companies if the client pays out of pocket in full for the health care service.
14. Termination of services:
 - a. A client may choose to end his or her involvement in treatment services at any time, with no obligation or penalty. Connections Family Counseling, LLC & Mark L. Vander Ley, MC, LCPC may request a final session to "wrap up" and formally end the relationship but the client is not obligated attend.
 - b. Mark L. Vander Ley, MC, LCPC may terminate treatment services if necessary for cause, as necessary for ethical reasons or for other pragmatic reasons. In any case, Mark L. Vander Ley, MC, LCPC will provide the client with referral sources and facilitate the transfer of the case to a new therapist.

- c. In cases where a clients stops scheduling or attending therapy sessions, the last attended session will be considered as the end of the professional relationship and the termination of Mark Vander Ley's responsibility for assisting the client.

LIMITS TO CONFIDENTIALITY AND MANDATED REPORTING

While most information shared with a mental health professional is private and confidential, licensed clinical professional counselors are required to disclose information to other parties under certain circumstances:

1. All licensed clinical professional counselors are required by law to report any suspected instances of child abuse or neglect to the Child Abuse Hot Line. Making a report does not necessarily mean that the counselor believes abuse or neglect occurred, only that a reasonable person might suspect it.
2. Similarly, the law requires that mental health professionals contact authorities in the event that elder abuse/neglect is discovered. This applies to any adult age 60 or over who cannot make a call themselves, if they are suspected of being abused or neglected.
3. If a counselor believes you are at risk of attempting suicide, the courts have mandated that the counselor notify any parties necessary to ensure your safety, for example, police, emergency services, family members.
4. If a counselor believes you are at risk of harming or killing someone else, the courts have held that the counselors must warn the intended victim and/or others who may prevent the assault from occurring.
5. Counselors are permitted by law to provide limited information to collection agencies or small claims court in the event that you would refuse to pay a lawful bill for services.
6. If a counselor is ordered by a court to provide records or testify about you against your wishes, the counselor will make efforts to avoid providing records or testifying by asserting your right to confidential communications, but may not always be able to do so.
7. In the course of providing services and after the conclusion of the provision of services, a counselor may disclose a record or communicate without consent to:
 - a. The counselor's supervisor, a consulting counselor, members of a staff team participating in the provision of services, a record custodian, or a person acting under the supervision and control of the therapist;
 - b. Persons conducting a peer review of the services being provided;
 - c. The Institute for Juvenile Research and the Institute for the Study of Developmental Disabilities;
 - d. An attorney or advocate consulted by a counselor or agency which provides services concerning the counselor's or agency's legal rights or duties in relation to the recipient and the services being provided.
 - e. In the course of providing services, a counselor may disclose a record or communications without consent to any department, agency, institution or facility that has custody of the recipient pursuant to State statute or any court order of commitment.
8. The Federal Government's Patriot Act allows certain federal officials, in the name of protecting Homeland security, to obtain records without your consent, and prohibits anyone from informing you that they have done so.
9. The Illinois FOID (Firearms Owners IDentification) law was revised to require mental health institutions to notify the Illinois State Police if you are considered a "dangerous" person (as defined in statute as a risk of harming self or others). The State Police may then revoke your FOID card if you have one, or prohibit you from obtaining one if you don't already have one.
10. Some insurance companies' policies allow them to audit and/or review clinical treatment files to determine that adequate treatment was provided as it had been billed.
11. Virtually all insurance companies require that a client be given a DSM-V diagnosis. In some cases this may reduce your eligibility for certain types of insurance.

12. In the event of your death your records, if requested, may become the property of the executor of your estate, legal guardian, or next-of-kin, whichever is applicable. There are no legal restrictions on their use of your records. It may be possible to specify restrictions in a legal Will (please consult your attorney). Illinois counselors are required to maintain adult records for seven years after the last date of services, and to keep juvenile records for three years after they reach the age of majority.

I acknowledge that I have received a copy of this disclosure and understand this disclosure as presented

Client

Date:

Guardian

Date: