

HOW TO REQUEST RECORDS

Texas law requires that requests for mental health records be in writing. In order to obtain your records, or your child's records from our practice, please do the following:

- Complete our HIPAA-compliant Authorization and send it to us through the client portal of Sessions Health, our electronic health records system. In the subject line, write "REQUEST FOR RECORDS." Please be sure to include the records you want, and the name, address, and/or e-mail address of the intended recipient.
- If you do not have access to the client portal, please e-mail your request for records and the Authorization to this e-mail address: cindy.yang@hiddendepthstherapy.com. In the subject line, please write "REQUEST FOR RECORDS."
- If the records are to be used in litigation, please include case information, such as the cause number, title, and court where the case is pending.
- If you need a Business Records Affidavit, please let us know in your request for records. There is a \$15 charge for providing a Business Records Affidavit. No Affidavit will be provided unless the fee is paid.
- There is a \$1.00 per page charge for providing records in this practice. We accept payment by credit card for producing records. **FSA/HSA may not be used as payment for requested records.** Please note that Texas law does not require us to provide records until the fee is paid.
- If you are requesting a copy of couples counseling records, family counseling records, or records for a person who is not yourself, state and federal law require that you provide either a Court Order or an Authorization signed by the person whose records you are requesting. 45 C.F.R. §164.512(e); Texas Health & Safety Code §611.004, §611.0045, §611.008.

INSTRUCTIONS FOR ATTORNEYS AND DOCUMENT COMPANIES:

A subpoena alone is not sufficient to compel the disclosure of confidential counseling and billing records or "Protected Health Information" (PHI) under the Health Insurance Privacy and Portability Act Privacy Rule (HIPAA), 45 C.F.R. Chapter 164.

For medical/hospital/mental health records or information that are requested or subpoenaed in litigation (including court testimony), HIPAA allows a covered entity

(such as Hidden Depths Therapy, PLLC) to disclose PHI in the course of any judicial or administrative proceeding as follows:

- (1) In response to an order of a court or administrative tribunal; or
- (2) Where the individual (or parent) is a party to the proceeding, he/she knows that the request for his/her PHI has been made, and does not object.

45 C.F.R. §164.512(e). An Authorization from the individual is the kind of document that will satisfy the second option.

NOTE: If the client has indicated that they do not want their records released, a "Statement of Assurance" will not be accepted, and an Authorization or Court Order will be required.