

# METANOIA WELLNESS AND CONSULTING, LLC

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## NOTICE OF PRIVACY PRACTICES

THIS NOTICE DESCRIBES HOW HEALTH INFORMATION MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY.

*Last Revised on August 17, 2022*

### **Our Commitment to Privacy**

At Metanoia Wellness and Consulting, LLC (“Metanoia Wellness”), we know that you care about how your protected health information is used and shared. This Privacy Notice (the “Notice”) explains our privacy practices and your choices when it comes to controlling how we use and deal with your protected health information. We appreciate you trusting us with your protected health information and are committed to processing your information carefully and in compliance with the Health Insurance Portability and Accountability Act (HIPAA) and Texas Medical Records Privacy Act (TMRPA). By using our therapy services, you agree to let us use your information in the ways discussed in this Notice. For this reason, it is very important that you read and understand this entire Notice.

### **Services this Notice Covers**

This Notice covers all of the therapy services offered by Metanoia Wellness, including our telehealth services, group services, other online services, in-person services, and any other services that we may develop in the future that are used to carry out our therapy services. This Notice does not cover the practices of companies that Metanoia Wellness does not own and does not cover our practices relating to personal information that is not associated or connected to your protected health information.

### **What Is Protected Health Information?**

Protected Health Information (“PHI”) is identified under HIPAA and TMPRA as including all individually identifiable health information, including demographic data, that relates to (a) the individual’s past, present, or future physical or mental health condition; (b) the provision of health care to the individual; or (c) the past, present, or future payment for the provision of health care to the individual. As such, information concerning your medical conditions, health status, communications with a healthcare provider, claims experience, medical history, physical examinations, genetic information, labs, prescriptions, and disabilities, are all likely considered PHI. Please note that if all personal identifiers that are used to identify, contact, or locate you (including without limitation your name, phone number, residential address, birth date, email address, medical record number, social security number, health insurance numbers, IP address, images, and any other unique identifying number, characteristic, or code) have been removed from PHI, the PHI is no longer deemed PHI.

## **Requirements Under Law**

We are required by law to:

1. Make sure that PHI that identifies you is kept private;
2. Give you this Notice of our legal duties and privacy practices concerning PHI; and
3. Follow the terms of the Notice that is currently in effect.

## **Protected Health Information We Collect**

We collect PHI from you when you voluntarily consent for us to collect and use it. You voluntarily consent for us to collect and use your PHI by directly providing the information to us during the course of our therapy sessions and filling out client intake forms. In some circumstances, we may ask you to provide specific PHI so that we can effectively provide our therapy services, or you may choose to give us such information on your own accord. You are under no obligation to provide PHI information; however, if you do decide to provide PHI information, both of these are examples of when you consent for us to collect, use and store the PHI you provide to us per this Notice.

## **Disclosure of PHI to Us**

Under HIPAA and TMPRA, we are required to treat the privacy of PHI with extra care. For this reason, we use HIPAA and TMPRA compliant patient portals, record storage systems, and telehealth software. We request that all PHI only be communicated and shared with us through these services rather than through other unsecured channels such as normal email, video, and text. If you decide to send us PHI through these unsecured channels, you understand that this information may not remain confidential, and breach of this information will not be due to any fault of us. The apps and software that we are currently using to collect and store your PHI are: SimplePractice and Headway. Also, you should never give any PHI to us without reading and signing our Therapy Services Agreement and being accepted as a client of Metanoia Wellness.

## **Disclosure of Your PHI with Third Parties**

We may disclose your PHI with third parties in the following ways:

- Designated Family & Friends: We may share your PHI with family members and friends that you have expressly authorized as able to access your health records. This may be through authorization forms you have provided to us or through other legal channels such as a Power of Attorney or Medical Directive. You have a right to change this information at any time. PHI concerning minors may need to be legally shared with parents or guardians, and we will determine what PHI is appropriate for parents or guardians to receive and what PHI is more suited to not be shared with parents or guardians.
- For Treatment and Operational Purposes: We may share your PHI to provide services to you and for our administration, financial, legal, and quality improvement activities that are necessary for us to provide services to you and run our business.
- For Billing and Payment Purposes: We may share your PHI to bill and collect payment for our services.
- When it is in Your Best Interest: We may share your PHI if we believe it is in your best interest and you have not expressed a preference to suggest otherwise.

- Employees and other Business Associates: Sometimes, we use other trusted companies and individuals to help us with our workload. Whenever a company or individual is working for us, whether as an independent business associate or in an employee position, they are acting as our agent. Sometimes our agents may need to access your PHI for a particular task or as part of their employment position. Our employees and business associates are trained to ensure they understand our privacy practices and do not have the right to use your PHI in a way that would violate your rights under this Notice.
- Third-Party Software and Apps: We use a number of third-party software and apps to facilitate the running of Metanoia Wellness. Your PHI may be shared with these third parties. As mentioned earlier in this Notice, we only use HIPAA and TMPRA compliant software and apps to store and process your PHI.
- To Protect Health & Safety: We may share your PHI if we believe that sharing the information will lessen a serious or imminent threat to the health or safety of you or another.
- New Owners: In the unlikely event that we are involved in a bankruptcy, merger, acquisition, reorganization, or sale of major assets, your PHI may be transferred as part of that transaction ONLY if you give consent for such transfer to take place. We will give you notice before there is a substantial change in our ownership and will never transfer your PHI information until we have received your consent in writing.
- Other reasons: HIPAA, TMPRA, and other laws may also state that we may be allowed or required to share your PHI without your authorization to help with public health and safety issues, provide information to Red Cross, conduct health research, provide disaster relief, comply with federal privacy law, respond to organ and tissue donation requests, work with a medical examiner or funeral director, comply with law enforcement and other government requests, for workers compensation purposes, to military authorities (if you are a member or veteran of the military), and respond to legal actions. We have many additional conditions to meet before sharing your PHI for these purposes. You can find out more information here:

[www.hhs.gov/ocr/privacy/hipaa/understanding/consumers/index.html](http://www.hhs.gov/ocr/privacy/hipaa/understanding/consumers/index.html)

## **Rights Concerning Your PHI**

You have a number of rights when it comes to controlling your PHI. You have the right to:

- Get a copy of your PHI stored by us (electronic or hard copy) at your own cost with the exception of “psychotherapy notes” as that term is defined in 45 CFR § 164.501;
- Have us transfer your PHI to a third party (electronic or hard copy) at your own cost;
- Have us correct your PHI if it is inaccurate or incomplete;
- Ask us to communicate confidentially through specific means (for example, only contact you at work or only contact you during specific times of the day);
- Limit what PHI we use or share;
- Revoke sharing permissions that you previously consented to;
- Have us give you a list of who we have shared your PHI with (costs may be involved);
- Get a copy of this Notice;
- Be removed from any marketing, mailing list, or communication platforms within five (5) days of your request for removal;
- Designate someone to act on behalf of you or change the person you have previously designated; and

- File a complaint if you believe your privacy rights have been violated.

We will always do our best to comply with your reasonable requests. However, sometimes legal, practical, or contractual duties may stop us from fulfilling your wishes. Regardless, we will always respond to your requests and let you know whether we can comply with your request.

### **Where PHI Information is Processed and Stored**

Metanoia Wellness is a business formed and operated in the United States. As such, PHI that you provide to us is generally stored and processed within the United States. However, some of the third-party apps and software that we use may store and transfer your information outside of the United States.

### **Liability for Third-Party Software, Apps, and Business Associates**

We always use our best efforts to pick reputable companies when it comes to sharing your PHI with third-party software, apps, and business associates. We use business associate agreements to ensure third parties understand our expectations when it comes to using your PHI. However, we are not liable for any breach of privacy or data security that occurs due to the fault of these third parties.

### **Keeping Your Information Safe**

We have physical, electronic, and managerial systems and procedures in place to help safeguard your information. Unfortunately, no system can guarantee complete security. Third-party viruses or security failures may result in your PHI being compromised. You can help prevent unauthorized access to your information by using antivirus software, creating strong passwords, limiting access to your personal computer, and only sending PHI through our secure HIPAA and TMPRA compliant portals. We will not be liable for breaches that occur due to your failure to keep your information safe. In the unlikely event that your PHI is compromised due to a security breach on our end, we will notify you and regulatory authorities as required under the law.

### **Changes Made to This Notice**

We may modify this Notice as our privacy practices and the laws surrounding privacy develop. The date at the top of this Notice lets you know when this Notice was last revised. If we make a change to this Notice that we believe materially affects the way we use your PHI, we will notify you of the change via email. It is important to make sure you have an updated copy of this Notice which is available on our website and in our office. By continuing to access or use our services after the notice changes, you allow us to use your information in the way we describe in our updated notice.

### **Privacy Complaints**

If you have a complaint or concern regarding your PHI, we will work towards resolving such issues brought to our attention. However, if you believe we have violated your PHI privacy rights, you may file a complaint with the following departments. You will not be penalized for filing a complaint.

*Texas Health and Human Services Privacy Division*

Human Services, Office for Civil Rights, Region VI  
1301 Young St., STE 1169, Dallas, TX 75202  
+1 877-541-7905  
privacy@hhsc.state.tx.us

<https://www.hhs.texas.gov/laws-regulations/legal-information/hipaa-privacy-laws/reporting-a-privacy-incident>

*U.S. Department of Health and Human Services Office for Civil Rights:*

200 Independence Avenue, S.W., Washington, D.C. 20201  
+1 (877) 696-6775  
[www.hhs.gov/ocr/privacy/hipaa/complaints/](http://www.hhs.gov/ocr/privacy/hipaa/complaints/)

### **Contact Us**

Any questions or issues regarding the privacy, security, and rights to your PHI should be presented to Metanoia Wellness's designated privacy officer Brittney Tolar using the contact details found at the start of this Notice.