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Spindle Counseling, LLC
1118 Crozet Avenue
Crozet, VA 22932
spindlecounseling.com
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NOTICE OF PRIVACY PRACTICES

Effective June 1, 2023

This notice involves your privacy rights and describes how information about you may be disclosed, and how you can obtain access to this information. Please review it carefully.

I. Confidentiality

As a rule, Spindle Counseling will disclose no information about you, or the fact that you are a client, without your written consent. Spindle Counseling will maintain a formal mental health record, which describes the services provided to you and contains the dates of sessions, your diagnosis, functional status, symptoms, prognosis and progress, and any psychological testing reports. Health care providers are legally allowed to use or disclose records or information for treatment, payment, and health care operations purposes. However, Spindle Counseling does not routinely disclose information in such circumstances, so Spindle Counseling will require your permission in advance, either through your consent at the onset of treatment (by signing the general consent form in your client portal), or through your written authorization at the time the need for disclosure arises. Spindle Counseling is not responsible for the use and disclosure of released information after its release. You may revoke your permission, at any time, by submitting a written request to Spindle Counseling.

Spindle Counseling uses a platform called Simple Practice for record keeping and telehealth video calls. Simple Practice is an electronic health record system (EHR) that is encrypted, reliable, and HIPAA compliant. HIPAA stands for the Health Insurance Portability and Accountability Act. Originally established in 1996, HIPAA was meant to protect a patient's privacy and rights related to Protected Health Information (PHI) for the purposes of treatment, payment, and health care operations. All of your information is stored electronically and is therefore considered Electronic Personal Health Information, or ePHI. Information is considered ePHI if it can identify you or show a relationship between you and Spindle Counseling. This includes but is not limited to name, date of birth, phone number, email, and any sensitive information related to your counseling/psychotherapy.

II. Possible Uses and Disclosures of Mental Health Records without Consent or Authorization "Limits of Confidentiality"



There are some important exceptions to this rule of confidentiality – some exceptions created voluntarily by Spindle Counseling’s policy, and some required by law. If you wish to receive mental health services from Spindle Counseling, you must sign the general consent form in your Simple Practice client portal, indicating that you understand and accept these policies about confidentiality and its limits. These topics will be discussed at the commencement of services, but you may reopen the conversation at any time.

Spindle Counseling may use or disclose records or other information about you without your consent or authorization in the following circumstances, either by policy, or because legally required:

- **Emergency:** If you are involved in a life-threatening emergency and Spindle Counseling cannot ask your permission, Spindle Counseling will share information believed you would wish to be shared, or believed to be helpful to you.
- **Child Abuse Reporting:** If Spindle Counseling has reason to suspect that a child is abused or neglected, Spindle Counseling is required by Virginia law to report the matter immediately to the Virginia Department of Social Services.
- **Adult Abuse Reporting:** If Spindle Counseling has reason to suspect that an elderly or incapacitated adult is abused, neglected or exploited, Spindle Counseling is required by Virginia law to immediately make a report and provide relevant information to the Virginia Department of Welfare or Social Services.
- **Health Oversight:** Virginia law requires that licensed psychologists, social workers, and counselors report misconduct by a health care provider of their own profession. By policy, Spindle Counseling also reserves the right to report misconduct by health care providers of other professions. By law, if you describe unprofessional conduct by another mental health provider of any profession, Spindle Counseling is required to explain to you how to make such a report. If you are yourself a health care provider, Spindle Counseling is required by law to report to your licensing board that you are in treatment with Spindle Counseling if it is believed your condition places the public at risk. Virginia Licensing Boards have the power, when necessary, to subpoena relevant records in investigating a complaint of provider incompetence or misconduct.
- **Court Proceedings:** If you are involved in a court proceeding and a request is made for information about your diagnosis and treatment and the records thereof, such information is privileged under state law, and Spindle Counseling will not release information unless you provide written authorization or a judge issues a court order. If Spindle Counseling receives a subpoena for records or testimony, Spindle Counseling will notify you so you can file a motion to quash (block) the subpoena. However, while awaiting the judge’s decision, Spindle



Counseling is required to place said records in a sealed envelope and provide them to the Clerk of Court. In Virginia civil court cases, counseling/psychotherapy information is not protected by client-therapist privilege in child abuse cases, in cases in which your mental health is an issue, or in any case in which the judge deems the information to be “necessary for the proper administration of justice.” In criminal cases, Virginia has no statute granting therapist-client privilege, although records can sometimes be protected on another basis. Protections of privilege may not apply if Spindle Counseling completes an evaluation for a third party or where the evaluation is court-ordered. You will be informed in advance if this is the case.

- **Serious Threat to Health or Safety:** Under Virginia law, if while Spindle Counseling is engaged in professional duties and you communicate a specific and immediate threat to cause serious bodily injury or death, to an identified or to an identifiable person, and Spindle Counseling believes you have the intent and ability to carry out that threat immediately or imminently, Spindle Counseling is legally required to take steps to protect third parties. These precautions may include 1) warning the potential victim(s), or the parent or guardian of the potential victim(s), if under 18, 2) notifying a law enforcement officer, or 3) seeking your hospitalization. By policy, Spindle Counseling may also use and disclose medical information about you when necessary to prevent an immediate, serious threat to your own health and safety. If you become a party in a civil commitment hearing, Spindle Counseling can be required to provide your records to the magistrate, your attorney or guardian ad litem, a community service board (CSB) evaluator, or a law enforcement officer, whether you are a minor or an adult.

- **Workers Compensation:** If you file a worker’s compensation claim, Spindle Counseling is required by law, upon request, to submit your relevant mental health information to you, your employer, the insurer, or a certified rehabilitation provider.

- **Records of Minors:** Virginia has a number of laws that limit the confidentiality of the records of minors. For example, parents, regardless of custody, may not be denied access to their child’s records; and CSB evaluators in civil commitment cases have legal access to counseling/psychotherapy records without notification or consent of parents or child. Other circumstances may also apply, and we will discuss these in detail as they are relevant to you.

Other uses and disclosures of information not covered by this notice or by the laws that apply to Spindle Counseling will be made only with your written permission.

III. Client’s Rights and Provider’s Duties:

- **Right to Request Restrictions-** You have the right to request restrictions on certain uses and disclosures of protected health information about you. You also have the right to request a limit on the medical information Spindle Counseling discloses about you to someone who is involved in your care or the payment for your care. If you ask Spindle Counseling to disclose



information to another party, you may request that Spindle Counseling limit the information disclosed. However, Spindle Counseling is not required to agree to a restriction you request. To request restrictions, you must submit your request in writing to Spindle Counseling, and indicate: 1) what information you want to limit; 2) whether you want to limit Spindle Counseling's use, disclosure or both; and 3) to whom you want the limits to apply.

- Right to Receive Confidential Communications by Alternative Means and at Alternative Locations — You have the right to request and receive confidential communications of protected health information (PHI) by alternative means and at alternative locations. (For example, you may not want a family member to know that you are a client of Spindle Counseling. Upon your request, Spindle Counseling will send your bills to another address. You may also request that Spindle Counseling contact you only at work, or that Spindle Counseling does not leave voice mail messages.) To request alternative communication, you must make your request in writing, specifying how or where you wish to be contacted.
- Right to an Accounting of Disclosures – You generally have the right to receive an accounting of disclosures of PHI for which you have neither provided consent nor authorization (as described in section III of this Notice). On your written request, Spindle Counseling will discuss with you the details of the accounting process.
- Right to Inspect and Copy – In most cases, you have the right to inspect and copy your health care and billing records. To do this, you must submit your request in writing to Spindle Counseling. If you request a copy of the information, Spindle Counseling may charge a fee for costs of copying and mailing. Spindle Counseling may deny your request to inspect and copy in some circumstances. Spindle Counseling may refuse to provide you access to certain counseling/psychotherapy notes or to information compiled in reasonable anticipation of, or use in, a civil, criminal, or administrative proceeding.
- Right to Amend – If you feel that PHI Spindle Counseling has about you is incorrect or incomplete, you may request to amend the information. To request an amendment, your request must be made in writing, and submitted to Spindle Counseling. In addition, you must provide a reason that supports your request. Spindle Counseling may deny your request if you request to amend information that: 1) was not created by Spindle Counseling--Spindle Counseling will add your request to the information record; 2) is not part of the medical information kept by Spindle Counseling; 3) is not part of the information which you would be permitted to inspect and copy; 4) is accurate and complete.
- Right to a Copy of this Notice – You have the right to a paper copy of this notice. You may ask Spindle Counseling to give you a copy of this notice at any time. Spindle Counseling reserves the right to change policies and/or to change this notice, and to make the changed notice effective for medical information Spindle Counseling already has about you as well as any information Spindle Counseling receives in the future. The notice will contain the effective



date. A new copy will be given to you or posted in the waiting room. Spindle Counseling will have copies of the current notice available on request.

Complaints: If you believe your privacy rights have been violated, you may file a complaint. To do this, you must submit your request in writing to Spindle Counseling. You may also send a written complaint to the U.S. Department of Health and Human Services.