

Sandra Dodson Roland, PhD, LSSP, ABPP
Psychological Evaluation and Consultation Services

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NOTICE OF PRIVACY PRACTICES

THIS NOTICE DESCRIBES HOW PSYCHOLOGICAL AND MEDICAL INFORMATION ABOUT YOU
MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION.
PLEASE REVIEW THIS NOTICE CAREFULLY BEFORE SIGNING.

Health records contain personal information that may identify you and your past, present or future physical or mental health and related health care services. This is referred to as Protected Health Information (“PHI”). The information obtained by Sandra Roland, Ph.D. during evaluations include PHI.

This Notice of Privacy Practices describes how Sandra Roland, Ph.D. may use and disclose your PHI in accordance with applicable law. This includes the Health Insurance Portability and Accountability Act (“HIPAA”), regulations promulgated under HIPAA including the HIPAA Privacy and Security Rules, and Dr. Roland’s professional code of ethics. This code of ethics, and other information regarding the standardization of care, are located on the website for Dr. Roland with a link to the Texas State Board of Examiners of Psychologists. This Notice of Privacy Practices also describes your rights regarding how you may gain access to and control your PHI.

Mental health professionals are required by law to maintain the privacy of PHI and to provide you with notice of the legal duties and privacy practices with respect to PHI. Dr. Roland is required to abide by the terms of this Notice of Privacy Practices. Dr. Roland has the right to change the terms of their Notice of Privacy Practices at any time and any new Notice of Privacy Practices will be effective for all PHI that we maintain at that time. Should this policy change at any time during the course of an evaluation, Dr. Roland will provide a copy of the revised Notice of Privacy Practices and ask for the new document to be signed. The current Notice of Privacy Practices for Dr. Roland can be accessed at any time on her website and a written copy will be provided by request.

Exceptions for Court Appointments

If Dr. Roland is court appointed in a case, the Protected Health Information can be provided for the purposes of Dr. Roland’s role as outlined in the court order to attorneys of record, to clients who represent themselves upon completion of an evaluation, and to the court.

For most forensic services, which is when Dr. Roland is appointed by a court to provide an evaluation, there is an exception in federal law regarding access to PHI that supersedes the procedures below. See

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45 CFR 164.524(a)(1)(ii) regarding exemption for “information compiled in reasonable anticipation of, or for use in, a civil, criminal, or administrative action or proceeding.” Additionally, 45 CR 164.512(e) covers additional provisions for disclosures for judicial and administrative proceedings. Litigants who have completed a child custody evaluation or a court-ordered psychological evaluation generally have the right (unless otherwise restricted by the court) to be provided copies of all information in Dr. Roland possession regarding a case where Dr. Roland is appointed. These services do not necessarily generate PHI, but Dr. Roland may obtain PHI through collateral resources as part of the evaluation process as required by the standards of practice and the Texas Family Code. Dr. Roland is unable to alter the information contained in the records received by other providers. Litigants would need to contact the original creator of those records to request any corrections.

For court-ordered services, as is outlined in the Statement of Agreement for Child Custody Evaluations or the Statement of Agreement for Psychological Evaluations the process of court-ordered evaluations is not confidential.

For Court-Ordered Evaluations: The standards of practice and the Texas Family Code require that PHI for adults and/or children may be included as part of the evaluation for the purpose of ensuring a thorough evaluation of an individual or family. This is to provide an accurate assessment to the court related to the best interest of those evaluated. This information may be reproduced to the court, the attorneys of record, and/or the clients who represent themselves. This is outlined in the Release of Information that is required to be signed when Dr. Roland is appointed by a court as an evaluator. The information may also be utilized without identifying the parties in consultation with other clinical professionals to assist in completing a case with appropriate peer review. Dr. Roland may also disclose PHI to another mental health professional or consultant with a parties’ appropriate authorization.

For services that are not court-connected Dr. Roland follows state and federal laws in regard to access and changes to the PHI that is created.

HOW DR. ROLAND MAY USE AND DISCLOSE HEALTH INFORMATION ABOUT YOU

Permitted Uses and Disclosures

I. Treatment, Payment, Health Care Operations Definitions. Dr. Roland may use or disclose protected health information (PHI) for its own treatment, payment and health care operations activities according to the HIPAA Privacy Rule.

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For Treatment. PHI may be used and disclosed by those who are involved in treatment and care for the purpose of providing, coordinating, or managing health care treatment and related services.

For Payment. Dr. Roland may use and disclose PHI to receive payment for treatment and evaluation services provided. If it becomes necessary to use collection processes due to lack of payment for services, Dr. Roland will only disclose the minimum amount of PHI necessary for purposes of collection.

Payment for Court Ordered cases are payable as a retainer directly to Dr. Roland by check, cash or money order. Dr. Roland does not bill insurance, and services for evaluations are not covered by insurance. The only other payment that may be necessary and related to PHI information is related to any cost that current or previous health care providers may require payment to produce the records to Dr. Roland for the court-ordered evaluative or therapeutic process as required by the Texas Family Code and standards of practice. As noted in the release forms that require a signature, litigants are responsible for all costs, if any, related to the records acquired for the process of an evaluation.

For Health Care Operations. Dr. Roland may use or disclose, as needed, PHI in order to support business activities including, but not limited to, quality assessment activities, employee review activities, licensing, and conducting or arranging for other business activities. For example, Dr. Roland may share PHI with third parties that perform various business activities (e.g., faxing or scheduling services) provided we have a written contract with the business that requires it to safeguard the privacy of PHI.

II. Uses and Disclosures with Opportunity to Agree or Object. Informal permission may be obtained by asking the individual outright, or by circumstances that clearly give the individual the opportunity to agree, acquiesce, or object. Where the individual is incapacitated, in an emergency situation, or not available, Dr. Roland generally may make such uses and disclosures, if in the exercise of their professional judgment, the use or disclosure is determined to be in the best interests of the individual.

For Notification and Other Purposes. Dr. Roland may rely on an individual's informal permission to disclose to the individual's family, relatives, or friends, or to other persons whom the individual identifies, protected health information directly relevant to that person's involvement in the individual's care or payment for care. This provision, for example, allows a pharmacist to dispense filled prescriptions to a person acting on behalf of the patient. Similarly, Dr. Roland may rely on an individual's informal permission to use or disclose protected health information for the purpose of notifying (including identifying or locating) family members, personal representatives, or others responsible for the individual's care of the individual's location, general condition, or death. In addition, protected health information may be disclosed for notification purposes to public or private entities authorized by law or charter to assist in disaster relief efforts.

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Medical or Mental Health Emergencies. Dr. Roland may use or disclose PHI in a medical or mental health emergency situation to medical or mental health personnel only in order to prevent serious harm. Dr. Roland staff try to provide a copy of this notice as soon as reasonably practicable after the resolution of the emergency.

Family Involvement in Care. Dr. Roland may disclose information to close family members or friends directly involved in treatment or evaluations based on consent or as necessary to prevent serious harm.

During Court Ordered cases, information will only be available to the court, the attorneys, and/or to clients who represent themselves aside from what has already been outlined previously in this policy. Also, for court-ordered evaluations, Dr. Roland will not speak to family members unless Dr. Roland deems it necessary for treatment or evaluation or unless there is a completed personal reference form or provided written witness statement and a telephone call is warranted. Should a family member contact her, Dr. Roland will ask that they place any and all information in writing. Only questions regarding the process will be answered. Dr. Roland will not discuss PHI unless the appropriate authorization is obtained.

Deceased Patients. Dr. Roland may disclose PHI regarding deceased patients as mandated by state law, or to a family member or friend that was involved in care or payment for care prior to death, based on prior consent. A release of information regarding deceased patients may be limited to an executor or administrator of a deceased person's estate of the person identified as next-of-kin. PHI of persons that have been deceased for more than fifty years is not protected under HIPAA.

For Court Ordered cases, any and all records related to a deceased client may be acquired via the attorney of record or by court order. All of Dr. Roland records are retained for seven years upon the completion of services, an evaluation or litigation, and they are then destroyed as allowed per Dr. Roland's licensure requirements.

III. Incidental Use and Disclosure. The Privacy Rule does not require that every risk of an incidental use or disclosure of protected health information be eliminated. A use or disclosure of this information that occurs as a result of, or as "incident to," an otherwise permitted use or disclosure is permitted as long as Dr. Roland has adopted reasonable safeguards as required by the Privacy Rule, and the information being shared was limited to the "minimum necessary," as required by the Privacy Rule.

IV. Public Interest and Benefit Activities. Dr. Roland is permitted by the HIPAA Privacy Rule to use and disclose an individual's protected health information for the following public interest and benefit activities. Specific conditions or limitations apply to each public interest purpose, striking a balance between the individual privacy interest and the public interest need for this information.

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Required by Law. Dr. Roland may use and disclose protected health information without individual authorization as required by law (including by statute regulation, or court orders).

Public Health Activities. Dr. Roland may disclose protected health information to: (1) public health authorities authorized by law to collect or receive such information for preventing or controlling disease, injury, or disability and to public health or other government authorities authorized to receive reports of child abuse and neglect; (2) entities subject to FDA regulation regarding FDA regulated products or activities for purposes such as adverse event reporting, tracking of products, product recalls, and post-marketing surveillance; (3) individuals who may have contracted or been exposed to a communicable disease when notification is authorized by law; and (4) employers, regarding employees, when requested by employers, for information concerning a work-related illness or injury or workplace related medical surveillance, because such information is needed by the employer to comply with the Occupational Safety and Health Administration (OSHA), the Mine Safety and Health Administration (MSHA), or similar state law.

Victims of Abuse, Neglect or Domestic Violence. Dr. Roland may disclose protected health information to appropriate government authorities regarding victims of abuse, neglect, or domestic violence.

Judicial and Administrative Proceedings. Dr. Roland may disclose protected health information in a judicial or administrative proceeding if the request for the information is through an order from a court. Such information may also be disclosed in response to a subpoena or other lawful process if certain assurances regarding notice to the individual or a protective order are provided.

Health Oversight Activities. If required, Dr. Roland may disclose PHI to a health oversight agency for activities authorized by law, such as audits, investigations, and inspections. Oversight agencies seeking this information include government agencies and peer review organizations performing utilization and quality control. Dr. Roland must make disclosures to the Secretary of the Department of Health and Human Services upon request for the purpose of investigating or determining compliance with the requirements of the Privacy Rule. Dr. Roland will comply with any lawful request or requirement to provide information. If a complaint is filed against Dr. Roland with the State Board of Examiners of Psychologists, the Board has the authority to subpoena confidential mental health information relevant to the complaint. Parties would be notified that information would be provided to the board to address the complaint.

Law Enforcement Purposes. Dr. Roland may disclose protected health information to law enforcement officials for law enforcement purposes under the following six circumstances, and subject to specified conditions: (1) as required by law (including court orders, court-ordered warrants, subpoenas) and administrative requests; (2) to identify or locate a suspect, fugitive, material witness, or missing person; (3) in response to a law enforcement official's request for information about a victim

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or suspected victim of a crime; (4) to alert law enforcement of a person's death, if Dr. Roland suspects that criminal activity caused the death; (5) when Dr. Roland believes that protected health information is evidence of a crime that occurred on it's premises; and (6) by Dr. Roland in a medical emergency not occurring on it's premises, when necessary to inform law enforcement about the commission and nature of a crime, the location of the crime or crime victims, and the perpetrator of the crime.

Serious Threat to Health or Safety. Dr. Roland may disclose PHI if necessary to prevent or lessen a serious and imminent threat to the health or safety of a person (including the patient or client) or the public. If information is disclosed to prevent or lessen a serious threat it will be disclosed to a person or persons reasonably able to prevent or lessen the threat, including the target of the threat.

Essential Government Functions. An authorization is not required to use or disclose protected health information for certain essential government functions. Such functions include: assuring proper execution of a military mission, conducting intelligence and national security activities that are authorized by law, making psychological and medical suitability determinations for U.S. State Department employees, and determining eligibility for or conducting enrollment in certain government benefit programs.

Dr. Roland may review requests from U.S. military command authorities if a person has served as a member of the armed forces, authorized officials for national security and intelligence reasons and to the Department of State for medical suitability determinations, and disclose PHI based on written consent, mandatory disclosure laws or the need to prevent serious harm.

Workers' Compensation. Dr. Roland may disclose protected health information as authorized by, and to comply with, workers' compensation laws and other similar programs providing benefits for work-related injuries or illnesses.

Research. PHI may be disclosed after a special approval process or with authorization. Dr. Roland does **not** conduct research in the clinical practice or with court-ordered services.

Authorized Uses and Disclosures

Authorization. Dr. Roland must obtain the individual's written authorization for any use or disclosure of protected health information that is not for treatment, payment or health care operations or otherwise permitted or required by the Privacy Rule. Dr. Roland may not condition treatment, payment, enrollment, or benefits eligibility on an individual granting an authorization, except in limited circumstances.

Uses and disclosures not specifically permitted by applicable law will be made only with written authorization, which may be revoked at any time, except to the extent that Dr. Roland has already made a use or disclosure based upon proper authorization. The following uses and disclosures will be made only with written authorization: (i) most uses and disclosures of psychotherapy notes which are

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separated from the rest of the mental health record; (ii) most uses and disclosures of PHI for marketing purposes, including subsidized treatment communications; (iii) disclosures that constitute a sale of PHI; and (iv) other uses and disclosures not described in this Notice of Privacy Practices.

Marketing or Fundraising. Dr. Roland will never use PHI for marketing or fundraising activities. Dr. Roland will never send marketing or fundraising communication or sell protected health information.

Rights Regarding PHI

There are rights regarding how PHI is maintained.

- **Right of Access to Inspect and Copy.** Those who have participated in evaluations with Dr. Roland have the right, which may be restricted only in exceptional circumstances, to inspect and copy PHI that is maintained in a “designated record set.” The “designated record set” is that group of records maintained by Dr. Roland that is used, in whole or part, to make decisions about individuals, or that is a provider’s mental health, medical or billing records about individuals. The Privacy Rule excepts from the right of access the following protected health information: psychotherapy notes, test materials, and information compiled for legal proceedings.

For information included within the right of access, Dr. Roland may deny an individual access in certain specified situations, such as when Dr. Roland believes access could cause harm to the individual or another. In such situations, the individual may request the right to have such denials reviewed by a licensed health care professional for a second opinion. Dr. Roland may impose reasonable, cost-based fees for the cost of copying and postage. Since records are maintained electronically, an electronic copy of PHI can be requested. A request can also be made that a copy of PHI be provided to another person.

For Court-Ordered cases a request must be submitted in writing through an attorney after an evaluation services have been completed to exercise this right.

- **Right to Amend.** If a person believes that the PHI on record is incorrect or incomplete, they may ask Dr. Roland to amend, but not delete, the information although Dr. Roland is not required to agree to the amendment. If the request for the amendment is denied, a person has the right to file a statement of disagreement for the inclusion in the record. Dr. Roland may prepare a rebuttal to the statement and a copy will be provided. The Privacy Officer can be contacted if there are any questions.

For Court Ordered cases, once the court-ordered evaluation is completed and filed with the court services have concluded, the litigant has the right to ask that the PHI be amended if the

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litigant believes that the PHI that is included in the report is incorrect or incomplete. Dr. Roland is not required to agree with the amendment, and if the amendment is directly related to information that was provided to Dr. Roland it would be most appropriate to seek amendment of this information from the provider who produced the PHI to Dr. Roland. If the request for an amendment is denied, a litigant has the right to file a statement of disagreement with Dr. Roland that will be forwarded to the court and the attorneys of record or to clients who represent themselves.

- **Right to an Accounting of Disclosures.** It is an individual's right to an accounting of the disclosures that Dr. Roland makes of PHI. The maximum disclosure accounting period is the six years immediately preceding the accounting request. Additional restrictions may apply.

For Court-Ordered cases, there is also the right to request an accounting of the disclosures that are made of PHI. Dr. Roland may charge a reasonable fee for this request, and within a court-ordered evaluation, PHI will only be disclosed as outlined in the Statement of Understanding to the court, the attorneys, to clients who represent themselves, and to the individuals for whom releases were signed and have not been revoked.

- **Right to Request Restrictions.** Individuals have the right to request that Dr. Roland restrict the use or disclosure of protected health information for treatment, payment or health care operations, disclosure to persons involved in the individual's health care or payment for health care, or disclosure to notify family members or others about the individual's general condition, location, or death. Dr. Roland is under no obligation to agree to requests for restrictions. If agreed to, Dr. Roland must comply with the agreed restrictions, except for purposes of treating the individual in a medical emergency.

For Court-Ordered cases, there is a right to request a restriction or limitation on the use or disclosure of PHI. Dr. Roland is not required to agree to a request though the court will be notified if an attempt is made to restrict Dr. Roland's access to necessary PHI required as part of the standards of practice and the Texas Family Code in relation to the court-ordered evaluation.

- **Right to Restriction of Disclosures to Insurers Regarding Care Paid for Out of Pocket.** Patients have the right to restrict certain disclosures of PHI to health plans / insurance companies if the patient pays out of pocket in full for the health care service.

Dr. Roland does not file with health plans or insurance companies, and as such, no information is provided.

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- **Right to Breach Notification.** If it is determined that there is a breach of unsecured PHI for a party, Dr. Roland will be required to notify the effected party of this breach, including what happened and what can be done to be protected.

For all services, once an evaluation is completed, Dr. Roland continues to maintain records under lock and key for seven years after termination of services or three years after a subject of the evaluation reaches the age of majority, whichever is greater. Records are destroyed in Dr. Roland 's presence.

- **Right to a Copy of this Notice.** There is a right to a copy of this notice which can be found on Dr. Roland 's website. A written copy can also be requested.
- **Right to Request Confidential Communications.** Dr. Roland will permit individuals to request an alternative means or location for receiving communications of protected health information by means other than those that Dr. Roland typically employs. For example, an individual may request that the provider communicate with the individual through a designated email address or phone number. Similarly, an individual may request that the provider send communications in a closed envelope rather than a post card. Dr. Roland will accommodate reasonable requests. Dr. Roland may require how information regarding payment will be handled, specification of an alternative address, or other method of contact as a condition for accommodating a request.

Any of the above requests may be made in writing to the Dr. Roland Privacy Officer by email at drroland@sandrarolandphd.com or by sending the request to Sandra Roland, Ph.D., 3608 Preston Rd., Suite 135, Plano, TX 75093.

Additional Notifications

The following additional notifications are required in order to ensure that there is a thorough understanding of how information may or may not be used or transmitted in the process of a court-ordered evaluation:

1. As outlined in Dr. Roland's initial paperwork, should Dr. Roland die, become incapacitated, or terminate the practice, the custody and control of the records maintained by Sandra Roland, Ph.D. will be turned over to Susan Fletcher, Ph.D. In the event of Dr. Fletcher's death, incapacitation, or termination of that practice, other successors have been appointed as selected by Dr. Roland.

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2. The Privacy Rule indicates that parents generally have the authority to make health care decisions about their minor children. Thus, parents are generally recognized as personal representatives and can therefore access PHI about their children, authorize to third parties and exercise other privacy rights of the child. Exceptions to this provision include:
 - a. When a court makes the determination, or a law recognizes someone other than the parent to make health care decisions for the minor.
 - b. When the parent or guardian assents to an agreement of confidentiality between Dr. Roland and the minor.

The minor may still voluntarily choose to involve a parent or adult as a personal representative.

Dr. Roland has the right to refuse to let the parent or guardian exercise the minor's privacy rights under the following conditions:

- a. If Dr. Roland has reason to believe the minor has been or may have been subjected to domestic violence, abuse or neglect; or there is reason to believe that letting the parent or guardian exercise the minor's privacy rights could endanger the minor; and
 - b. Dr. Roland decides "in the exercise of professional judgment" that letting the parent of guardian exercise those rights is not in the best interest of the minor.
3. When PHI is disclosed or used, the Privacy Rule requires Dr. Roland, or the party disclosing the information, to share the minimum amount of protected health information necessary to conduct the activity.
 - a. In a treatment context, the minimum necessary provision does not apply. Therefore, Dr. Roland is free as permitted by Texas law to disclose PHI for treatment purposes to another provider.
 - b. Minimum necessary disclosure does not apply to requests for information that require authorization, such as with psychotherapy notes because the information to be disclosed is specifically described by the authorization itself.
4. The Security Rule requires Dr. Roland to regularly conduct Administrative Safeguards to determine that electronic protected health information remains confidential and secure. The Administrative Safeguards include a risk analysis process, and implementation of security measures that reduce the risks and vulnerabilities to a reasonable and appropriate level. Dr. Roland is the Security Official responsible for developing and implementing security policies and procedures.
5. Dr. Roland utilizes virus protection software and firewall protection on all of the computers (laptop, desk top, and iPad). Dr. Roland has contracted with HIPAA compliant business associates and has signed Business Associate Contracts on file to ensure the protection of PHI.

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The Business Associate Contracts state that the business associate also complies with applicable HIPAA provisions and the HITECH Act of 2009 which protects the privacy of electronic protected health information (e-PHI).

6. It must be recognized that any communication with Dr. Roland by email, fax, or mail, will have limitations of confidentiality that may exist specifically in relation to each of these forms of communication despite all efforts that have been made to protect confidentiality in this regard, i.e. Dr. Roland's computers, email accounts, etc., are all password and/or firewall protected.
7. Dr. Roland completes the required HIPAA training every two years.
8. Disclosure of information may be made in any manner consistent with applicable law, including, but not limited to, verbally, in paper format or electronically. In accordance with Texas Health and Safety Code Chapter 181, if Dr. Roland receives an electronic request from a person for the person's electronic health record the requested record will be provided to the person in electronic form unless the person requests to accept the record in another form.

Complaints

If you believe Dr. Roland has violated your privacy rights, you have the right to file a complaint in writing with our Privacy Officer at the address outlined above or with the Secretary of Health and Human Services at 200 Independence Avenue, S.W. Washington, D.C. 20201 or by calling (202) 619-0257.

We will not retaliate against you for filing a complaint.

The effective date of this Notice is September 2013.

This notice was last updated in February 2020.

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