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Release of Information Under Authorization

Purpose:

In accordance with the Health Insurance Portability and Accountability Act (HIPAA), our patients will have control of any non routine disclosure of their protected health information (PHI), along with any disclosure that is not pursuant to treatment, payment, or operations of this office.

Policy:

Disclosure of PHI that is not permitted for treatment, payment, or operations requires that the patient (or his or her representative) complete an authorization to permit disclosure.

- When this office obtains or receives a valid authorization for the use or disclosure of PHI, such use or disclosure will be consistent with that authorization.
- This office understands that psychotherapy or mental health notes require an authorization for disclosure. See Disclosure of Mental Health Care Records policy and procedure.
- Authorizations for disclosure will be obtained from our patients prior to release of PHI should this office ever participate in marketing ventures.
- This office will not base patient treatment decisions on obtaining an authorization for disclosures.

- A patient has the right to revoke an authorization at any time in writing, except if this office already has taken action that relies upon the authorization.
- This office will provide a copy of any authorization to the patient or a personal representative, and copies of all authorizations will be maintained in the patient's medical record. Elements of a Disclosure Authorization Form
Authorizations will be written in plain language and will include the following elements:
 - A specific and meaningful description of the information to be used or disclosed.
 - The name or other specific identification of the person(s), or class of persons, authorized to make the requested use or disclosure.
 - The name or other specific identification of the person(s), or class of persons, to whom the covered entity may make the re-quested use or disclosure.
 - A description of each purpose of the requested use or disclosure. If a patient initiates the authorization and elects not to indicate a reason for the disclosure, the statement, "at the request of the individual" is a sufficient description of the purpose.
 - An expiration date or an expiration event that relates to the individual or the purpose of the use or disclosure.
- If the authorization is for a use or disclosure of protected health information for research, including for the creation and maintenance of a research database or research repository, the statement, "end of the research study," "none," or similar language is sufficient.

- Signature of the patient and date. If the authorization is signed by a personal representative of the patient, a description of the representative's authority to act for the patient also must be provided.
- A valid authorization may contain additional elements or information to the core elements listed above, provided that they are consistent with the required elements.

HIPAA-Required Statements

In addition to the elements listed above, every authorization will include an explanation of the patient's right to revoke the authorization and how it may be done. If appropriate, it also should include:

- A list of exceptions to the patient's right to revoke an authorization (e.g., the office already disclosed the information as indicated in the authorization).
- Explanation of the practice's policy that it will or will not base treatment, payment, enrollment, or eligibility for benefits on the authorization (e.g., may be required for a drug study).
- A reference to this office's Notice of Privacy Practices for further information. See Notice of Privacy Practices policy and procedure.
- A notice that information disclosed according to the authorization is subject to re-disclosure by the recipient; this office cannot control re-disclosure by the recipient. NOTICE: The Office of the General Counsel of the Texas Medical Association provides this information with the express understanding that 1) no attorney-client relationship exists, 2) neither TMA nor its attorneys are engaged in providing legal advice and 3) that the information is of a general character. You should not rely on this information when dealing with personal legal matters; rather legal advice from retained legal counsel should be sought.