

## **HOW TO REQUEST RECORDS**

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

- Send us an email to [office@livemoresimply.com](mailto:office@livemoresimply.com) requesting a copy of our most recent HIPAA authorization form. Complete and sign this form. It will automatically be emailed to our office after you complete it. Next send us an email and state in the subject line “REQUEST FOR RECORDS.” In the email, please be sure to include the records you want, and your current name, address, and/or e-mail address.
- 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.
- The fee for providing records in this practice is \$25 for the first 20 pages, and \$.50 per page thereafter, plus any postage or shipping costs. We do not provide electronic records only paper. We only accept Mastercard and Visa credit cards, PayPal and cash. 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 or your child, state and federal law require that you provide either a Court Order or an Authorization signed by the person (or parent of 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 Live More Simply, Inc or Stuart N. Robinson, PhD 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 or parent is the kind of document that will satisfy the second option.

NOTE: If the client or parent 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.