

Notice of Privacy Practices and Disclosure Statement
Office of Victim Assistance (OVA), Health and Wellness Services, University of Colorado Boulder
Center for Community (C4C), 2249 Willard Loop Drive—Room N450
140 UCB, Boulder, CO 80309 – Phone: 303-492-8855
Updated September 2021

The staff of OVA is pleased to be of service to you. We offer free and confidential crisis intervention, counseling, consultation, and/or advocacy to University of Colorado Boulder students, staff and faculty. Listed below is important information you should review about our services. If you would like further information, please do not hesitate to ask us.

Services: The Office of Victim Assistance (OVA) services are **free** to current CU Boulder community members (students, staff and faculty). Our advocacy services do not have a session limit. Our counseling services are short-term, up to 6 (six) sessions, as appropriate, not including the initial drop in session, per academic year.

- In order to provide quality services to as many clients as possible, we ask that if you need to cancel/reschedule an appointment, please call at least 24-hours in advance. OVA does not charge for missed or canceled appointments as we are a free service and appreciate your cancellation of any appointments in advance. Thank you.

Confidentiality: The following Notice of Privacy Practices (Notice) describes how OVA will use and disclose your information. Your information has confidentiality and privacy protections under the Family Educational Rights and Privacy Act (FERPA) **as well as** Colorado law. Note: FERPA is only for student clients. Your information will remain confidential and private to the extent provided by law and this notice.

FERPA: protects the privacy of certain student information and does not allow disclosure of your education record without your consent outside the university, except in limited circumstances. FERPA defines education records as records that are directly related to a student and maintained by an educational agency or institution or a party acting for the agency or institution and does not include treatment records unless disclosed for purposes other than treatment. FERPA defines treatment records as records that are maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in one's professional capacity or assigned capacity that are made, maintained, or used only in connection with treatment of the student and disclosed only to individuals providing treatment. Most records maintained by OVA counselors are treatment records as defined under FERPA. If OVA discloses records or information from within those records to meet certain operational and legal requirements as described in this Notice, and/or with your written permission in a signed Release of Information form, that information then becomes a student education record as defined by FERPA. For more information about FERPA, see the university's website:

<https://www.colorado.edu/registrar/students/records/ferpa>

Colorado Law: Services are provided by social workers and professional counselors. The information provided during a session is legally confidential under psychotherapist-patient privilege and cannot be released, absent exceptional circumstances as included below, without your consent. State law provides that your mental health information, which includes any communications you have with an OVA advocate counselor or their colleagues during the course of treatment, is confidential and protected by privilege. Additionally, individual OVA advocate counselors are required to keep communications that occur in the course of their professional employment confidential. If you provide us with written signed authorization to use or disclose your information for another purpose, you may revoke that authorization, in writing, at any time. You understand that we are unable to take back any disclosures we have already made with your permission, and that we are required to retain our records of the care we provided to you.

Except for as provided in C.R.S. § 12-245-220 and except for certain legal exceptions that will be identified by your counselor should any such situation arise, communications and treatment information is legally confidential. **Such exceptions include:**

- Mandatory report of reasonable cause to know, suspect, or an observation of circumstances or conditions that would reasonably result in, child (person under the age of 18) abuse or neglect.
- Mandatory report of observation of, reasonable cause to believe there has been, or imminent risk of, mistreatment of at-risk elder (person over the age of 70) or an at-risk adult with IDD (Intellectual and Developmental Disability).

- The client appears to have a mental health disorder and, as a result of such mental health disorder: (1) appears to be an imminent danger to others or to self or appears to be gravely disabled or (2) is in need of immediate evaluation for treatment in order to prevent physical or psychiatric harm to others or to self.
- Duty to warn of a serious threat of imminent physical violence against a specific person or persons, including those identifiable by their association with a specific location or entity.
- If you disclose unethical conduct by a mental health professional to OVA, your counselor will be required to report this licensing authorities; however, you can remain anonymous.
- To a health oversight agency for reasons such as licensure or disciplinary actions.
- In response to a court order.
- Information requested by an authorized government agency for health oversight activities or to prevent terrorism under the U.S. Patriot Act.

For more information on confidentiality, please see section C.R.S. 12-245-220 (formerly 12-43-218) of the Colorado Revised Statutes. The Mental Health Practice Act is available at: <http://cdn.colorado.gov/>. Your counselor will identify to you any of these situations if they arise during therapy, if feasible.

- What you communicate with OVA staff is not reported to others at the University of Colorado, except as described below. The OVA does collect and report aggregate data, i.e. types of incidents people experience, but your personally identifying information is confidential and protected.

Examples of how we may share your information or when others may have access to your information:

- **To Avert a Serious Threat to Health or Safety** - We may disclose information about you to the University of Colorado Police Department, and/or the Students of Concern Team, if we believe it may prevent or lessen a serious or imminent threat to the health or safety of you or others.
- **Required by Law** - We may use or disclose information about you when we are required to do so by federal, state, or local law. For example, counselors have to a duty to warn others if you have communicated a serious threat of imminent physical violence against a specific person or persons, including those identifiable by their association with a specific location or entity.
- **Agents of OVA** - Staffs of OVA or contractors and authorized representatives working on our behalf may have access to records and information about you. For example, our Software Company, office assistants, and specifically assigned employees of the university in the Office of Information and Technology who assist us with our information systems and records and may have access to information to help us perform our services. They are required to maintain the privacy and security of your information.
- **Disaster Relief** - We may use or disclose information about you to a disaster relief organization, such as the Red Cross, so that your family members, other relatives, close personal friends, or others can be notified of your location or general condition.
- **Coroners and Medical Examiners** - We may disclose information to a coroner or medical examiner. This may be necessary, for example, to identify a deceased person or to determine the cause of death.

Your rights as a client:

- You are entitled to receive information about methods of OVA crisis intervention, counseling and advocacy, the techniques used, and the duration of our work together, if known.
- You can seek a second opinion from another counselor, advocate, or professional in the field.
- You may terminate our working relationship at any time.

In a professional counseling or advocacy relationship, *sexual intimacy is never appropriate*. Any such behavior should be reported to the licensing board at the Colorado Department of Regulatory Agencies.

The practice of both licensed and registered persons in the field of psychotherapy is regulated by the Mental Health Licensing Section of the Division of Professions and Occupations. This agency falls under the Colorado Department of Regulatory Agencies. Any questions, concerns, or complaints regarding the practice of services in the OVA may be directed to this agency:

Colorado Department of Regulatory Agencies, Mental Health Section

State Board of Psychologists Examiners
 State Board of Licensed Professional Counselor Examiners
 State Board of Social Work Examiners

Phone: 303-894-7800
 1560 Broadway, Suite 1350
 Denver, CO 80202

Any person who alleges that a mental health professional has violated the mental health practice act related to the maintenance of records of a client 18 years of age or older must file a complaint or other notice with the licensing board within seven years after the person discovered or reasonably should have discovered the misconduct. Your mental health records may not be maintained after seven years from the date of termination of social work/psychotherapy or date of last contact, whichever is later. When the client is a child, the records will be retained for a period of seven years commencing either upon the last day of treatment or when the child reaches 18 years of age, whichever is later, and records may not be retained for more than twelve years.

As to the regulatory requirements applicable to mental health professionals:

- ✓ A Registered Psychotherapist is a psychotherapist listed in the State's database and is authorized by law to practice psychotherapy in Colorado, but is not licensed by the state and is not required to satisfy any standardized educational or testing requirements to obtain a registration from the state.
- ✓ A Certified Addiction Counselor I (CAC I) must be a high school graduate or equivalent, complete required training hours and 1,000 hours of supervised experience.
- ✓ A Certified Addiction Counselor II (CAC II) must be a high school graduate or equivalent, complete the CAC I requirements, and obtain additional required training hours, 2,000 additional hours of supervised experience, and pass a national exam.
- ✓ A Certified Addiction Counselor III (CAC III) must have a bachelor's degree in behavioral health, complete CAC II requirements, and complete additional required training hours, 2,000 additional hours of supervised experience, and pass a national exam.
- ✓ A Licensed Addiction Counselor must have a clinical master's degree, meet the CAC III requirements, and pass a national exam.
- ✓ A Licensed Social Worker must hold a master's degree from a graduate school of social work and pass an examination in social work.
- ✓ A Licensed Clinical Social Worker must hold a master's or doctorate degree from a graduate school of social work, practiced as a social worker for at least two years, and pass an examination in social work.
- ✓ A Psychologist Candidate, a Marriage and Family Therapist Candidate, and a Licensed Professional Counselor Candidate must hold the necessary licensing degree and be in the process of completing the required supervision for licensure.
- ✓ A Licensed Marriage and Family Therapist must hold a master's or doctoral degree in marriage and family counseling, have at least two years post-master's or one year post-doctoral practice, and pass an exam in marriage and family therapy.
- ✓ A Licensed Professional Counselor must hold a master's or doctoral degree in professional counseling, have at least two years post-master's or one year postdoctoral practice, and pass an exam in professional counseling.
- ✓ A Licensed Psychologist must hold a doctorate degree in psychology, have one year of post-doctoral supervision, and pass an examination in psychology.

You have the following rights with respect to information that we maintain about you:

Right to Request Restrictions - You have the right to request a restriction or limitation on the information we use or disclose about you. We are not required to agree to your request and we may deny the request if it would affect your care or impede the University's existing legal authority to use and disclose information. Even if we agree to a restriction, we may terminate the restriction at a later date. To request restrictions, please contact your advocate counselor. Your request must be in writing.

Right to Receive Confidential Communications - We may contact you by telephone, mail, email (with your permission) or electronic messaging (see electronic messaging agreement). We may leave messages for you on your voicemail if given permission. We will try not to leave messages with specific information about you unless given permission to do so. You have the right to request that we communicate information about you to you in a certain way or at a certain location. For example, you can ask that we only contact you at work. Contact your advocate counselor if you would like to request confidential communication differently than indicated on the intake form and we will say yes to all reasonable requests.

Right to Inspect and Copy – With some exceptions, you have the right to inspect and/or request a copy of the record OVA keeps. To inspect and/or request a copy of your OVA record, you must contact OVA and submit a valid written authorization that is dated and signed. Access will be given at reasonable times and upon reasonable notice. Your request should state specifically what information you want to inspect or obtain. Following termination of services, upon written request accompanied by a signed and dated authorization, we will provide you with a summary of records pertaining to mental health problems.

Right to Request Amendments - You have the right to ask us to amend information about you that you feel is incorrect or incomplete. This right **does not** pertain to information that was not created by OVA; information that is not part of the

information kept by OVA; information which you would not be permitted to inspect or obtain; and information that is accurate and complete as originally documented. To request an amendment, you must submit your request in writing to OVA. Your request must state the amendment desired and provide a reason in support of that amendment. If we grant the request, in whole or in part, we will seek your identification of and agreement to share the amendment with other relevant persons if applicable. We also will make the appropriate amendment to the information by appending the amendment.

Right to an Accounting of Disclosures - You have the right to request a list (accounting) of the times we have disclosed your information, who we shared it with, and why. The accounting may be for up to six (6) years prior to the date on which you request the accounting. The accounting will not include disclosures made for the purposes of treatment and OVA operations; disclosures of your information made to you; or disclosures that you authorized in writing. To request an accounting of disclosures, you must submit your request in writing to the Director of OVA. Your request must state a time period for the disclosures. It may not be longer than six (6) years from the date we receive your request.

Right to a Copy of this Notice - You have the right to obtain a paper copy of this Notice. The Notice is displayed prominently and copies are freely available in OVA office.

We reserve the right to change this Notice. We reserve the right to make the revised or changed this notice effective for information we already have about you as well as any information we receive in the future. We will post a copy of the current Notice at our facilities and on our website. The Notice will contain the effective date on the first page. In addition, each time you are at OVA's offices you may request an updated copy of the current Notice in effect.

Complaints:

As a student, if you believe your privacy rights under FERPA have been violated you may obtain a complaint form at <https://studentprivacy.ed.gov/file-a-complaint>.

You are encouraged to contact the Director of OVA with any complaints. You may submit a written complaint, which should include the date of occurrence, description of the activity or event, and the identity of the person filing the complaint. Anonymous complaints may be submitted; however, anonymous complaints can only be investigated to the extent information is provided. To help us investigate your complaint, please include how to contact you. You will not be retaliated against or penalized for filing a complaint. Complaints should be filed in writing within 180 days of the occurrence. If you have any questions or want more information concerning this Notice please contact the Director of OVA at:

Address: 140 UCB, Center for Community-Room N450, Boulder, CO 80309-0140

Phone: 303-492-8855

E-mail: assist@colorado.edu - *Email is not a secure form of communication. There is some risk that any confidential information contained in your email may be disclosed or intercepted. Please contact OVA if you have sensitive information that you do not feel comfortable sending via email.*