

## Records Request Instructions

Texas law requires that requests for mental health records be in writing. To obtain your records please do the following:

- Please request from me and complete the HIPAA-compliant “Authorization to Disclose Health Information” form and return it to me via email at [cynthiadlf@gmail.com](mailto:cynthiadlf@gmail.com) or fax at 512-300-0491. In the subject line of the email, write “REQUEST FOR RECORDS.” Please be sure to include the records you want, and the name, address, fax, and/or e-mail address of the intended recipient.
  - There is a \$15.00 charge for providing records. I accept credit cards. Please note that Texas law does not require me to provide records until the fee is paid.
- 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 want your lawyers to have access to your records, please also provide their name, address, fax, and/or email address.
  - If you need a Business Records Affidavit\*, please let me know in your request for records. There is an additional \$15.00 charge for providing a Business Records Affidavit. No Affidavit will be provided unless 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, state and federal law require that you provide either a Court Order or an Authorization signed by 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 Dr. Cynthia de las Fuentes) 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 is a party to the proceeding, he/she knows that the request for his/her PHI has been made and does not object.
  - a. 45 C.F.R. §164.512(e). An Authorization from the individual is the kind of document that will satisfy the above.

NOTE: If the client has indicated that they do not want their records released, a “Statement of Assurance” will not be accepted, and a Court Order will be required.

\*A business records affidavit for a psychologist in Texas is a sworn legal document used to authenticate the psychologist's patient records so they can be admitted as evidence in court without the need for the records custodian to testify in person. This streamlines the legal process and saves time and expense.