

# NOTICE TO CONSUMERS – TEXAS MENTAL HEALTH SERVICES

In accordance with Texas law (House Bill 4224 and Section 181.105 of the Texas Health and Safety Code), the following information is provided to help consumers understand their rights and available resources.

## REQUESTING YOUR HEALTHCARE RECORDS

You have the right to request a copy of your mental health records. Texas law requires that requests for mental health records be **made in writing**. To obtain your records, or your child's records, please follow the steps below:

### Submit a written request:

Email your written request to: [info@selvawellnesscollective.com](mailto:info@selvawellnesscollective.com)

- Subject line: **“REQUEST FOR RECORDS”**

### Additional requirements (*if applicable*):

- **Litigation-related records:** If records are requested for use in litigation, please include:
  - Cause number
  - Case title
  - Court where the case is pending
- **Business Records Affidavit**
  - If you require a Business Records Affidavit, indicate this in your request
  - **Fee: \$25**
  - Affidavits will not be provided until payment is received
- **Records fee**
  - Fee for providing records: **\$25 for electronic records**
  - Accepted payment methods: credit cards, or cash.
  - Texas law does not require records to be released until fees are paid
- **Couples, family, or third-party records**
  - If you are requesting:
    - Couples counseling records
    - Family counseling records
    - Records for anyone other than yourself or your child
  - State and federal law require **either**:
    - A valid Court Order, **or**
    - An Authorization signed by the individual (or parent/legal guardian)
  - Relevant law: 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 disclosure of confidential counseling or billing records, or other Protected Health Information (PHI), under HIPAA (45 C.F.R. Chapter 164).

For mental health or medical records requested or subpoenaed in litigation (including testimony), HIPAA permits disclosure only under the following circumstances:

1. In response to a valid **court or administrative tribunal order**, or
2. When the individual (or parent/legal guardian):
  - Is a party to the proceeding
  - Has notice that the PHI has been requested
  - Does not object to the disclosure
3. Subject to additional litigation fees.

An **Authorization** from the individual or parent satisfies this requirement.  
Relevant law: 45 C.F.R. §164.512(e)

### Important Note

If the client or parent has indicated that they **do not consent** to release of records:

- A “Statement of Assurance” will **not** be accepted
- A valid **Authorization or Court Order** will be required

## CONTACTING THE TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL (BHEC)

The Texas Behavioral Health Executive Council regulates licensed mental health professionals in Texas. If you have questions about licensure or professional standards, you may contact BHEC directly:

- Texas Behavioral Health Executive Council
- George H.W. Bush State Office Building
- 1801 Congress Ave., Ste. 7.300, Austin, Texas 78701
- Main Line: (512) 305-7700

## FILING COMPLAINTS

You have a right to have your complaints heard and resolved in a timely manner. If we cannot work things out to your satisfaction, you may file a complaint with our **licensing board**:

- Texas Behavioral Health Executive Council
- Investigations/Complaints 24-hour, toll-free system: (800) 821-3205
- Link to Complaint Form: <https://bhec.texas.gov/new-contact-form-page/>

If you have a complaint concerning the **HIPAA Privacy Regulations**, you may contact the U. S. Department of Health and Human Services, Office for Civil Rights at: [OCRMail@hhs.gov](mailto:OCRMail@hhs.gov).

If you believe that you have a **Consumer Complaint** regarding the privacy and security of your health information, you may contact the Texas Office of the Attorney General and file a consumer complaint by clicking this link:

<https://www.texasattorneygeneral.gov/consumer-protection/file-consumer-complaint>