

NOTICE OF PRIVACY PRACTICES

Policy Number 1

HIPAA §164.520, 164.514

Policy: The HIPAA Privacy Rule provides that patients have a right to notice of how we may use and disclose a patient's PHI, as well as the patient's rights and our obligations regarding their PHI. We have developed a Notice of Privacy Practices to meet these requirements and will make the Notice available to our patients as described in this policy. Our Practice will strive to abide by the terms of our Notice as currently in effect.

Procedure:

1. Content of Notice

Our Notice of Privacy Practices ("Notice") has been written in plain language to contain all of the elements required by the Privacy Rule, including the following:

A. A description of how we use and disclose patients' PHI, including:

- i. A description, with at least one example, of the types of uses and disclosures that we are permitted to make for treatment, payment, and health care operations;
- ii. A description of each of the other purposes for which we are permitted or required by HIPAA to use or disclose PHI without the patient's written authorization;
- iii. A statement that other uses and disclosures will be made only with the patient's written authorization (see Policy No. 3 of this policy Manual); and
- iv. If applicable to our operations, a statement that we may use or disclose certain PHI for fundraising communications but that the patient will have the opportunity to opt out of future fundraising communications as specified in the communication made to the patient.

B. A description of the individual rights of our patients regarding access and control of their PHI, and how a patient may exercise those rights, including:

- i. The right to request restrictions on certain uses and disclosures and whether our Practice is required to agree to a requested restriction, including agreeing to the request of a patient to restrict disclosure of PHI about him/her to a health plan if the disclosure is for the purpose of carrying out payment or health care operations and is not otherwise required by law and the PHI pertains solely to a health care item or service for which the patient, or person other than the health plan, has paid us in full for the item or service;

- ii. The right to receive certain confidential communications;
- iii. The right to inspect and obtain a copy of PHI;
- iv. The right to request an amendment of PHI;
- v. The right to receive an accounting of certain disclosures of PHI;
- vi. The right to revoke an authorization;
- vii. A description of our complaint procedure for addressing problems the patient may have with our privacy practices;
- viii. The right to obtain a paper copy of the Notice, upon request;
- ix. If we maintain an electronic health record, the right to: a) access to or obtain a copy of PHI in an electronic form and format requested by the patient, if it is readily producible or, if not, in a readable electronic form and format as agreed to between us and the patient; b) have us transmit such copy directly to a person or entity the patient designates, provided that choice is directly to a person or entity the patient designates, provided that choice is clear, conspicuous, and specific; c) request that we provide an accounting of the disclosures we have made of the patient's PHI (including disclosures related to treatment, payment and health care operations) contained in an electronic health record for no more than 3 years prior to the date of the request (and depending on when we acquired an electronic health record); and
- x. Notice of any allowed fees related to the above.

C. A description of our legal duties regarding PHI, including our legal obligation to maintain the privacy of PHI and our obligation to notify affected individuals following a breach of their unsecured PHI.

D. Identification of whom in our Practice a patient may contact for more information about our privacy practices.

E. The effective date of the Notice and any revisions of the Notice, with the effective date of such revisions.

2. Providing the Notice

A. We will present the Notice to each patient at their first date of service delivery by us and will make a good faith attempt to obtain each patient's acknowledgement of receipt of the Notice.

- i. We will have a patient acknowledge receipt by signing an acknowledgment form.
 - ii. If the patient refuses to provide such acknowledgment, we will document in the patient's chart our efforts to obtain the patient's acknowledgment and the reason why the acknowledgment was not obtained.
 - iii. If there is an emergency treatment situation, we will provide the Notice to the patient as soon as reasonably practicable after the emergency situation. No acknowledgment of receipt of the Notice need be obtained in an emergency situation.
- B. We will post our entire current Notice in a prominent location in our office(s).
- C. We will provide a paper copy of the Notice upon a patient's request.
- D. When our first treatment encounter with a patient is not face-to-face, we will follow the following procedures:
- i. If we first treat a patient over the telephone (not simply obtain information to schedule an appointment or procedure), we will mail the Notice to the patient the same day, if possible, with a request to sign an enclosed acknowledgment and return it to our office. We will maintain a file copy of the acknowledgment form sent to the patient as documentation of our effort to obtain the patient's acknowledgment, in case the patient fails to return the acknowledgment form.
 - ii. We may email our Notice to a patient if the patient agrees to receive an electronic notice. An electronic return receipt will serve as the patient's acknowledgment of receipt of the Notice.
 - iii. If our first service delivery to a patient is provided over the Internet, through email, or otherwise electronically, we will send an electronic notice automatically and contemporaneously in response to the patient's first request for service. An electronic return receipt will serve as the patient's acknowledgment of receipt of the Notice.
- E. If the patient has a personal representative acting on the patient's behalf at the time Notice is provided, we will provide the Notice to the representative and make a good faith effort to obtain the representative's acknowledgment of receipt of the Notice.

3. Revisions to our Notice

- A. Our Practice will advise patients in the Notice that we reserve the right to change the terms of the Notice and to make the new Notice provisions effective for all PHI that we maintain.
 - B. We will review our Notice at least annually. If we determine at any time that there is a material change to our privacy practices, or there is a change in law that requires a change in our Notice, we will revise our Notice, date it with the effective date of the revision, post the revised Notice in our office(s), then implement the changes (unless a change in law requires that we implement the change sooner), and provide the revised Notice pursuant to this Policy. We will advise patients in our Notice that they can obtain a revised Notice upon request on or after the effective date of any revision. No acknowledgment is necessary for providing a revised Notice to a patient who has received a prior version of our Notice. Patients can access our revised Notice on our website, if we maintain one.
4. We may utilize a “layered” Notice that consists of a short notice summarizing the patient’s rights, attached to a longer notice that contains all of the elements listed in Subsection 1 of this Policy. The patient will be provided with the two documents stapled together, with the shorter notice on top of the longer notice.
5. If we participate in an Organized Health Care Arrangement and utilize a single, joint notice with another health care provider, our Privacy Officer will determine the requirements related to such joint notice.
6. Documentation
- A. Our Privacy Officer will maintain a file containing a copy of our Notice and every revised Notice that is issued by our Practice.
 - B. We will place in the patient’s medical record a copy of the acknowledgment of receipt (which will also contain a reference to the version of the Notice they received), whether provided by hard copy or electronically, or documentation of our good faith efforts to obtain such written acknowledgment.