



HIPAA NOTICE OF PRIVACY PRACTICES (OMNIBUS RULE)

This Notice describes how medical information about you and/or your child may be used and disclosed and how you can gain access to this information under the new HIPAA Omnibus Rule.

PLEASE REVIEW THE FOLLOWING CAREFULLY. Effective Date September 23, 2013.

It is the intent of this Notice Privacy Practices ("Notice") to inform individuals and patients of their privacy rights regarding uses and disclosures of their protected health information ("PHI") as required or permitted under applicable law, including the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") – Rule Effective April 14, 2003, The Federal Health Insurance Portability & Accountability Act of 2013, and the HIPAA Omnibus Rule (formerly HIPAA 1996 & HI TECH of 2004) – Rule Effective January 25, 2013. This Notice describes how protected health information may be used for treatment, payment, or other operations involved in obtaining treatment from and providing payment to the Physician Practice ("Practice") for services rendered by its physicians. Protected health information is information about a patient that may be used to identify them, such as name, address, or social security number.

Statements of Use and Disclosure:

- *Treatment.* The practice will use PHI for the provision coordination, and/or management of health care and related services. Those services could include, but are not limited to, the treatment of chronic and acute illnesses and the facilitation of specialized services.
- *Payment.* The practice will use PHI where appropriate to facilitate payment for treatment or health care related services rendered by the practice.
- *Operations.* The practice will use PHI as needed to maintain its operations.

Other disclosures allowed by law:

- The practice may utilize PHI in various activities that involve a third party or "Business Associate." Under all circumstances a contract will be used with a third party or "Business Associate" requiring the same legal standards as those imposed on the practice for protecting and securing a patient's private PHI.
- We may use your PHI for treatment, payment, or health care operations in an emergency situation despite any inability from you to object or accept if the physician or the practice believes there is an imminent threat to your health.
- The practice may use your PHI to notify or inform a member of your family, a close friend, or someone of your choosing about any information concerning your health or condition. If you are unable to agree to or object to a disclosure necessary for your care, your physician will use his/her best judgment in determining the best person to disclose this information.
- We may disclose your PHI if your physician has reason to suspect you have been a victim of abuse, neglect, or domestic violence.
- Subject to certain requirements, we may also disclose PHI without your authorization for public health purposes, auditing purposes, research studies, funeral arrangements and organ donation, and workers' compensation purposes.
- Additionally, we may contact you to provide information about treatment alternatives or other health-related benefits and services that may be of interest to you.

Other disclosures required or permitted by law:

- The practice may disclose PHI to such federal agencies as the FDA, law enforcement officials, for law enforcement purposes, or as ordered by a court of law without your written consent or authorization.

Other Laws:

- To the extent that state laws are more stringent than HIPAA regarding the use of disclosure of your PHI, that law is followed. Examples of specific disclosure rules in South Carolina include:
 - Physicians, hospitals, and other health facilities must provide the health department, upon request, access to their medical records, tumor registries, and other special disease record systems as necessary for its investigations. S.C. Code Ann. § 44-1-110.
- In responding to a request for medical information from an insurer, a physician may relay on the carrier's representation that the patient has authorized release of the information. S.C. Code Ann. § 44-115-50.
- A physician may sell medical records to another physician or osteopath, but must first publish notice of his intention and of the patient's right to retrieve his or her records before a sale. S.C. Code Ann. § 44-115-130.

- Specific disclosure rules apply to genetic information, S.C. Code Ann. § 38-93-30; sexually transmitted diseases, S.C. Code Ann. §§ 44-29-70, 44-29-135 and 44-29-136; mental health, S.C. Code Ann. § 44-22-90; and cancer reports, S.C. Code Ann. § 44-35-40.
- Under the new Omnibus Rule, health insurance plans cannot use or disclose genetic information for underwriting purposes (excluding long-term care plans). Psychotherapy notes maintained by our physician, can allow “use and disclosure” of such notes only with your written authorization.

Patient Authorization:

- The practice will not disclose a patient’s PHI, other than disclosures previously mentioned, without a signed authorization.
- A signed authorization permits all disclosures separate from disclosures made for treatment, payment, or health care operations. A patient may revoke the authorization in writing at any time. The moment the authorization is revoked all future disclosures will stop; however, any disclosures already made in reliance of the signed authorization may not be undone.

Statement of Individual Rights:

- A patient may request restrictions on specific uses or disclosures of PHI. However, the practice is not required to agree to requested restriction
- A patient has the right to request confidential communications of PHI such as sending mail to an address other than to your home. The practice will attempt to honor all reasonable requests.
- A patient has the right to inspect and receive copies of their PHI. If you request copy, you will be charged \$15.00.
- A patient has a right to request the amendment of their PHI if it is believed that information in the record is incorrect or missing. However, the practice has the right to refuse that request under certain circumstances.
- A patient has the right to request an accounting of disclosures of their PHI other than disclosures made for treatment, payment, and health care operations.
- Regardless of whether the notice was originally sent as a paper copy or an electronic copy, a patient has the right to obtain a paper copy of this notice from the practice at any time upon request.

Our Legal Duty:

- We are required by law to protect the privacy of your information, provide notice about our information practices, and follow the information practices that are described in this notice.

Faxing, Emailing, and Texting Rule:

- When you request us to fax, email or text your PHI as an alternative communication, we may agree to do so. By providing us with this information, you are guaranteeing that you have sole access to the fax, email or phone with text. We are not responsible for PHI viewed by others if it is a shared fax, email or phone, as you requested that it be sent there.

Practice Transition Rule:

- If we sell our practice, our patient records may be disclosed and physical custody may be transferred to the purchasing healthcare provider, but only in accordance with the law. The new record owner will be solely responsible for ensuring privacy of your PHI after the transfer and you agree that we will have no responsibility for transferred records after that. If the practice dies, our patient records will be transferred to another healthcare provider within 90 days or stay with the attending doctor at his/her new location. Before either of these 2 situations, our Privacy Officer will obtain a Business Associate Agreement for the purchaser and review your PHI.

Inactive Patient Records:

- We will retain your records for 3 years from the last treatment or exam, at which point you will become an inactive patient in our practice. All minor patient records will not be destroyed before their 18th birthday. We destroy them in accordance with the law.

Collections:

- If we use or disclose your PHI for collections purposes, we will do so in accordance with the law.

Business Associate Rule:

- Business associates are defined as: an entity, that in the course of their work will directly or indirectly use, transmit, view, transport, hear, interpret, process or offer PHI for this Facility.
- Business associates and other 3rd parties that receive your PHI from us will be prohibited from re-disclosing that information. Business associates are required to sign a Confidentiality Agreement to Federal Omnibus Standards and follow Omnibus rules.

Marketing Rule:

- Marketing is defined as communication about a product or service that encourages recipients to purchase or use the product or service. Under the HIPAA Omnibus Rule, we must have a signature on file for consent.

Fundraising Rules:

- We do not participate in fundraising with our patient information

Our Policy:

- When you receive healthcare services from us, we will obtain access to your medical information. We are committed to maintaining the privacy of your health information and have implemented numerous procedures to ensure we do so. Staff members are trained in HIPAA Privacy rules, our Business Associates and subcontractors sign a strict Confidentiality Contract with regards to keeping private your PHI. In the event of that there is a breach in protecting your PHI; we will follow Federal Guidelines to HIPAA Omnibus Rule Standard to first evaluate the breach situation using the Omnibus Rule, 4-Factor Formula for Breach Assessment. Then we will document the situation, retain copies of the situation on file, and report all breaches (other than low probability, as prescribed by the Omnibus Rule) to the US Dept of Health and Human Services at: www.hhs.gov/ocr/privacy/hipaa/administrative/breachnotificationrule/brinstruction.html

Changes to Privacy Policy Rule:

- The practice reserves the right to change or revise its privacy practice at any time as authorized by law. The changes will be considered immediate and will apply to all PHI we create or receive in the future. If we make changes, we will post the changed notice on our website, and in our office. Upon request, you will be given a copy of our current notice.
- These privacy practices are in accordance with the original HIPAA enforcement effective April 14, 2003 and updated to the Omnibus Rule Effective January 25, 2013 and will remain in effect until we replace them as specified by Federal and State Law.

If you have questions at any time regarding permitted uses or disclosures of your PHI, or if you have questions regarding the Notice of Privacy Practices, please contact Emily Bostian Compliance Officer for Sweetgrass Pediatrics at (843)432-3113.

Complaints: If you feel that we have violated your privacy rights or if you disagree with a decision we made about access to your records you may issue a complaint to the practice's compliance officer "*Sweetgrass Pediatrics*" without fear of retribution from physicians or staff of the practice as the patient or person who believes the practice is not complying with a requirement of the privacy rule within HIPAA, you may also file a written complaint, either on paper or electronically, with the U.S. Department of Health and Human Services.