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Joint Commission  
National Quality Approval

## NOTICE OF PRIVACY PRACTICES

**THIS NOTICE DESCRIBES HOW MEDICAL INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION.**

**PLEASE REVIEW IT CAREFULLY**

### **Section I – Our Duty to Safeguard Your Protected Health Information**

We are committed to preserving the privacy and confidentiality of your health information whether created by us or maintained on our premises. We are required by certain state and federal regulations to implement policies and procedures to safeguard the privacy of your health information. Copies of our privacy policies and procedures are maintained in our office. We are required by state and federal regulations to abide by the privacy practices described in this notice including any future revisions that we may make to the notice as may become necessary or as authorized by law.

Individually identifiable information about your past, present, or future health or condition, the provisions of health care to you, or payment, for the health care treatment or services you receive is considered *protected health information* (PHI). As such, we are required to provide you with this *Notice of Privacy Practices* that contains information regarding our privacy practices that explains how, when and why we may use or disclose your protected health information and your rights and our obligations regarding any such uses or disclosures. Except in specified circumstances, we must use or disclose only the minimum necessary protected health information to accomplish the intended purpose of the use or disclosure of such information.

We reserve the right to change this notice at any time and to make the revised or changed notice effective for health information we already gave about you as well as any information we receive in the future about you. Should we revise/change this *Notice of Privacy Practices*, we will post a copy of the new/revised *Notice of Privacy Practices* from our office.

Should you have questions concerning our *Notice of Privacy Practices*, you may contact our Company's HIPAA Compliance Officer at the address, telephone numbers, and website address etc., indicated on the last page of this document.

### **Section II – How We May Use and Disclose Your Protected Health Information**

We use and disclose protected health information for a variety of reasons. We have a limited right to use and/or disclose your health information for purposes of treatment, payment, or for the operations of our agency. For other uses, you must give us your written authorization to release your protected health information unless the law permits or requires us to make the use of disclosure without your authorization.

Should it become necessary to release your protected health information to an outside party, we will require the party to have a signed agreement with us that the party will extend the same degree of privacy protection to your information as we do.

The privacy law permits us to make some uses or disclosures of your protected health information without your consent or authorization. The following describes each of the different ways that we may use or disclose your protected health information. Where appropriate, we have included examples of the different types of uses or disclosures. These include:

#### **1. Use and Disclosures Related to Treatment:**

We may disclose your protected health information to those who are involved in providing medical and nursing care services and treatments to you. For example we may release health information about you to our nurses, nursing assistants, medication aides/technicians, medical and nursing students, therapists, nurses, nursing assistants, medication aides/technicians, medical and nursing students, therapists, pharmacists, medical records of personnel, consultants, physicians, etc. We may also disclose your protected health information to outside entities performing other services relating to your treatment; such as diagnostic laboratories, home health/hospice agencies, family members, etc.

## **2. Use and Disclosures Related to Payment:**

We may use or disclose your protected health information to bill and collect payment for services or treatments we provided to you. For example, we may contact Medicare, Medicaid, your payment sponsors, insurance carrier, health plan, or another third party to obtain and facilitate payment for services we provided to you.

## **3. Use and Disclosure Related to Payment:**

We may use or disclose your protected health information to perform certain functions should these uses or disclosures become necessary and to ensure that you and others we provide care and services to continue to receive quality care and services. For example, we may take your photograph for medication identification purposes or use your health information to evaluate the effectiveness of the care and service you are receiving. We may disclose your protected health information to our staff (nurses, nursing assistants, physicians, staff consultants, therapists, etc.) for auditing, care planning, treatment, and learning purposes. We may also combine your health information with information from other health care providers to study how our facility is performing in comparison to like facilities or what we can do to improve the care and services we provide to you. When information is combined, we remove all information that would identify you so that others may use the information in developing research on the delivery of health care services without learning your identity.

## **4. Use and Disclosures of Information During Emergency Situation:**

If there is an emergency situation and you are unable to object (because you were not present or you were incapacitated, etc.), we may disclose a limited amount of your protected health information, if it is consistent with any prior expressed wishes and disclosure is determined to be in your best interest. When a disclosure is made based on these or emergency situations, we will only disclose health information relevant to the person's involvement in your care. For example, if you are sent to the hospital, we may only inform hospital staff that you suffered an apparent heart attack, stroke, etc., and/or we may provide information on your prognosis or progress. You will be able to do so. You may use our *Request to Restrict the Use and Disclosure of Protected Health Information* form to submit your request to us. Copies of this form are unavailable in our office. (See also Section IV, paragraph 1.)

## **5. Use and Disclosures Related to Computer Software Development:**

We may use a limited amount of your protected health information when, in the course of a computer software development commissioned by our Company, your protected health information becomes necessary to be part of those data input requirements to facilitate the software development. We will, however, ensure that an agreement to observe confidentiality and privacy of your information is entered into between our Company and our business associate commissioned to perform the software development. **If you do not wish our Company to utilize your PHI for software development purposes, you must provide us with a written notification. The person to contact and the method of contacting him/her are listed on the last page of this notice.** You may use our *Request to Restrict the Use and Disclosure of Protected Health Information* form to submit your request to us. Copies of this form are available in our office. (See also Section IV, paragraph 1.)

## **6. Use and Disclosures Related to Treatment Alternatives, Health-Related Benefits and Services:**

We may use or disclose your protected health information for purposes of contacting you to inform you of treatment alternatives or health-related benefits and services that may be of interest to you. For example, a newly released medication or treatment that has a direct relationship to the treatment or medical condition.

### **Section III – Uses and Disclosures Requiring Your Written Authorization**

For uses and disclosures of your protected health information beyond treatment, payment and operations purposes, we are required to have your written authorization, except as permitted by law. You have the right to revoke an authorization at any time to stop future uses or disclosures of your information except to the extent that we have already undertaken an action in reliance upon your authorization. Your revocation request must be provided to us in writing and addressed to our HIPAA Compliance Officer whose address, telephone number, etc. are indicated on the last page of this document. You may use our *Authorization for Use or Disclosure of Protected Health Information* form and/or our *Revocation of an Authorization* form to submit your request to us. Copies of these forms are available in our office.

Examples of uses or disclosures that would require your written authorization include, but are not limited to, the following:

1. A request to provide your protected health information to an attorney for use in a civil litigation claim.
2. A request to provide certain information to an insurance or pharmaceutical facility for the purposes of providing you with information relative to insurance benefits or new medications that may be of interest to you.
3. A request to provide certain information to another individual or facility.

### **Section IV – Use or Disclosures of Information to Family Members, Friends or Others**

We may disclose your protected health information to your family members and friends who are involved in your care or who help pay for your care. We may also disclose your protected health information to a disaster relief organization for the purpose of

notifying your family and/or friends about your general condition, location, and/or status (i.e. dead or alive). You may object to the release of this information. You may use our *Request to Restrict the Use or Disclosure of Protected Health Information* form to notify us of your objection or your objection may be made orally and directed to our HIPAA Compliance Officer whose address, telephone number, etc. are indicated on the last page of this document. (See also Section VI, paragraph 1.)

### **Section V – Uses and Disclosures of Information That Do Not Require Your Consent or Authorization**

State federal laws and regulations either require or permit us to use or disclose your protected health information without your consent or authorization. The uses or disclosures that we may make without your consent or authorization include the following:

#### **1. When Required by Law:**

We may disclose your protected health information when a federal, state or local law requires that we report information about suspected abuse, neglect, or domestic violence, reporting adverse reactions to medications or injury from a health care product, or in response to a court order or subpoena.

#### **2. For Public Health Activities for the Purpose of Preventing or Controlling Disease, Injury or Disability:**

We may disclose your protected health information when we are required to collect information about diseases or injuries (e.g. your exposure to a disease or your risk for spreading or contracting a communicable disease or condition, product recalls, or to report vital statistics (e.g. births/deaths) to the public health authority).

#### **3. For Health Oversight Activities:**

We may disclose your protected health information to a health oversight agency such as a protection and advocacy agency, the state agency responsible for inspecting our facility or to other agencies responsible for monitoring the health care system for such purposes as reporting or investigation of unusual incidents or to ensure that we are in compliance with applicable state and federal laws and regulations and civil rights issues.

#### **4. To Coroners, Medical Examiners, Funeral Directors, Organ Procurement Organizations or Tissue Banks:**

We may disclose your protected health information to a coroner or medical examiner for the purpose of identifying a deceased individual or to determine the cause of death. We may also disclose your health information to a funeral director for the purposes of carrying out your wishes and/or for the funeral director to perform his/ her duties. If you are an organ donor, we may disclose your protected health information to the organization that will handle your organ, eye or tissue donation for the purposes of facilitating your organ or tissue donation or transplantation.

#### **5. To Avert a Serious Threat to Health or Safety:**

We may disclose your protected health information to avoid serious threat to your health or safety or to the health or safety of others. When such disclosure is necessary, information will only be released to those law enforcement agencies or individuals who have the ability or authority to prevent or lessen the threat of harm.

#### **6. For Specific Government Functions:**

We may disclose protected health information of military personnel and veterans, when requested by military command authorities, to authorized federal authorities for the purpose of intelligence, counterintelligence, and other national security activities (such as protection of the President), or to correctional institutions.

### **Section VI – Your Right Regarding Your Protected Health Information**

You have the following rights concerning the use or disclosure of your protected health information that we create or that we may maintain on our premises:

#### **1. To Request Restrictions on Uses and Disclosures of Your Protected Health Information:**

You have the right to request that we limit how we use or disclose your protected health information for treatment, payment or health care operations. You also have the right to request a limit on the health information we disclose about you at someone who is involved in your care or the payment for your care or services. For example, you could request that we not disclose to family members or friends information about a medical treatment you received.

Should you wish a restriction placed on the use and disclosure of your protected health information, you must submit such request in writing. (**Note:** You may submit such request using our *Request to Restrict the Use and Disclosure of Protected Health Information* form. Copies of this form are available in our office.) You may direct your request to our HIPAA Compliance Officer whose address, telephone number, etc. are indicated on the last page of this document.

**We are not required to agree to your restriction request.** However, should we agree, we will comply with your request not to release such information unless the information is needed to provide emergency care or treatment to you.

## **2. The Right to Inspect and Copy Your Medical and Billing Records:**

You have the right to inspect and copy your health information, such as your medical and billing records that we use to make decisions about your care and services. In order to inspect and/or copy your health information, you must submit a written request to us. If you request a copy of your medical information, we may charge you a reasonable fee for the paper, labor, mailing, and/or retrieval costs involved in filing your requests. We will provide you with information concerning the cost of copying your health information prior to performing such services. You may direct your request to our HIPAA Compliance Officer whose address, telephone number, etc. are indicated on the last page of this document. You may submit requests on our *Request for Inspection/Copy or Protected Health Information* form. Copies of these forms are available in our office.

We will respond within thirty (30) days of receipt of such requests. Should we deny your request to inspect and/or copy your health information, we will provide you with written notice of our reasons of the denial and your rights for requesting a review of our denial. If such review is granted or is required by law, we will select a licensed health care professional not involved in the original denial process to review your request and our reasons for denial. We will abide by the reviewer's decision concerning your inspection/copy requests. You may submit your denial review requests on our *Denial of Inspection/Copy of Protected Health Information* form. Copies of these forms are available in the office.

## **3. The Right to Amend or Correct Your Health Information:**

You have the right to request that your health information be amended or corrected if you have reason to believe that certain information is incomplete or incorrect. You have the right to make such requests of us for as long as we maintain/retain your health information. Your requests must be submitted to us in writing. We will respond within sixty (60) days of receiving the written request. If we approve your request, we will make such amendments/corrections and notify those with a need to know of such amendments/corrections.

We may deny your request if:

- a. Your request is not submitted in writing;
- b. Your written request does not contain a reason to support your request;
- c. The information was not created by us, unless the person or entity that created the information is no longer available to make the amendment;
- d. It is not a part of the health information kept by us;
- e. It is not part of the information which you would be permitted to inspect and copy; and/or
- f. The information is already accurate and completed.

If your request is denied, we will provide you with a written notification of the reason(s) of such denial and your rights to have the request, the denial, and any written response you may have relative to the information and denial process appended to your health information.

You may direct your request to our HIPAA Compliance Officer whose address, telephone number, etc. are indicated on the last page of this document. You may submit your amendment/correction requests on our *Request for Amendment/ Correction of Protected Health Information* form. Copies of these forms are available in our office.

## **4. The Right to Request Confidential Communications:**

You have the right to request that we communicate with you about your health matters in a certain way or at a certain location. For example, you may request that we not send any health information about you to a family member's address. We will agree to your request as long as it is reasonably easy for us to do so. You are not required to reveal nor will we ask the reason for your request. To request confidential communications you must:

- a. Notify us in writing;
- b. Indicate what information you wish to limit;
- c. Indicate whether or not you wish to limit or restrict our use or disclosure of such information; and
- d. Identify to whom the restrictions apply (e.g., which family member(s), agency, etc).

You may direct your request to our HIPAA Compliance Officer whose address, telephone number, etc. are indicated on the last page of this document. You may submit your requests on our *Request for Restriction of Confidential Communications* form. Copies of these forms are available in our office.

## **5. The Right to Request an Accounting of Disclosures of Protected Health Information:**

You have the right to request that we provide you with a listing of when, to whom, for what purpose, and what content of your protected health information we have released over a specified period of time. This accounting will not include any information we have made for the purposes of treatment, payment, or health care operations or information released to you, your family, or disclosures made for national security purposes, or any release pursuant to your authorization.

Your request must be submitted to us in writing and must indicate the time period for which you wish the information. Your request may not include releases for more than six (6) years **prior** to the date of your request and may not include releases **prior** to April 14, 2003. Your request must indicate in what form (e.g., printed copy or email) you wish to receive this information. We

will respond to your request with sixty (60) days of the receipt of your written request. Should additional time be needed to reply, you will be notified of such extension. However, in no case will such extension exceed thirty (30) days. The first accounting you request during a twelve (12) month period will be free. There may be a reasonable fee for additional requests during the twelve (12) month period. We will notify you of the cost involved and you may choose to withdraw or modify your request at that time before any costs are incurred.

You may direct your request to our HIPAA Compliance Officer whose address, telephone number, etc. are indicated on the last page of this document. You may submit your requests on our *Request for an Accounting of Disclosures of Protected Health Information* form. Copies of these forms are available in our office.

#### 6. The Right to Receive a Paper Copy of This Notice:

You have the right to receive a paper copy of this notice even though you may have agreed to receive an electronic copy of this notice. You may request a paper copy of this notice at anytime or you may obtain a copy of this information from our website. To request a paper copy, please contact our Company's HIPAA Compliance Officer at the address, telephone numbers, website address, etc. indicated on the last page of this document.

#### Section VII – How to File a Complaint about Our Privacy Practices

If you have reason to believe that we have violated your privacy rights, violated our privacy policies and procedures, or you disagree with a decision we made concerning access to your protected health information, etc., you have the right to file a complaint with us or the Secretary of the Department of Health and Human Services at the address and contact information below. Complaints may be filed without fear or retaliation in any form.

To file your complaint about our *Privacy Practices*, you may contact our Company's HIPAA Compliance Officer at the address, telephone numbers, website address, etc. indicated below. You may submit your complaint on our *Privacy Practices Complaint* form. Copies of these are available in our office.

HIPAA Compliance Officer  
IPR Healthcare System, Inc.  
8830 Interchange Drive  
Houston, TX 77054  
Phone: (713) 592-6776  
Fax: (713) 592-6780  
Website Address: [www.iprhealthcare.com](http://www.iprhealthcare.com)

YOU MAY ALSO FILE COMPLAINTS WITH  
Secretary  
U.S. Dept of Health & Human Services  
200 Independence Avenue, S.W.  
Washington, DC 20201  
Phone: (202) 619-0257  
Toll free: 1-877-696-6775

### ADDENDUM TO THE HIPAA PRIVACY PRACTICES

Date of Addendum: February 2, 2010

#### HITECH ACT

The **HITECH Act** (*Health Information Technology for Economic and Clinical Health Act*) keeps personal health information in any form – oral, written or electronic – private. The HIPAA Security & Privacy for Home Healthcare **safeguards Protected Health Information or PHI and electronic Protected Health Information or ePHI**. HITECH Includes provisions for heightend enforcement of HIPAA, patient rights and stiff penalties for privacy and security violations. The HITECH Act ensures that sensitive health information is protected.

#### Basic HIPAA security & Privacy rule.

**Administrative Safeguards:** Are the job of the executive team to track the flow of PHI, Set agency security policies, write contingency plans for ePHI, Conduct security audits, Track & records the daily activity of the agency's computer activity, Revise policies when breaches occurs.

**Physical Safeguards:** The protection of high-tech equipment and computers from hackers and intruders, Protection of user ID, Passwords, and Fingerprint logs; Requiring work stations to be away from windows or vendor traffic, Controls to keep ePHI secure when moved or disposed (dispose of hardware & software, hard drives, floppy discs & CDs containing ePHI).

**Technical Safeguards:** Authentication policies to verify that the person logging on is who they claim to be, Instant alarm reporting to administration, Virus-checking, Electronic signatures to protect stored ePHI, Transmission safeguards.

**HITECH expands the HIPAA security and privacy protections and gives patients additional rights:**

- Covered entities must agree to patient requests to restrict disclosure of their PHI or ePHI if the disclosure is to a health plan for payment or health care operations – not treatment – and the provider has been paid in full for those services.
- The Privacy Rule allows patients to receive an accounting of all **non-routine** disclosures of their health information.
- Under the HITECH Act, patients can request an accounting of disclosures of their electronic health records used for treatment, payment, and health care operations, and those authorized by the patient, for the prior three years.
- The patient can also designate that a third party be the recipient of electronic health information.

**Under the HITECH Act, the Privacy Rule also applied directly to business associates:**

- That means, business associates must comply with use and disclosure requirements of the HIPAA Privacy.
- Business Associate agrees to use appropriate safeguards to prevent use or disclosure of the Protected Health Information other than as provided for by this Contract.
- Business Associate agrees to implement administrative, physical, and technical safeguards that reasonably and appropriately protect the confidentiality, integrity, and availability of the protected health information that it creates, receives, maintains, or transmits on behalf of the covered entity as required by the Privacy Rule, Security Rule, and HITECH Act.

**The HITECH Act imposes stringent requirements in the event of a breach. The Privacy Rule had no requirement to report privacy breaches:**

- A breach is the inappropriate or unauthorized use or disclosure of patient health information.
- Covered entities must notify patients when their PHI or ePHI has been compromised.
- That includes unauthorized disclosures of PHI or ePHI to outside third parties, as well as unauthorized internal access to PHI or ePHI.
- All organization Confidential and Highly Confidential electronic information must be encrypted (a) when transmitted over unsecure networks including the Internet and wireless, and (b) when at rest on portable computing devices and portable/removable electronic media.

**Under the HITECH Act, penalties have been increased:**

- HITECH creates a tiered increase in civil penalties tied to level of intent and neglect.
- Penalties range from HIPAA's \$100 per violation not to exceed \$25,000 per violation, to \$1.5 million per calendar year for the same type of violation.
- Criminal penalties can be enforced against individuals, as well as business associates, who obtain or disclose PHI or ePHI without authorization.
- A state's Attorney General can bring civil actions against a person on behalf of patients adversely affected by violation of HIPAA or the HITECH Act.