

# **NOTICE OF PRIVACY PRACTICES FOR PROTECTED HEALTH INFORMATION**

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## **This Notice Is a Summary of Your Rights and Protections under the Federal Health Information Privacy Law**

*PLEASE READ IT CAREFULLY.*

Most people feel that their health and medical information is private and should be protected. They want to know who has their health information and what is being done with it. A Federal law, the Health Insurance Privacy Accountability Act (The HIPAA Privacy Rule), became effective April 14, 2003 and set rules and limits on who can look at and receive your health information. It also gave you certain rights over your health information. This Notice describes the way your health information may be used by this agency, what your rights are over the use and disclosure of your health information, and explains this agency's duties for protecting the privacy of your health information.

### **What does the Privacy Rule require of this agency?**

1. Protection for the privacy of your health information,
2. Information about how your health information is used and disclosed,
3. Description of this agency's legal duties and privacy practices for protecting your health information.
4. Educating and training the Agency's workforce in the requirements of the Privacy Rule.

### **What does your health information consist of?**

Your health information consists of:

1. Information your doctors, nurses, and other healthcare providers put into your medical record,
2. Conversations your doctor has with nurses and others about your care or treatment,
3. Information that this agency and your insurance company has in their computer systems,
4. Billing information about you,
5. Other health information about you, held by those who must follow this law.

### **Who must follow the Privacy Law?**

1. Doctors, nurses, pharmacies, hospitals, clinics, nursing homes, and other health care providers
2. This agency, health insurance companies, HMOs, most employer group health plans
3. Certain government programs that pay for health care, such as Medicare and Medicaid

## **What rights are provided to you by the Privacy Rule?**

1. Getting to see and access copies of your health records,
2. Having corrections made to your health information
3. Receiving this Notice which tells you how your health information may be used and shared
4. Deciding if you want to give your permission before your health information can be used or shared for certain purposes, such as for marketing
5. Getting a report on when, to whom, and for what purpose your health information was shared
6. Being able to file a complaint to this agency, your health insurer, or the U.S. Government if you believe your rights are being denied or your health information isn't being protected.

## **Will you be able to get all of your medical information when you ask for it?**

When you request copies of your medical records or other health information, you may not be able to get all of it. In some cases, your doctor could decide that something in your file might endanger you or someone else. In such an instance, your doctor could refuse to provide that specific information or all of the medical information in your file.

## **How long will it take to get my medical information?**

Your copies must be given to you within thirty (30) days. That period of time could be extended for another thirty (30) days, but you must be given a reason for the delay.

## **Can you make corrections to your health information?**

If you should discover that some of your health information is wrong or incomplete, you can request that your file be corrected or have information added to make your records more complete. For example:

- If you and your doctor believe that a test result in your file is wrong, your record must be changed.
- If your doctor does not agree with you that the test result is wrong, you have the right to have your disagreement noted in your file.
- The file should be changed within sixty (60) days. However, the doctor can take an extra thirty (30) days, but you must be given a reason for the delay.

## **How do I learn that my health information is being shared and how it's being used?**

This agency must give you this Notice which tells you how your health information may be used and shared. The Notice should also tell you how you can exercise your rights. You should get the Notice on your first visit. You can ask for a copy at any time.

### **Can my health information be used without my consent?**

Generally, your health information cannot be given to your employer, used or shared for things like sales calls or advertising, or used and shared for other general purposes without your permission. This agency must get your signature on an authorization form, telling you who will get your information and what it will be used for.

### **Can you get a report on when and why your health information was shared?**

By law, your health information may be used and shared in circumstances such as coordinating treatment and health care, for law enforcement purposes, or for public health activities without your authorization. Once a year and without charge, you can ask for and get a list of who your health information was shared with. You should have the report within sixty (60) days. It could take an extra thirty (30) days, but only if you are given a reason for the delay.

### **Can I be contacted at some place other than my home or can I have my health information mailed to me at an address different from my residence?**

You can make reasonable requests to be contacted at a different place or in a different manner. For example you can have the nurse call you at your office. If receiving mail at home could put you in danger, you can have your mail sent to a different address.

### **Can you ask that your health information not be shared?**

You can ask that your health information is not shared with certain people, groups, or companies. But, this agency does not have to agree to do what you are requesting.

### **What should you do if you think your health information is being shared in a way that is not allowed?**

If you believe your information was used or shared in a way that is not allowed under the Privacy Law, or if you were not able to exercise your rights, you can file a complaint with this agency. At the end of this privacy notice you will find the name of the person or persons to talk to and directions on filing a complaint. You can also file a complaint with the U.S. Government.

### **In what ways can your health information be used without your authorization?**

1. For your treatment and care coordination,
2. To allow this agency to bill insurers and get paid for your health care,
3. With your family, relatives, friends, or others you identify as involved with your health care and health care bills, unless you object.
5. To make sure doctors give good care and nursing homes are clean and safe,
6. To protect the public's health, such as by reporting discoveries of Tuberculosis infections,
7. To make required reports to the authorities such as reporting suspected cases of domestic violence.

**Under what circumstances must this agency have your written permission to use or share your health information when not allowed by this law?**

1. Giving your health information to your employer,
2. Using or sharing your information for marketing or advertising purposes,
3. Sharing private notes about your mental health counseling sessions.

You should get to know these important rights, because they help you to protect your health information. Feel free to ask your provider questions about your rights. You can also learn more about your rights, including how to file a complaint from the website at [www.hhs.gov/ocr/hipaa](http://www.hhs.gov/ocr/hipaa) or call 1-866-627-7748. The phone call is free.

**COMPLAINTS** - If you believe your privacy rights have been violated, you may complain to the Agency contact person, or to the Secretary of the U.S. Department of Health and Human Services. There will be no retaliation against you for filing a complaint. The complaint should be filed in writing, and should state the specific incident(s) in terms of subject, date and other relevant matters. A complaint to the Secretary must be filed in writing within 180 days of when the act or omission complained of occurred, and must describe the acts or omissions believed to be in violation of applicable requirements. [45 CFR § 160.306] For further information regarding filing a complaint, contact:

Name: Angela Sohler

Phone: (970) 686-2225

Email: [angie@tenderheartshc.com](mailto:angie@tenderheartshc.com)

**EFFECTIVE DATE** - This notice was effective as of April 14, 2003. This agency is required to abide by the terms of the Notice currently in effect. We reserve the right to change these terms as necessary for all protected health information that this agency maintains. If, while you are receiving service, the terms of this notice should change, the Agency will promptly revise and distribute a revised notice to you as soon as practicable by mail, e-mail (if you have agreed to electronic notice) or hand delivery.

# HIPAA RESOURCES

## REGULATIONS REGARDING HIPAA:

[www.archives.gov/federal\\_register/index/html](http://www.archives.gov/federal_register/index/html):

- Final privacy provisions 65 F.R. 53182 (August 14, 2002)
- Final security Rule 68 8333 (February 20, 2003)
- Proposed Electronic Transfers 67 F.R. 38044 (May 31, 2002).

## STATE PRIVACY REGULATIONS:

[www.healthprivacy.org](http://www.healthprivacy.org) or  
[www.alllaw.com/state\\_resources/](http://www.alllaw.com/state_resources/)

## REGULATORY AND GOVERNMENT AGENCIES:

Department of Health and Human Services Administrative Simplification:

<http://aspe.hhs.gov/adminsim/>

Centers for Medicare and Medicaid Services (CMS)

<http://cms.hhs.gov/hipaa/hipaa2/default.asp>

### Office for Civil Rights (OCR)

<http://www.hhs.gov/ocr/hipaa/>

Summary of the HIPAA Privacy Rule

<http://www.hhs.gov/ocr/privacysummary.pdf>

Sample Business Associate Contract provisions

<http://www.hhs.gov/ocr/hipaa/contractprov.html>.

<http://www.hhs.gov/ocr/hipaa/guidelines/businessassociates.pdf>

## OTHER RESOURCES:

Final Privacy Rule Regulation Text

<http://www.hhs.gov/ocr/hipaa/finalreg.html>

## **BIBLIOGRAPHY/REFERENCES**

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U.S. Department of Health and Human Services, Office of Civil Rights, "Standards for Privacy of Individually Identifiable Health Information, (Unofficial Version) (45 CFR Parts 160 and 164, Regulation Text, December 28, 2000, as amended: Part 160 (May 31, 2002) Parts 160, 164 (August 14, 2002)