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Pinnacle C.O.P. Manual-1.0  
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### 3.0 NOTICE OF PRIVACY PRACTICES

**Effective Date: September 23, 2013**

THIS NOTICE DESCRIBES HOW PERSONAL HEALTH INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY.

*We understand the importance of privacy and are committed to maintaining the confidentiality of your personal health information. We make a record of the health care we provide and may receive such records from others. We use these records to provide or enable other health care providers to provide quality health care, to obtain payment for services provided to you as allowed by your health plan and to enable us to meet our professional and legal obligations to operate this practice properly. We are required by law to maintain the privacy of protected personal health information, to provide individuals with notice of our legal duties and privacy practices with respect to protected health information, and to notify affected individuals following a breach of unsecured protected personal health information. This notice describes how we may use and disclose your personal health information. It also describes your rights and our legal obligations with respect to your personal health information. If you have any questions about this Notice, please contact our Compliance/Privacy Officer listed above.*

#### TABLE OF CONTENTS

. How This Practice May Use or Disclose Your Personal Health Information	p.2
. When This Practice May Not Use or Disclose Your Personal Health Information	p.5
. Your Personal Health Information Rights	p.5
1. Right to Request Special Privacy Protections	
2. Right to Request Confidential Communications	
3. Right to Inspect and Copy	
4. Right to Amend or Supplement	
5. Right to an Accounting of Disclosures	
6. Right to a Paper or Electronic Copy of this Notice	
. Changes to this Notice of Privacy Practices	p.7
. Complaints	p.7
. <b>How This Practice May Use or Disclose Your Health Information</b>	

## How This Practice May Use or Disclose Your Health Information

This practice collects personal health information about you and stores it in a file [and on a computer][and in an electronic health record/personal health record]. Separately or collectively this is your clinical record. The clinical record is the property of this practice, but the information in the clinical record belongs to you. The law permits us to use or disclose your personal health information for the following purposes:

2. **Treatment.** We use information about you to provide your treatment and care. We disclose clinical information to our employees and others who are involved in providing the treatment and care you need. For example, we may share your personal health information with other physicians or other health care providers who will provide services that we do not provide. For example your pharmacist, or a laboratory that performs a test. We may also disclose personal health information to members of your family or others who can help you when you are sick or injured, or after you die.
3. **Payment.** We use and disclose personal health information about you to obtain payment for the services we provide. For example, we give your health plan the information it requires before it will pay us. We may also disclose information to other health care providers to assist them in obtaining payment for services they have provided to you.
4. **Health Care Operations.** We may use and disclose personal health information about you to operate this practice. For example, we may use and disclose this information to review and improve the quality of care we provide, or the competence and qualifications of our professional staff. Or we may use and disclose this information to get your health plan to authorize services or referrals. We may also use and disclose this information as necessary for reviews, legal services and audits, including waste, fraud and abuse detection and compliance programs and business planning and management. We may also share your personal health information with our "business associates," such as our billing service, that perform administrative services for us. We have a written contract with each of these business associates that contains terms requiring them and their subcontractors to protect the confidentiality and security of your protected health information. We may also share your information with other health care providers, health care clearinghouses or health plans that have a relationship with you, when they request this information to help them with their quality assessment and improvement activities, their patient-safety activities, their population-based efforts to improve health or reduce health care costs, their protocol development, casemanagement or care-coordination activities, their review of competence, qualifications and performance of health care professionals, their training programs, their accreditation, certification or licensing activities, or their health care waste, fraud and abuse detection and compliance efforts. We may also share personal health information about you with the other health care providers, health care clearinghouses and health plans that participate with us in "organized health care arrangements" (OHCAs) for any of the OHCAs' health care operations. OHCAs include hospitals, physician organizations, health plans, and other entities which collectively provide health care services. A listing of the OHCAs we participate in is available from the Privacy Official.]
5. **Appointment Reminders.** We may use and disclose personal health information to contact and remind you about appointments. If you are not home, we may leave this information on your answering service or in a message left with the person answering the phone.
6. **Sign In Sheet.** We may use and disclose personal health information about you by having you sign in when you arrive at our office. We may also call out your name when we are ready to see you.
7. **Notification and Communication With Family.** We may disclose your personal health information to notify or assist in notifying a family member, your personal representative or another person responsible for your care about your location, your general condition or, unless you had instructed us otherwise, in the event of your death. In the event of a disaster, we may disclose personal health information to a relief organization so that they may coordinate these notification efforts. We may also disclose personal health information to someone who is involved with your care or helps pay for your care. If you are able and available to agree or object, we will give you the opportunity to object prior to making these disclosures, although we may disclose this information in a disaster even over your objection if we believe it is necessary to respond to the emergency circumstances. If you are

available to agree or object, we will give you the opportunity to object prior to making these disclosures, although we may disclose this information in a disaster even over your objection if we believe it is necessary to respond to the emergency circumstances. If you are unable or unavailable to agree or object, our health professionals will use their best judgment in communication with your family and others.

8. Marketing. Provided we do not receive any payment for making these communications, we may contact you to give you information about products or services related to your treatment, case management or care coordination, or to direct or recommend other treatments, therapies, health care providers or settings of care that may be of interest to you. We may similarly describe products or services provided by this practice and tell you which health plans this practice participates in. We may also encourage you to maintain a healthy lifestyle and get recommended tests, participate in a disease management program, provide you with small gifts, tell you about government sponsored health programs or encourage you to purchase a product or service when we see you, for which we may be paid. Finally, we may receive compensation which covers our cost of reminding you to take and refill your medication, or otherwise communicate about a drug or biologic that is currently prescribed for you. We will not otherwise use or disclose your personal health information for marketing purposes or accept any payment for other marketing communications without your prior written authorization. The authorization will disclose whether we receive any compensation for any marketing activity you authorize, and we will stop any future marketing activity to the extent you revoke that authorization.
9. Sale of Health Information. We will not sell your personal health information without your prior written authorization. The authorization will disclose that we will receive compensation for your personal health information if you authorize us to sell it, and we will stop any future sales of your personal health information to the extent that you revoke that authorization.
10. Required by Law. As required by law, we will use and disclose your personal health information, but we will limit our use or disclosure to the relevant requirements of the law. When the law requires us to report abuse, neglect or domestic violence, or respond to judicial or administrative proceedings, or to law enforcement officials, we will further comply with the requirement set forth below concerning those activities.
11. Public Health. We may, and are sometimes required by law, to disclose your personal health information to public health authorities for purposes related to: preventing or controlling disease, injury or disability; reporting child, elder or dependent adult abuse or neglect; reporting domestic violence; reporting to the Food and Drug Administration problems with products and reactions to medications; and reporting disease or infection exposure. When we report suspected elder or dependent adult abuse or domestic violence, we will inform you or your personal representative promptly unless in our best professional judgment, we believe the notification would place you at risk of serious harm or would require informing a personal representative we believe is responsible for the abuse or harm.
12. Health Oversight Activities. We may, and are sometimes required by law, to disclose your personal health information to health oversight agencies during the course of audits, investigations, inspections, licensure and other proceedings, subject to the limitations imposed by law.
13. Judicial and Administrative Proceedings. We may, and are sometimes required by law, to disclose your personal health information in the course of any administrative or judicial proceeding to the extent expressly authorized by a court or administrative order. We may also disclose information about you in response to a subpoena, discovery request or other lawful process if reasonable efforts have been made to notify you of the request and you have not objected, or if your objections have been resolved by a court or administrative order.
14. Law Enforcement. We may, and are sometimes required by law, to disclose your personal health information to a law enforcement official for purposes such as identifying or locating a suspect, fugitive, material witness or missing person, complying with a court order, warrant, grand jury subpoena and other law enforcement purposes.
15. Coroners. We may, and are often required by law, to disclose your personal health information to coroners in connection with their investigations of deaths.

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16. Organ or Tissue Donation. We may disclose your personal health information to organizations involved in procuring, banking or transplanting organs and tissues.
17. Public Safety. We may, and are sometimes required by law, to disclose your personal health information to appropriate persons in order to prevent or lessen a serious and imminent threat to the health or safety of a particular person or the general public.
18. Specialized Government Functions. We may disclose your personal health information for military or national security purposes or to correctional institutions or law enforcement officers that have you in their lawful custody.
19. Workers' Compensation. We may disclose your personal health information as necessary to comply with workers' compensation laws. We are also required by law to report cases of occupational injury or occupational illness to the employer or workers' compensation insurer.
20. Change of Ownership. In the event that this practice is sold or merged with another organization, your personal health information/record will become the property of the new owner, although you will maintain the right to request that copies of your personal health information be transferred to another physician or practice.
21. Breach Notification. In the case of a breach of unsecured protected personal health information, we will notify you as required by law. If you have provided us with a current e-mail address, we may use e-mail to communicate information related to the breach but no personal health information will be transmitted. In some circumstances our business associate may provide the notification. We may also provide notification by other methods as appropriate.
22. Psychotherapy Notes. We will not use or disclose your psychotherapy notes without your prior written authorization except for the following: 1) use by the originator of the notes for your treatment, 2) for training our staff, students and other trainees, 3) to defend ourselves if you sue us or bring some other legal proceeding, 4) if the law requires us to disclose the information to you or the Secretary of HHS or for some other reason, 5) in response to health oversight activities concerning your psychotherapist, 6) to avert a serious and imminent threat to health or safety, or 7) to the coroner or medical examiner after you die. To the extent you revoke an authorization to use or disclose your psychotherapy notes, we will stop using or disclosing these notes.
23. Research. We may disclose your personal health information to researchers conducting research with respect to which your written authorization is not required as approved by an Institutional Review Board or privacy board, in compliance with governing law.
24. Fundraising. We may use or disclose your demographic information in order to contact you for our fundraising activities. For example, we may use the dates that you received treatment, the department of service, your treating physician, outcome information and health insurance status to identify individuals that may be interested in participating in fundraising activities. If you do not want to receive these materials, notify the Compliance/Privacy Officer listed at the top of this Notice of Privacy Practices and we will stop any further fundraising communications. Similarly, you should notify the Compliance/Privacy Officer if you decide you want to start receiving these solicitations again.

. **When This Practice May Not Use or Disclose Your Health Information**

Except as described in this Notice of Privacy Practices, this practice will, consistent with its legal obligations, not use or disclose personal health information which identifies you without your written authorization. If you do authorize this practice to use or disclose your personal health information for another purpose, you may revoke your authorization in writing at any time.

. **Your Health Information Rights**

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. **Your Health Information Rights**

1. Right to Request Special Privacy Protections. You have the right to request restrictions on certain uses and disclosures of your personal health information by a written request specifying what information you want to limit, and what limitations on our use or disclosure of that personal health information you wish to have imposed. If you tell us not to disclose personal health information to your commercial health plan concerning health care items or services for which you paid for in full out-of-pocket, we will abide by your request, unless we must disclose the personal health information for treatment or legal reasons. We reserve the right to accept or reject any other request, and will notify you of our decision.
2. Right to Request Confidential Communications. You have the right to request that you receive your personal health information in a specific way or at a specific location. For example, you may ask that we send personal health information to a particular e-mail account or to your work address. We will comply with all reasonable requests submitted in writing which specify how or where you wish to receive these communications.
3. Right to Inspect and Copy. You have the right to inspect and copy your personal health information, with limited exceptions. To access your personal health information, you must submit a written request detailing what personal health information you want access to, whether you want to inspect it or get a copy of it, and if you want a copy, your preferred form and format. We will provide copies in your requested form and format if it is readily producible, or we will provide you with an alternative format you find acceptable, or if we can't agree and we maintain the record in an electronic format, your choice of a readable electronic or hardcopy format. We will also send a copy to any other person you designate in writing. We will charge a reasonable fee which covers our costs for labor, supplies, postage, and if requested and agreed to in advance, the cost of preparing an explanation or summary. We may deny your request under limited circumstances. If we deny your request to access your child's records or the records of an incapacitated adult you are representing because we believe allowing access would be reasonably likely to cause substantial harm to the patient, you will have a right to appeal our decision. If we deny your request to access your psychotherapy notes, you will have the right to have them transferred to another mental health professional.
4. Right to Amend or Supplement. You have a right to request that we amend your personal health information that you believe is incorrect or incomplete. You must make a request to amend in writing, and include the reasons you believe the personal health information is inaccurate or incomplete. We are not required to change your personal health information, and will provide you with personal health information about this practice's denial and how you can disagree with the denial. We may deny your request if we do not have the personal health information, if we did not create the information (unless the person or entity that created the personal health information is no longer available to make the amendment), if you would not be permitted to inspect or copy the personal health information at issue, or if the personal health information is accurate and complete as is. If we deny your request, you may submit a written statement of your disagreement with that decision, and we may, in turn, prepare a written rebuttal. All personal health information related to any request to amend will be maintained and disclosed in conjunction with any subsequent disclosure of the disputed personal health information.
5. Right to an Accounting of Disclosures. You have a right to receive an accounting of disclosures of your personal health information made by this practice, except that this practice does not have to account for the disclosures provided to you or pursuant to your written authorization, or as described in paragraphs 1 (treatment), 2 (payment), 3 (health care operations), 6 (notification and communication with family) and 18 (specialized government functions) of Section A of this Notice of Privacy Practices or disclosures for purposes of research or public health which exclude direct patient identifiers, or which are incident to a use or disclosure otherwise permitted or authorized by law, or the disclosures to a health oversight agency or law enforcement official to the extent this practice has received notice from that agency or official that providing this accounting would be reasonably likely to impede their activities.
6. Right to a Paper or Electronic Copy of this Notice. You have a right to notice of our legal duties and privacy practices with respect to your personal health information, including a

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If you would like to have a more detailed explanation of these rights or if you would like to exercise one or more of these rights, contact our Compliance/Privacy Officer listed at the top of this Notice of Privacy Practices.

#### . **Changes to this Notice of Privacy Practices**

We reserve the right to amend this Notice of Privacy Practices at any time in the future. Until such amendment is made, we are required by law to comply with the terms of this Notice currently in effect. After an amendment is made, the revised Notice of Privacy Protections will apply to all protected personal health information that we maintain, regardless of when it was created or received. We will keep a copy of the current notice posted in our reception area, and a copy will be available at each appointment. We will also post the current notice on our website.

#### . **Complaints**

Complaints about this Notice of Privacy Practices or how this practice handles your health information should be directed to our Compliance/Privacy Officer listed at the top of this Notice of Privacy Practices.

If you are not satisfied with the manner in which this office handles a complaint, you may submit a formal complaint to:

Peter Chan, Regional Manager  
Office for Civil Rights  
U.S. Department of Health and Human Services  
Government Center  
J.F.Kennedy Federal Building - Room 1875  
Boston, MA 02203  
Voice phone (800) 368-1019  
[OCRMail@hhs.gov](mailto:OCRMail@hhs.gov)

The complaint form may be found at  
[www.hhs.gov/ocr/privacy/hipaa/complaints/hipcomplaint.pdf](http://www.hhs.gov/ocr/privacy/hipaa/complaints/hipcomplaint.pdf).

You will not be penalized in any way for filing a complaint.