

The Children's Clinic of Klamath

NOTICE OF PRIVACY PRACTICES

As required by the Privacy Regulations Created as a Result of the Health Insurance Portability and Accountability Act of 1996 (HIPAA)

THIS NOTICE DESCRIBES HOW HEALTH INFORMATION ABOUT YOU/YOUR CHILD (AS A PATIENT OF THE PRACTICE) MAY BE USED AND DISCLOSED, AND HOW YOU CAN GET ACCESS TO YOUR HEALTH INFORMATION.

PLEASE REVIEW THIS NOTICE CAREFULLY

A. OUR COMMITMENT TO YOUR PRIVACY

Throughout this document, “you” refers to you and/or your children (if an unemancipated minor). Our practice is dedicated to maintaining the privacy of your protected health information (PHI). In conducting our business, we will create records regarding you and the treatment and services we provide you. We are required by law to maintain the confidentiality of health information that identifies you. We are also required by law to provide you with this notice of our legal duties and the privacy practices that we maintain in our practice concerning your protected health information. By federal and state law, we must follow the terms of the notice of privacy practices that we have in effect at the time.

We realize that these laws are complicated, but we must provide you with the following important information:

- How we may use and disclose your PHI
- Your privacy rights in your PHI
- Our obligation concerning the use and disclosure of your PHI

The terms of this notice apply to all records containing your PHI that are created or retained by our practice. We reserve the right to revise or amend this Notice of Privacy Practices. Any revision or amendment to this notice will be effective for all of your records that our practice had created or maintained in the past, and for any records that we may create or maintain in the future. Our practice will post a copy of our current Notice in our office in a visible location at all times, and you may request a copy of our most current Notice at any time.

B. IF YOU HAVE QUESTIONS ABOUT THIS NOTICE, PLEASE CONTACT:

Privacy Officer
The Children's Clinic of Klamath
2580 Daggett Avenue
Klamath Falls, OR 97601
541-884-1224

C. WE MAY USE AND DISCLOSE YOUR PHI IN THE FOLLOWING WAYS:

1. **Treatment.** Our practice may use your PHI to treat you. For example, we may ask you to have a laboratory test (such as blood or urine test), and we may use the results to help us reach a diagnosis. We may use your PHI in order to write a prescription for you, or we might disclose your PHI to a pharmacy when we order a prescription for you. Many of the people who work for our practice – including, but not limited to, our doctors and nurses – may use or disclose your PHI in order to treat you or to assist others in your treatment. Additionally, we may disclose your PHI to others who may assist in your care, such as your spouse, children or parents. Finally, we may also disclose your PHI to other health care providers for purposes related to your treatment.
2. **Health Information Exchange.** A health information exchange (HIE) is a system that electronically moves and exchanges patients' PHI between participating health care providers who have been approved to use the system and who have a unique log-in and password. *The Children's Clinic of Klamath* participates in the Jefferson Health Information Exchange (JHIE).

JHIE facilitates the sharing of PHI among authorized health care providers (e.g. health systems, hospitals, physician offices and labs) and health information organizations for treatment, payment and operative (TPO) purposes. JHIE is a secure system designed according to nationally recognized standards, and in accordance with federal and state laws that protect the privacy and security of the information being exchanged. Your PHI is available to authorized health care providers through JHIE unless you decline to participate or "opt out" by completing a JHIE Request for Non Participation Form.

JHIE will not sell or disclose your PHI to any third party for any commercial or activity unrelated to TPO, as defined by federal laws (HIPAA and HITECH), including, but not limited to marketing or fundraising activities.

What does this mean to you?

JHIE offers major benefits to you and your family. These benefits may include:

- **Emergency Treatment.** Medical staff immediately knows about your health problems, medications and prior visits, helping them take care of you without delay, which may save your life.
- **More Complete and Accurate Information.** JHIE gives your doctors greater access to the information needed to diagnose your health problems earlier. They will know more about you and your health history before they recommend treatment or refer you to a specialist.
- **Improved Care.** Access to information about care you received elsewhere gives a better, more complete picture of your health and provides information needed to provide the best care possible. That means your doctors make sure the treatment they give doesn't interact badly with other treatments you may be receiving.
- **Becoming More Involved in Your Care.** You can take a more active role in your health and in the health of your family. When your doctor has more information about you, you can talk to him/her about your health and treatments you receive from other providers. Together you can make decisions about your health care or that of your family members.

Payment. Our practice may use and disclose your PHI in order to bill and collect payment for services and items you may have received from us. For example, we may contact your health insurer to certify that you are eligible for benefits (and for what range of benefits), and we may provide your insurer with details regarding your treatment to determine if your insurer will cover, or pay for, your treatment. We may also use and disclose your PHI to obtain payment from third parties that may be responsible for such costs, such as family members. Also, we may use your PHI to bill you directly for services and items. We may disclose your PHI to other health care providers and entities to assist in their billing and collections efforts.

Appointment Reminders. Our practice may use and disclose your PHI to contact you and remind you of an appointment.

Health Care Operations. Our practice may use and disclose your PHI to operate our business. As examples of the way in which we may use and disclose your PHI for our operations, our practice may use your PHI to evaluate the quality of care you receive from us, or conduct cost-management and business planning activities for our practice. We may disclose your PHI to other health care providers and entities to assist in their health care operations.

Treatment Options. Our practice may use and disclose your PHI to inform you of potential treatment options or alternatives.

Release of Information to Family/Friends. Our practice may release your health information to a friend or family member that is involved in your care, or who assists in taking care of you. For example, a parent or guardian may ask that a babysitter take their child to our office for treatment of a cold. In this example, the babysitter may have access to this child's medical information.

Disclosures Required By Law. Our practice will use and disclose your PHI when we are required to do so by federal, state or local law.

D. WE MAY USE AND DISCLOSE YOUR PHI IN CERTAIN SPECIAL CIRCUMSTANCES:

1. Public Health Risks. Our practice may disclose your PHI to public health authorities that are authorized by law to collect information for the purpose of:

- Maintaining vital records, such as births and deaths Reporting child abuse or neglect
- Preventing or controlling disease, injury or disability
- Notifying a person regarding potential exposure to a communicable disease
- Notifying a person regarding a potential risk for spreading or contracting a disease or condition.
- Reporting reactions to drugs or problems with products or devices
- Notifying individuals if a product or device they may be using has been recalled
- Notifying appropriate government agency(ies) and authority(ies) regarding the potential abuse or neglect of an adult patient (including domestic violence); however, we will only disclose the information if the patient agrees or we are required to or authorized by law to disclose this information
- Notifying your employer under limited circumstances related primarily to workplace injury or illness or medical surveillance.

2. Health Oversight Activities. Our practice may disclose your PHI to a health oversight agency for activities authorized by law. Oversight activities can include, for example, investigations, inspections, audits, surveys, licensure and disciplinary actions; civil, administrative, and criminal procedures or actions; or other activities necessary for the government to monitor governmental programs, compliance with civil rights laws and the health care system in general.

3. Lawsuits and Similar Proceedings. Our practice may use and disclose your PHI in response to a court or administrative order, if you are involved in a lawsuit or similar proceeding. We also may disclose your PHI in response to a discovery request, subpoena, or other lawful process by another party involved in the dispute, but only if we have made an effort to inform you of the request or to obtain an order protecting the information the party has requested.

4. Law Enforcement. We may release PHI if asked to do so by a law enforcement official:

- Regarding a crime victim in certain situations, if we are unable to obtain the person's agreement
- Concerning a death we believe has resulted from criminal conduct
- Regarding criminal conduct at our office
- In response to a warrant, summons, court order, subpoena or similar legal process
- To identify/locate a suspect, material witness, fugitive or missing person
- In a emergency, to report a crime (including the location or victim(s) of the crime, and the description, identity or location of the perpetrators)

5. Deceased Patients. Our practice may release PHI to a medical examiner or coroner to identify a deceased individual or to identify the cause of death. If necessary, we may also release information in order for funeral directors to perform their jobs.

6. Organ and Tissue Donations. Our practice may release your PHI to organizations that handle organ, eye or tissue procurement or transplantation, including organ donation banks, as necessary to facilitate organ and tissue donations and transplantation if you are an organ donor.

7. Serious Threats to Health or Safety. Our practice may use and disclose your PHI when necessary to reduce or prevent a serious threat to your health and safety or the health and safety of another individual or the public. Under these circumstances, we will only make disclosures to a person or organization able to help prevent the threat.

8. Military. Our practice may disclose your PHI if you are a member of U.S. or foreign military forces (including veterans) and if required by the appropriate authorities.

9. National Security. Our practice may disclose your PHI to federal officials for intelligence and national securities activities authorized by law. We may also disclose your PHI to federal officials in order to protect the President, other officials or foreign heads of state, or to conduct investigations.

10. Inmates. Our practice may disclose your PHI to correctional institutions or law enforcement officials if you are an inmate or under the custody of a law enforcement official. Disclosure for these purposes would be necessary: (a) for the institution to provide health care services to you, (b) for the safety and security of the institution, and/or (c) to protect your health and safety or the health and safety of other individuals.

11. Workers Compensation. Our practice may release your PHI for worker's compensation and similar programs.

E. YOUR RIGHTS REGARDING YOUR PHI:

1. Confidential Communications. You have the right to request that our practice communicates with you about your health and related issues in a particular manner or at a certain location. For instance, you may ask us that we contact you at home, rather than work. In order to request a type of confidential communication, you must make a written request to: Privacy Officer, The Children's Clinic of Klamath, 2580 Daggett Ave, Klamath Falls, OR 97601, 541-884-1224, specifying the requested method of contact or the location where you wish to be contacted. Our practice will accommodate a reasonable request. You do not need to give a reason for your request.

2. Requesting restrictions. You have the right to request a restriction in our use or disclosure of your PHI for treatment, payment or health care operations. Additionally, you have the right to request that we restrict our disclosure of your PHI to only certain individuals involved in your care or the payment for your care, such as family members and friends. **We are not required to agree to your request;** however, if we do agree, we are bound by our agreement except when otherwise required by law, in emergencies, or when information is necessary to treat you. In order to request a restriction in our use or disclosure of your health information, you must make your request in writing to: Privacy Officer, The Children's Clinic of Klamath, 2580 Daggett Ave, Klamath Falls, OR 97601. Your request must describe in a clear and concise fashion:

- (a) the information you wish restricted;
 - (b) whether you are requesting to limit our practice's use, disclosure or both;
- and
- (c) to whom you want the limits to apply.

3. Inspection and Copies. You have the right to inspect and obtain a copy of the PHI that may be used to make decisions about you, including patient medical records and billing records, but not including psychotherapy notes. *In care of teenagers, certain confidential information **may not be released to parents.*** This includes information about sexual activity, contraception, sexually transmitted diseases, and other information gathered in a setting where the physician/provider has agreed to confidentiality with the patient. You must submit your request in writing to Privacy Officer, The Children's Clinic of Klamath of the Northwest, 2580 Daggett Avenue, Klamath Falls, OR 97601 in order to inspect and/or obtain a copy of your PHI. Our practice may charge a fee for the cost of copying, mailing, labor and supplies associated with your request. Our practice may deny your request to inspect and/or copy in certain limited circumstances; however, you may request a review of our denial. Another licensed health care professional chosen by us will conduct the reviews.

4. Amendment. You may ask us to amend your PHI if you believe it is incorrect or incomplete, and you may request an amendment for as long as the information is kept by or for our practice. To request an amendment, your request must be made in writing and submitted to Privacy Officer, The Children's Clinic of Klamath of the Northwest, 2580 Daggett Avenue, Klamath Falls, OR 97601. You must provide us with a reason that supports your request for amendment. Our practice may deny your request if you fail to submit your request (and the reason supporting your request) in writing. Also, we may deny your request if you ask us to amend information that is in our opinion: (a) accurate and complete; (b) not part of the PHI kept by or for the practice; (c) not part of the PHI which you would be permitted to inspect and copy; or (d) not created by our practice, unless the individual or entity that created the information is not available to amend the information.

5. Accounting of Disclosures. All of our patients have the right to request an "accounting of disclosures." An "accounting of disclosures" is a list of certain non-routine disclosures our practice has made of your PHI for non-treatment, non-payment or non-operations purposes. Use of your PHI as part of the routine patient care in our practice is not required to be documented. For example, the doctor sharing information with the nurse; or the billing department using your information to file your insurance claim. In order to obtain an "accounting of disclosures", you must submit your request in writing to Privacy Officer, The Children's Clinic of Klamath of the Northwest, 2580 Daggett Avenue, Klamath Falls, OR 97601. All requests for an "accounting of disclosures" must state a time period, which may not be longer than six (6) years from the date of disclosure and may not include dates before April 14, 2003. The first list you request within a 12-month period is free of charge, but our practice may charge you for additional list within the same 12-month period. Our practice will notify you of the cost involved with additional request, and you may withdraw your request before you incur any cost.

6. Right to a Paper Copy of This Notice. You are entitled to receive a paper copy of our Notice of Privacy Practices. You may ask us to give you a copy of this Notice at anytime. To obtain a paper copy of this Notice, contact Front Office Staff/Office Assistant, The Children's Clinic of Klamath of the Northwest, 2580 Daggett Avenue, Klamath Falls, OR 97601.

7. Right to File a Complaint. If you believe your privacy rights have been violated, you may file a complaint with our practice or with the Secretary of the Department of Health and Human Services. To file a complaint with our practice, contact the Privacy Officer, The Children's Clinic of Klamath of the Northwest, 2580 Daggett Avenue, Klamath Falls, OR 97601. All complaints must be submitted in writing. **You will not be penalized for filing a complaint.**

8. Right to Provide an Authorization for Other Uses and Disclosures. Our practice will obtain your written authorization for uses and disclosures that are not identified by this notice or permitted by applicable law. Any authorization you provide to us regarding the use and disclosure of your health information may be revoked at any time in writing. After you revoke your authorization, we will no longer use or disclose your health information for the reason described in the authorization. Please note, we are required to retain records of your care.

Right to Request Non-Participation in Health Information Exchange:

Patients who do not want their health information to be accessible to authorized health care providers through the Hefferson Health Information Exchange (JHIE) may choose not to participate or "opt-out". If you choose to opt-out and complete a JHIE Request for Non-Participation Form, health care providers will not be able to search for your records through JHIE, except in the case of a medical emergency.

If you previously submitted a Request for Non-Participation Form to opt-out of JHIE and would now like to begin participating again, or "opt-in", you may complete a JHIE Cancellation of Non-Participation Form. This includes any health information (e.g. test results) that was generated while you were opted out. By submitting a Cancellation Form, your health information will be accessible to authorized health care providers through JHIE. Your request will not be processed immediately so when you opt-in your information may not immediately be available to your provider(s).

Again, if you have any questions regarding this notice or our health information privacy policies, please contact:

Privacy Officer
The Children's Clinic of Klamath
2580 Daggett Avenue
Klamath Falls, OR 97601
541-884-1224