

## NOTICE OF PRIVACY PRACTICES

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

This Notice of Privacy Practices is being provided to you as a requirement of the privacy regulations issued under the Health Insurance Portability and Accountability Act of 1996 (HIPAA). This notice describes how **Tidewater Gastroenterology, PLLC (TG)** may use and disclose medical information about you to carry out treatment, payment or health care operations and for other purposes that are permitted or required by law. It also describes your rights to access and control protected health information about you. Your personal health information (i.e., "protected health information" or "PHI" for any purposes of HIPAA) is information about you, including demographic information, that may identify you and that relates to your past, present or future physical or mental health or condition. We are required by law to maintain the privacy of your PHI, and we must abide by the terms of this notice. We will use or disclose your PHI in ways consistent with what is stated in our Privacy Notice. The *effective date* of this Privacy Notice is **April 14, 2003**. We reserve the right to change the terms of this Privacy Notice and to make a new Privacy Notice effective for all PHI we maintain. In the event of a change to our Privacy Notice, we will provide you with the new Privacy Notice upon request. We have designated a Privacy Officer whom you may consult to ask questions and bring up concerns you might have about your PHI and how it is handled. You can reach our Privacy Officer by calling **757-547-0798** or writing to **112 Gainsborough Square Suite 200 Chesapeake, VA 23320**.

In this notice we provide descriptions of the different ways we may use and disclose your personal health information. In some cases, an example is provided to describe the types of uses and disclosures of your PHI that may be made by our organization; however, these examples are not intended to be inclusive of all the ways we may use your PHI.

### **ACKNOWLEDGMENT OF RECEIPT OF THIS PRIVACY NOTICE**

You are receiving our current Privacy Notice and are asked to sign an acknowledgment that you have received it. You may provide the signed acknowledgment by: signing the last page of this Privacy Notice and returning it to reception desk or a nurse, physician or other staff member, by signing acknowledgement of receipt on the patient registration form or by mailing it to the following address:

**112 Gainsborough Square Suite 200 Chesapeake, VA 23320.**

Attention: Privacy Officer.

If, after April 14, 2003, your initial contact with our office is through electronic mail, you will be asked to acknowledge receipt of this Privacy Notice by replying to our electronic message that contains the Privacy Notice and typing the following in your reply message: "I acknowledge receipt of the Privacy Notice", and including the date and your name.

### **HOW WE MAY USE AND DISCLOSE PHI ABOUT YOU**

The following categories describe different ways that we use and disclose PHI. For each category of uses or disclosures we will explain what we mean and try to give some examples. Not every use or disclosure in a category will be listed. However, all of the ways we are permitted to use and disclose information will fall within one of the categories.

**For Treatment.** We may use and disclose your PHI as reasonably necessary to provide for your treatment. We do not need to obtain your permission, written or otherwise, for us to do this. We may disclose PHI about you to doctors, nurses, technicians or other healthcare personnel who are involved in taking care of you. For example, your primary care physician may need to know if we are treating you for a gastrointestinal complaint.

**For Payment.** We may use and disclose PHI about you so that the treatment and services you receive may be billed to and payment may be collected from you, an insurance company or a third party. For example, we may need to give your health plan information about a procedure performed in our office so your health plan will pay us or reimburse you for the procedure. We may also tell your health plan about a treatment you are going to receive to obtain prior approval or to determine whether your plan will cover the treatment.

**For Health Care Operations.** We may use and disclose PHI about you for healthcare operations. These uses and disclosures are necessary to run our office and make sure that all individuals receive quality care. Some examples of how we may use your PHI performing day-to-day tasks include utilizing a sign-in sheet at the front desk or calling you by name from the waiting room. We also may use PHI to review our treatment and services and to evaluate the performance of our staff in caring for you.

As another part of health care operations, we may use and disclose PHI about you to our business associates. Our business associates, such as transcription services, collection agencies and answering services perform service on behalf of our practice. Our business associates who have access to PHI agree to protect the privacy of your personal health information.

**Appointment Reminders, Test Results.** As a part of our health care operations, we may use and disclose PHI to contact you as a reminder that you have an appointment for treatment or medical care at our office. We may leave a message on an answering machine or voicemail system including your name, the name of the physician in which you have an appointment, the practice name and a reminder to bring your co-payment, insurance referral and/or medical records or x-rays to your appointment. TG may also send appointment reminder cards or recall notices to the address you provided to us during registration with your name, the name of the physician in which you have an appointment, the practice name and a reminder to bring your co-payment, insurance referral and/or medical records or x-rays to your appointment. We may contact you to discuss treatment and/or test results. If you are not available, we may leave a message using your name, the name of your physician and the practice name so you may return our call.

**Individuals Involved in Your Care or Payment for Your Care.** We may release PHI about you to a friend or family member who is involved in your medical care or who may accompany you for an appointment or procedure. We may also give information to someone who helps pay for your care. We may also tell your family or friends your condition and that you are in a hospital.

**Research.** Under certain circumstances, we may use and disclose PHI about you for research purposes. For example, a research project may involve comparing the health and recovery of all patients who received one medication to those who received another, for the same condition. All research projects, however, are subject to a special approval process. This process evaluates a proposed research project and its use of PHI, trying to balance the research needs with individuals' need for privacy of their PHI. Before we use or disclose PHI for research, the project will have been approved through this research approval process, but we may, however, disclose PHI about you to people preparing to conduct a research project, for example, to help them look for patients with specific medical needs, so long as the PHI they review does not leave our office. We will almost always ask for your specific permission if the researcher will have access to your name, address or other information that reveals who you are, or will be involved in your care.

**As Required By Law.** We will disclose PHI about you when required to do so by federal, state or local law.

**To Avert a Serious Threat to Health or Safety.** We may use and disclose PHI about you when necessary to prevent a serious threat to your health and safety or the health and safety of the public or another person. Any disclosure, however, would only be to someone able to help prevent the threat.

**Organ and Tissue Donation.** If you are an organ donor, we may release PHI to organizations that handle organ procurement or organ, eye or tissue transplantation or to an organ donation bank, as necessary to facilitate organ or tissue donation and transplantation.

**Military and Veterans.** If you are a member of the armed forces, we may release PHI about you as required by military command authorities. We may also release PHI about foreign military personnel to the appropriate foreign military authority.

**Workers' Compensation.** We may release PHI about you for workers' compensation or similar programs. These programs provide benefits for work-related injuries or illness.

**Public Health Risks.** We may disclose PHI about you for public health activities. These activities generally include the following:

- • To prevent or control disease, injury or disability;
- • To report births and deaths;
- • To report child abuse or neglect;
- • To report reactions to medications or problems with products;
- • To notify people of recalls of products they may be using;
- • To notify a person who may have been exposed to a disease or may be at risk for contracting or spreading a disease or condition;
- • To notify the appropriate government authority if we believe a patient has been the victim of abuse, neglect or domestic violence.

**Health Oversight Activities.** We may disclose PHI to a health oversight agency for activities authorized by law. These oversight activities include, for example, audits, investigations, inspections, and licensure. These activities are necessary for the government to monitor the health care system, government programs, and compliance with civil rights laws.

**Lawsuits and Disputes.** If you are involved in a lawsuit or a dispute, we may disclose PHI about you in response to a court or administrative order. We may also disclose PHI about you in response to a subpoena, discovery request, or other lawful process by someone else involved in the dispute, but only if efforts have been made to tell you about the request or to obtain an order protecting the information requested.

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

- In response to a court order, subpoena, warrant, summons or similar process;
- To identify or locate a suspect, fugitive, material witness, or missing person;
- About the victim of a crime if, under certain limited circumstances, we are unable to obtain the person's agreement;
- About a death we believe may be the result of criminal conduct;
- About criminal conduct at our office; and
- In emergency circumstances to report a crime; the location of the crime or victims; or the identity, description or location of the person who committed the crime.

**Coroners, Medical Examiners and Funeral Directors.** We may release PHI to a coroner or medical examiner. This may be necessary, for example, to identify a deceased person or determine the cause of death. We may also release PHI about an individual to funeral directors as necessary to carry out their duties.

**National Security and Intelligence Activities.** We may release PHI about you to authorized federal officials for intelligence, counterintelligence, and other national security activities authorized by law.

**Protective Services for the President and Others.** We may disclose PHI about you to authorized federal officials so they may provide protection to the President, other authorized persons or foreign heads of state or conduct special investigations.

**Inmates.** If you are an inmate of a correctional institution or under the custody of a law enforcement official, we may release PHI about you to the correctional institution or law enforcement official. This release would be necessary (1) for the institution to provide you with health care; (2) to protect your health and safety or the health and safety of others; or (3) for the safety and security of the correctional institution.

**Pursuant to an Authorization.** We will require a signed authorization form before we disclose your PHI to a third party for reasons other than those listed above. We will retain a copy of any signed authorization you give us that is attached to a request to us for your PHI. We will also keep a record of when, to whom and what we provided in response to the request for disclosure. If you have signed an authorization for us to use or disclose your PHI, and decide you want to revoke the authorization, you have the right to revoke it. You must revoke the specific authorization in writing and deliver it to the Privacy Officer at **112 Gainsborough Square Suite 200 Chesapeake, VA 23320** before your revocation is effective. Once we receive the revocation, or have actual knowledge that you have revoked the authorization, we will make a note of it to assure that we do not make future disclosures pursuant to your original authorization.

**YOUR RIGHTS REGARDING PHI ABOUT YOU You have the following rights regarding PHI we maintain about you:**

**Right to Inspect and Copy.** You have the right to inspect and copy PHI that may be used to make decisions about your care. Usually, this includes medical and billing records, but does not include psychotherapy notes. To inspect and copy PHI that may be used to make decisions about you, you must submit your request in writing to the Privacy Officer at **112 Gainsborough Square Suite 200 Chesapeake, VA 23320**. If you request a copy of the information, we may charge a fee for the costs of copying, mailing or other supplies associated with your request.

We may deny your request to inspect and copy in certain very limited circumstances. If you are denied access to PHI, you may request that the denial be reviewed. Another licensed health care professional chosen by us will review your request and the denial. The person conducting the review will not be the person who denied your request. We will comply with the outcome of the review.

**Right to Amend.** If you feel that PHI we have about you is incorrect or incomplete, you may ask us to amend the information. You have the right to request an amendment for as long as the information is kept by or for TG. To request an amendment, your request must be made in writing and submitted to the Privacy Officer at **112 Gainsborough Square Suite 200 Chesapeake, VA 23320**. In addition, you must provide a reason that supports your request.

We may deny your request for an amendment if it is not in writing or does not include a reason to support the request. In addition, we may deny your request if you ask us to amend information that:

- Was not created by us, unless the person or entity that created the information is no longer available to make the amendment;
- Is not part of the PHI kept by or for us;
- Is not part of the information which you would be permitted to inspect and copy; or
- Is accurate and complete.

**Right to an Accounting of Disclosures.** You have the right to request an accounting of certain disclosures of your PHI that we have made. (We do not have to provide an accounting of disclosures made for treatment, payment or healthcare operations, or pursuant to a signed authorization or where you did not orally deny authorization, or of certain disclosures required by law.)

To request this list or accounting of disclosures, you must submit your request in writing to the Privacy Officer at **112 Gainsborough Square Suite 200 Chesapeake, VA 23320**. Your request must state a time period, which may not be longer than six years and may not include dates before April 14, 2003. Your request should indicate in what form you want the list (for example, on paper or electronically). The first list you request within a 12month period will be free. For additional lists, we may charge you for the costs of providing the list. 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.

**Right to Request Restrictions.** You have the right to request a restriction or limitation on the PHI we use or disclose about you for treatment, payment or health care operations. You also have the right to request a limit on the PHI we disclose about you to someone who is involved in your care or the payment for your care, like a family member or friend. For example, you could ask that we not use or disclose information about a procedure you had.

**We are not required to agree to your request.** If we do agree, we will comply with your request unless the information is needed to provide you emergency treatment.

To request restrictions, you must make your request in writing to the Privacy Officer at **112 Gainsborough Square Suite 200 Chesapeake, VA 23320**. In your request, you must tell us (1) what information you want to limit; (2) whether you want to limit our use, disclosure or both; and (3) to whom you want the limits to apply, for example, disclosures to your spouse.

**Right to Request Confidential Communications.** You have the right to request that we communicate with you about medical matters in a certain way or at a certain location. For example, you can ask that we only contact you at work or by mail.

To request confidential communications, you must make your request in writing to the Privacy Officer at **112 Gainsborough Square Suite 200 Chesapeake, VA 23320**. We will not ask you the reason for your request. We will accommodate all reasonable requests. Your request must specify how or where you wish to be contacted.

**Right to a Paper Copy of This Notice.** You have the right to a paper copy of this notice. You may ask us to give you a copy of this notice at any time. Even if you have agreed to receive this notice electronically, you are still entitled to a paper copy of this notice.

To obtain a paper copy of this notice, send your written request to the Privacy Officer at **112 Gainsborough Square Suite 200 Chesapeake, VA 23320**.

Our current Privacy Notice will also be posted in our office for you to review.

## **COMPLAINTS**

If you believe your privacy rights have been violated, you may file a complaint with us. To file a complaint with us, contact the Privacy Officer at **757-547-0798**. All complaints must be submitted in writing to the Privacy Officer at **112 Gainsborough Square Suite 200 Chesapeake, VA 23320**.

You also have the right to complain to the Office of Civil Rights.

**You will not be penalized for filing a complaint.**