



Notice of Privacy Practices

Patient Name

Date

This notice describes how health information about you (as a patient of Upstate Lung and Critical Care Specialists) may be used & disclosed & how you can get access to your individually identifiable health information. As required by the privacy regulations created as a result of the Health Insurance Portability & Accountability Act of 1996 (HIPAA). Please review this notice carefully.

A. Our commitment to your privacy:

Upstate Lung and Critical Specialists, is dedicated to maintaining the privacy of your individually identifiable health information (also called *Protected* Health Information, or PHI). In conducting our business, we will create records regarding you & the treatment & services we provide to 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 & the privacy practices that we maintain in our practice concerning your PHI. By federal & 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 & disclose your PHI
- Your privacy rights in your PHI
- Our obligations concerning the use & 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 has created or maintained in the past, & for any of your records that we may create or maintain in the future. Our practice will post a copy of our current Notice in our offices in a visible location at all times, & you may request a copy of our most current Notice at any time.

B. We may use & disclose your PHI in the following ways:

The following categories describe the different ways in which we may use & disclose your PHI.

1. **Treatment:** Our practice may use your PHI to treat you. For example, we may ask you to have laboratory tests (such as blood or urine tests), & we may use the results to help us reach a diagnosis. We might 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 & 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. **Payment:** Our practice may use & disclose your PHI in order to bill & collect payment for the services & items you may receive from us. For example, we may contact your health insurer to certify you are eligible for benefits (& for what range of benefits), & we may provide your insurer with details regarding your treatment to determine if your insurer will cover, or pay for, your treatment. We also may use & disclose your PHI to obtain payment from third parties.
3. **Health care operations:** Our practice may use & disclose your PHI to operate our business. As examples of the ways in which we may use & disclose your information for our operations, our practice may use your PHI to evaluate the quality of care you received from us, or to conduct cost-management & business planning activities for our practice. We may disclose your PHI to other health care entities.
4. **Disclosures required by law:** Our practice will use & disclose your PHI when we are required to do so by federal, state, or local law.

C. Use & disclosure of your PHI in certain special circumstances:

The following categories describe unique scenarios in which we may use or disclose your identifiable health information:

1. **Public health risks:** Our practice may disclose your PHI to public health authorities that are authorized by law to collect information for purposes of:
 - Maintaining vital records, such as births & 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) & authority(ies) regarding the potential abuse or neglect of an adult patient (including domestic violence): however, we will only disclose this information if the patient agrees or we are required/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 include, for example, investigations, inspections, audits, surveys, licensure, & disciplinary actions: civil, administrative, & criminal procedures or actions: or other activities necessary for the government to monitor programs, compliance with civil rights laws & the health care system in general.
3. **Lawsuits & similar proceedings:** Our practice may use & 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 offices.
 - 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 an emergency, to report a crime (including the location or victim(s) of the crime, or the description, identity or location of the perpetrator).
5. Serious threats to health or safety: Our practice may use or disclose your PHI when necessary to reduce or prevent a serious threat to your health & safety or the health & 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.
6. Military: Our practice may disclose your PHI if you are a member of U.S. or foreign military forces (including veterans) & if required by the appropriate authorities.
7. National Security: Our practice may disclose your PHI to federal officials for intelligence & national security activities authorized by law. We also may disclose your PHI to federal & national security activities authorized by law. We also may disclose your PHI to federal officials in order to protect the president, other officials or foreign heads of state, or to conduct investigations.
8. 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:
 - For the institution to provide health care services to you.
 - For the safety & security of the institution.
 - To protect your health & safety or the health & safety of other individuals.
9. Workers' Compensation: Our practice may release your PHI for workers' compensation & similar programs.

D. Your rights regarding your PHI:

You have the following rights regarding the PHI that we maintain about you:

1. Confidential communications: You have the right to request that our practice communicate with you about your health & related issues in a particular manner or at a certain location. For instance, you may ask 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 [Medical Records Clerk at 864-573-6320 ext. 216 specifying the requested method of contact or the location where you wish to be contacted. Our practice will accommodate **reasonable** requests. 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 & 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 the information is necessary to treat you. In order to request a restriction in our use or disclosure of your PHI, you must make your request in writing to [Medical Records Clerk at 864-573-6320 ext.216. Your request must describe in a clear & concise fashion:
 - The information you wish restricted,
 - Whether you are requesting to limit our practice's use, disclosure, or both
 - To whom you want the limits to apply.
3. Inspection & copies: You have the right to inspect & obtain a copy of the PHI that may be used to make decisions about you, including patient medical records & billing records, but not including psychotherapy notes if applicable. You must submit your request in writing to [Medical Records Clerk at 864-573-6320 ext. 216 in order to inspect (using the portal and/or obtain a copy of your PHI. Our practice may charge a fee for the costs of copying, mailing, labor & supplies associated with your request. Our practice may deny your request to inspect &/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 reviews.
4. Amendment: You may ask us to amend your health information if you believe it is incorrect or incomplete, & 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 & submitted to [Clinical Manager at 864-573-6320 ext. 240. You must provide us with a reason that supports your request for amendment. Our practice will deny your request if you fail to submit your request & 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 & 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 & copy; (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 purposes not related to treatment, payment or operations. 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 Billing Supervisor at 864-573-6320 ext. 229. 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 & may not include dates before January 1, 2014. The first list you request within a 12-month period is free of charge, but our practice may charge you for additional lists within the same 12-month period. Our practice will notify you of the costs involved with additional requests, & you may withdraw your request before you incur any costs.
6. 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 & Human Services. To file a complaint with our practice contact [Practice Manger at 864-573-6320 ext. 250. All complaints must be submitted in writing. **You will not be penalized for filing a complaint.**
7. Right to provide an authorization for other uses & disclosures: Our practice will obtain your written authorization for uses & disclosures that are not identified by this notice or permitted by applicable law. Any authorization you provide to us regarding the use & disclosure of your PHI may be revoked at any time *in writing*. After you revoke your authorization, we will no longer use or disclose your PHI for the reasons described in the authorization. *Please note:* we are required to retain records of your care.

If you have any questions regarding this notice or our health information privacy policies, please contact Practice Manager 864-573-6320 ext. 250