

# NOTICE OF PRIVACY PRACTICES

**This notice describes how medical information about you may be used and disclosed and how you can get access to this information. Please review it carefully.**

**Effective Date of This Notice: October 28, 2016**

## **Our pledge regarding your health information**

Your health information and health care are personal, and we at Essential Health Clinic understand this. We are committed to protecting the privacy of your health information in accordance with federal and Wisconsin law. We will create a record of the care and services you receive from us to provide you with quality care and to comply with the law. This Notice of Privacy Practices (Notice) applies to all of the health information Essential Health Clinic maintains about you. This includes health information that we originally document about you and health information that we receive from third parties, such as other health care providers. This Notice will tell you the ways in which we may use or disclose your health information. This Notice also describes your rights regarding your health information that we maintain about you and describes certain obligations we have regarding the use and disclosure of your health information.

We are required by law to:

- Abide by the terms of this Notice currently in effect;
- Maintain the privacy of your health information;
- Make available this notice of our legal duties and privacy practices with respect to health information; and
- Notify you following a breach of your unsecured protected health information.

If you have any questions about this Notice, please contact Essential Health Clinic's Privacy Officer in writing at 1201 Caledonia Street, La Crosse, WI 54603, or call 1-608-775-8380.

## **How we may use and disclose your health information**

The following categories describe the ways that we may use or disclose your health information without your written authorization. Not every use or disclosure in a category will be listed. However, all of the ways we are permitted to use and disclose your health information without your written authorization will fall within one of the categories below.

**For Treatment.** We may use health information about you to provide you with health care treatment and services. We may disclose health information about you to doctors, nurses, technicians, health students, volunteers or other personnel who are involved in taking care of you. These personnel may work at our offices, at a hospital if you are hospitalized under our supervision, or at another doctor's office, lab, pharmacy, or other health care provider to whom we may refer you for consultation, to take x-rays, to perform lab tests, to have prescriptions filled, or for other treatment purposes. For example, a doctor treating you may need to know what medications you have been prescribed to determine if they will react with the medications the doctor plans to prescribe. We may provide that information to a physician treating you at another institution. We may also contact you for treatment purposes, including appointment reminders by phone or text message.

**For Payment.** We may use and disclose health information about you to obtain payment for the services we provide to you. For example, we may need to disclose information about your office visit to your health insurance plan so your health plan will pay us or reimburse you for the visit. Alternatively, we may need to disclose your health information to the state Medicaid agency so that we may be reimbursed for providing services to you. In some instances, we may need to disclose to your health plan information 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 health information about you for the operations of our health care practice. These uses and disclosures are necessary to run our practice and make sure that all of our patients receive quality care. For example, we may use health information to review our treatment and services and to evaluate the performance of our staff in caring for you. We may also combine health information about many patients to decide what additional services we should offer, what services are not needed, whether certain new treatments are effective, or to compare how we are doing with other health care providers and to see where we can make improvements. We may also disclose your health information to third party "business associates" that perform services on our behalf, such as transcription, billing, and collection services. In these cases, we will enter into a written agreement with the business associate to ensure they protect the privacy of your health information.

**Persons Involved in Your Care or Payment for Your Care.** If you verbally agree to the use or disclosure and in certain other situations, we will make the following uses and disclosures of your health information. We may disclose to your family, friends, and anyone else whom you identify who is involved in your health care or who helps pay for your care, health information relevant to that person's involvement in your care or paying for your care. We may use or disclose your information to notify or assist in notifying a family member or any other person responsible for your care regarding your physical location, general condition, or death.

**Disaster Relief Efforts.** We may disclose your health information to organizations for the purpose of disaster relief efforts in accordance with the law.

**As Required By Law.** We will use and disclose your health information when required to do so by law.

**Public Health Reporting.** We may disclose your health information for public health activities, including:

- To prevent or control disease, injury or disability, to report births and deaths, and for public health surveillance, investigations, or interventions;
- To report child abuse or neglect;
- For activities related to the quality, safety or effectiveness of FDA-regulated products;
- To notify a person who may have been exposed to a communicable disease or may be at risk for contracting or spreading a disease or condition as authorized by law; and
- To notify an employer of findings concerning work-related illness or injury or general medical surveillance that the employer needs to comply with the law if you are provided notice of such disclosure.

**Health information Availability After Death.** We may use or disclose information without your authorization 50 years after the date of your death.

**Victims of Abuse, Neglect, or Domestic Violence.** We may notify the appropriate government authority if we believe a patient has been the victim of abuse, neglect, or domestic violence. We will only make this disclosure if you agree, or when required or authorized by law.

**Health Oversight Activities.** We may disclose your health information 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. We may not disclose the health information of a person who is the subject of an investigation that is not related directly to their receipt of health care or public benefits.

**Lawsuits and Disputes.** If you are involved in a lawsuit or a dispute, we may disclose your health information in response to a court order. Under most circumstances when the request is made through a subpoena, a discovery request or involves another type of administrative order, your authorization will be obtained before disclosure is permitted.

**Law Enforcement.** HIPAA allows us to disclose your health information, within limitations, to a law enforcement official in the following circumstances:

- 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 the victim agrees or we are unable to obtain the victim's agreement;
- About a death we believe may be the result of criminal conduct;
- About criminal conduct at Essential Health Clinic; and
- To report a crime not occurring on our premises, the nature of a crime, the location of a crime, and the identity, description and location of the individual who committed the crime, in an emergency situation.

**To Avert a Serious Threat to Health or Safety.** We may use and disclose your health information 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 be made only to someone able to help prevent the threat.

**Research.** Under certain circumstances, we may use or disclose your health information for research purposes. For example, a research project may involve comparing the efficacy of one medication over another. Most research projects, however, are subject to a special approval process through an Institutional Review or Privacy Board. This process evaluates a proposed research project and its use of health information, trying to balance the research needs with patients' need for privacy of their health information. Your health information will not be further disclosed to a person not connected with the research and the final research product cannot reveal information that could identify you.

**Coroners, Health Examiners and Funeral Directors.** We may disclose your health information to a coroner or medical examiner so they can carry out their duties under the law. This may be necessary, for example, to identify a deceased person or determine the cause of death. We may also disclose your health information to funeral directors as necessary to carry out their duties.

**Organ/Tissue Donation.** We may disclose your health information in connection with organ and tissue donation.

**Military, National Security, or Incarceration/Law Enforcement Custody.** If you are or were involved with the military, national security or intelligence activities, or you are in the custody of law enforcement officials or an inmate in a correctional institution, we may release your PHI to the proper authorities so they may carry out their duties under the law.

**Workers' Compensation.** We may disclose your health information as necessary to comply with laws related to workers' compensation or similar programs that provide benefits for work-related injuries or illness without regard to fault.

### **Other uses and disclosures require your authorization**

Except as described in this notice; Essential Health Clinic will not use or disclose your protected health information without written authorization from you. Uses and disclosures made for the purpose of some marketing activities and the sale of protected health information (PHI) require your authorization. Other uses and disclosures of your health information not covered by this notice will only be made with your written authorization. You may revoke that authorization, in writing, at any time. If you revoke your authorization, we will no longer be able to use or

disclose health information about you for the reasons covered by your written authorization. You understand that we are unable to take back any disclosures we have already made with your authorization.

### **Your rights regarding your health information**

You have the following rights regarding the health information we maintain about you. All requests or communications to Essential Health Clinic to exercise your rights discussed below must be submitted in writing to: Essential Health Clinic, Attn: Privacy Officer, 1201 Caledonia Street, La Crosse, WI 54603. All forms referenced below can be obtained from Essential Health Clinic or by contacting the Privacy Officer.

**Right to Inspect and Copy.** You have certain rights to inspect and receive a copy of health information that may be used to make decisions about your care. Usually, this includes health and billing records. This does not include psychotherapy notes and certain other information. To inspect and copy your health information, your request must be made in writing on a form provided by us and submitted to the Privacy Officer. If you request a copy of your health information, we may charge a cost-based fee for the labor, supplies, and postage required to meet your request. You may request access to your health information in a certain form and format, if readily producible, or, if not readily producible, in a mutually agreeable form and format. Further, you may request in writing that we transmit such a copy to any person or entity you designate. Your written, signed request must clearly identify such designated person or entity and where you would like us to send the copy.

We may deny your request to inspect and copy in certain very limited circumstances. If you are denied access to health information, you may in certain instances 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 initial request. We will comply with the outcome of the review.

**Right to Amend.** If you feel that health information we maintain 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 us. To request an amendment, your request must be made in writing on a form provided by us and submitted to the Privacy Officer.

We may deny your request for an amendment if the request is not made on the form provided by us and 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 health information kept by or for Essential Health Clinic;
- Is not part of the information which you would be permitted to inspect and copy; or
- Is accurate and complete.

If your request is denied, we will provide you with information about our denial and how you can file a written statement of disagreement with us that will become part of your medical record.

**Right to an Accounting of Disclosures.** You have the right to request an accounting (a list) of disclosures of your health information we have made. Please note that certain disclosures need not be included in the accounting we provide to you. Your request must be made in writing on a form provided by us and submitted to the Privacy Officer. Your request must state a time period that may not go back further than six years. The first list of disclosures you request within a 12-month period will be provided free of charge. For additional lists in a 12-month period, we may charge you a reasonable cost-based fee for providing the additional accounting(s). 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. We will generally mail you a list of disclosures in paper form within 60 days of your request. If we are unable to provide the accounting you requested within that 60 days, we will instead provide you a written statement of the reason for the delay and the date by which you will receive the accounting, which under no circumstances will exceed 90 days from the date of your request.

**Right to Request Restrictions.** You have the right to request a restriction or limitation on the health information we use or disclose about you for treatment, payment, or health care operations. You also have the right to request a limit on the health information we disclose about you to someone who is involved in your care or the payment for your care. For example, you could ask that access to your health information be denied to a particular member of our workforce who is known to you personally. **While we will try to accommodate your request for restrictions, we are not required to do so**, unless that restriction is regarding disclosure of your health information to your health insurance company and (1) the disclosure is for the purpose of carrying out payment or health care operations and is not otherwise required by law; and (2) the health information pertains solely to a health care item or service for which you or another person (other than your health insurance company) paid for in full. If we do agree, we will comply with your request unless the information is needed to provide you emergency treatment. Your request must be made in writing on a form provided by us and submitted to the Privacy Officer. In your request, you must tell us what information you want to limit and to whom you want the limits to apply.

**Right to Request Confidential Communications.** You have the right to request that we communicate with you about health matters in a certain manner or at a certain location. For example, you can ask that we only contact you at work or by mail to a post office box. During our intake process, we will ask you how you wish to receive communications about your health care and whether you have any other requests on how we notify you about your health information. We will accommodate all reasonable requests. We will not ask you the reason for your request. To request confidential communications after the intake process, you must make your request in writing to the Privacy Officer.

**Right to a Paper Copy of This Notice.** You have the right to obtain a paper copy of this Notice at any time, even if you previously agreed to receive this Notice electronically. You may obtain a copy of this Notice at our website ([www.essentialclinic.org](http://www.essentialclinic.org)) or by request at any Essential Health Clinic location.

### **Minors**

Minors generally have the rights outlined in this Notice with respect to health information relating to reproductive health care. If you are a minor obtaining health care that is not related to reproductive health, your parent or other legally authorized representative may have the right to access your health information and make certain decisions regarding the uses and disclosures of your health information.

### **Changes to this notice**

We reserve the right to change this Notice. We reserve the right to make the revised or changed Notice effective for health information we have about you already, as well as any information we receive in the future. Each version of the Notice will have an effective date listed on the first page. If we change this Notice, you can access the revised Notice on the Essential Health Clinic website ([www.essentialclinic.org](http://www.essentialclinic.org)) or obtain a copy at any Essential Health Clinic location.

### **Complaints**

If you believe your privacy rights have been violated, you may file a complaint with us or with the Secretary of the Department of Health and Human Services. To file a complaint with us, contact Essential Health Clinic Privacy Officer at 1201 Caledonia Street, La Crosse, WI 54603. All complaints must be submitted in writing. **You will not be penalized or retaliated against for filing a complaint.**