

## **FAMILY CARE ASSOCIATES 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). Family Care Associates shares an integrated electronic medical record so that your caregivers at any Partners Health Care System affiliated site can provide you with high quality coordinated care. Access to the integrated medical record is expressly restricted to those clinicians and staff involved in your healthcare, or to those who need the information for payment or health care operations or other purposes as forth in this Notice. The privacy obligations of Family Care Associates and your health information rights set forth in this Notice also apply to information maintained in the integrated medical record. Please review this notice carefully.

### **Our commitment to your privacy:**

Our medical practice is dedicated to maintaining the privacy of your individually identifiable health information (also called protected health information or PHI). In conducting our practice of medicine, we will create records regarding you and the treatment and services we provide to you. We are required by law to maintain the confidentiality of health information that identifies you. We also are 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 PHI. By federal and state law, we must follow the terms of the Notice of Privacy Practices that we have in effect at the time.

Family Care Associates must provide you with the following important information:

How we may use and disclose your PHI

Your privacy rights in your PHI

Our obligations 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.** If you have questions about this Notice, please contact **Sandra McKay**, Practice Manager at 781-235-7900

The following categories describe the different ways in which we may use and disclose your PHI:

**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), and we may use the results to help us reach 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. Our practice staff, including, but not limited to, our physicians and nurses may use or disclose your PHI in order to treat you or to assist others in your treatment. Finally, we may also disclose your PHI to other health care providers for purposes related to your treatment.

**Payment.** Our practice may use and disclose your PHI in order to bill and collect payment for the services and items that you may receive from us. For example, we may contact your health insurer to certify that you are eligible for benefits (and for what range and level 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 also may 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 collection efforts.

**Health Care Operations.** Our practice may use and disclose your PHI to operate our business. As examples of the ways in which we may use and disclose your information for our operations, our practice may use your PHI to evaluate the quality of care you receive from us or to 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.

**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.

## **Use and 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.

**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 this information if the patient agrees or we are required or authorized by law to disclose this information.
- Notifying your employer under limited circumstances related primarily to workplace injury or illness, or medical surveillance.
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**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 government programs, compliance with civil rights laws and the health care system in general.

**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.

**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)

**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 also may release information in order for the funeral directors to perform their jobs.

**Organ and Tissue Donation.** 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 or tissue donation and transplantation if you are an organ donor.

**Research.** Our practice may use and disclose your PHI for research purposes in certain limited circumstances. We will obtain your written authorization to use your PHI for research purposes except when an Internal Review Board or Privacy Board had determined that the waiver of your authorization satisfies all of the following conditions:

The use or disclosure involves no more than a minimal risk to your privacy based on the following: (I) an adequate plan to protect the identifiers from improper use and disclosure; (II) an adequate plan to destroy the identifiers at the earliest opportunity consistent with the research (unless there is a health or research justification for retaining the identifiers or such retention is otherwise required by law); (III) adequate written assurances that the PHI will not be re-used or disclosed to any other person or entity (except as required by law) for authorized oversight of the research study, or for other research for which the use or disclosure would otherwise be permitted.

The research could not practicably be conducted without the waiver

The research could not practicably be conducted without access to and use of the PHI

**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.

**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.

**National Security.** Our practice may disclose your PHI to federal officials for intelligence and 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.

**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; (c) to protect your health and safety or the health and safety of other individuals.

#### **Your Rights Regarding Your PHI:**

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

**Confidential Communications.** You have the right to request that our practice communicate with you about your health and 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 **Sandra McKay**, Practice Manager, at 781-235-7900 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.*

**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 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 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 **Sandra McKay**, Practice Manager at 173 Worcester Street, Wellesley, Massachusetts 02481. Your request must describe in a clear and concise fashion including the information you wish restricted, whether you are requesting to limit our practice's use, disclosure or both, and to whom you want the limits to apply.

**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, but not including psychotherapy notes. You must submit your request in writing to **Sandra McKay**, Practice Manager, 173 Worcester Street Wellesley, MA 02481, in order to inspect and/or obtain a copy of your PHI.

**Our office may charge a fee for the costs 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 reviews.**

**Amendment.** You may ask us to amend your health information 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 **Sandra McKay**, Practice Manager at 173 Worcester Street Wellesley, MA 02481. You must provide us with a reason that supports your request amendment. Our practice will 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; (d) not created by our practice, unless the individual or entity that created the information is not available to amend the information.

**Accounting Disclosure.** All of our patients have the right to request "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 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 **Sandra McKay**, Practice Manager, 173 Worcester Street Wellesley, MA 02481. All requests for an accounting of disclosures must state a time period, which may not be longer than six years from the date of disclosure and 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 lists within the same 12-month period. Our practice will notify you of the costs involved with additional requests, and you may withdraw your request before you incur any costs.

**Right to a Paper Copy of This Notice.** You are entitled to receive a paper copy of our Notice of Privacy Practices. To obtain a paper copy of this notice, contact **Sandra McKay**, Practice Manager at 781-235-7900.

**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 **Sandra McKay** or your Primary Care Physician at 173 Worcester Street Wellesley, MA 02481. All complaints must be submitted in writing. **You will not be penalized for filing a complaint.**

**Right to Provide an Authorization for Other Uses and Disclosures.** Our practice will obtain 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 PHI may be revoked at any time in writing. **If you have any questions regarding this notice or our health information privacy policies, please contact Sandra McKay, Practice Manager at 781-235-7900 or your Primary Care Physician.**