

# The Medical Center of Elberton, LLP & Elbert Industrial Medicine, LLC

## Privacy Notice

As required by the Privacy Standards of the Health Insurance Portability & Accountability Act of 1996 (HIPAA)

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

In normal operation of providing healthcare to the patient, it is necessary for The Medical Center of Elberton, LLP and Elbert Industrial Medicine, LLC (covered entities as defined by The Health Insurance Portability and Accountability Act of 1996) to use and disclose Protected Health Information (PHI) in the process of daily operation. The covered entity must access patient information within the scope of its own operation in order to determine medical diagnoses, provide medical treatment, properly document the actions taken in the course of diagnosis and treatment, maintain protected health information, and to bill and collect for health care services provided.

In many instances, a patient's protected health information must be used outside of the covered entity's scope or specialty of care and services provided. The instances where disclosure of protected health information without the authorization of the patient would take place includes, but is not limited to: the referral of a patient to a specialist physician, clinic, hospital, outpatient services center, home health care, or hospice; admission to a hospital, outpatient services center, nursing home or personal care home; the of approval of pharmaceuticals; the sending and retrieval of laboratory testing performed by third party laboratories; the billing and collection of services provided by The Medical Center of Elberton, LLP in the format of electronic data interchange, and in some cases, the financial collection payments through an agreement with an agency whereby financial collections is a sole service provided; quality control audits performed by health plans; the technical support and maintenance of electronic computer systems through an agreement with third party vendors whereby technical computer sales, support and maintenance are the sole services provided by the vendor. In addition to uses and disclosures mentioned above, there are exceptions as defined by The Health Insurance and Accountability Act of 1996 whereby protected health information can be disclosed without the patient's authorization that include the following: a) if the patient's protected health information has been de-identified (a process in which any identifying information as it relates to the patient is removed); b) For special circumstances which includes: Overriding public interests that include public health concerns, governmental functions, medical research, reporting of abuse, neglect, or domestic violence, legal processes and law enforcement, emergencies, military requests, coroner requests, medical examiner requests, organ and tissue donation purposes, workers compensation as required by applicable laws funeral purposes, cases whereby the covered entity has a legal obligation to treat the patient, and cases in which substantial communication barriers exist. All other uses and disclosures will be made only with the authorization of the individual, who has the right to revoke any such authorization at any time, provided that the authorization is provided in writing. However, the patient should note that any prior uses and disclosures that were previously authorized cannot be taken back.

In addition to the use and disclosure instances mentioned previously, there may be other ways that The Medical Center of Elberton, LLP and/or Elbert Industrial Medicine, LLC intends to use and disclose protected health information in order to minimize administrative burdens placed on the patient and covered entity alike, which includes but is not limited to: contacting the patient to remind of appointments; contacting patient to discuss findings and/or treatments for laboratory and/or radiology results, allow a family member (using professional judgment) to act on the patient's behalf in the case of the patient being absent or incapacitated for the purpose of picking up prescriptions, medical supplies, X-rays, providing PHI to a Group Health Plan Sponsor or Health Insurer, etc. unless an objection is given by the patient for doing so. In the instance of use and disclosure whereby the covered entity contacts the patient, the covered entity will act within reason to maintain privacy and confidentiality between the patient/covered entity relationships.

Under The Health Insurance Portability and Accountability Act of 1996, measures were enacted to establish patient rights as related to the privacy of protected health information that includes the following: a) The right to request restrictions on certain uses and disclosures of PHI; b) The right to request an amendment to any information the patient believes to be incorrect and/or incomplete. A request for an amendment must be made in writing. The covered entity is not required to agree to an amendment if: 1) the covered entity did not create the information; 2) the information the patient is requesting an amendment for is not part of the health information that the covered entity keeps; 3) the patient would not be permitted to inspect and copy; 4) The information is accurate and complete; c) The right to receive PHI via confidential communications, as long as the request being made is reasonable; d) The right to inspect and copy PHI; e) The right to receive an accounting of all disclosures of PHI that fall outside of the scope of the covered entity's treatment, payment and healthcare operations, and which is limited to a period of no more than six years or any disclosures taking place before April 14, 2003, and provided free of charge once per year; f) The right to receive a copy of the covered entity's privacy notice either electronically or in paper format. However, in the case whereby a patient wishes to copy PHI or an accounting of disclosures, the patient will be required to pay a reasonable and customary fee for the retrieval and production of the PHI or accounting of disclosures by the covered entity in advance. Any request made by the patient must be done so in writing on the applicable form provided by the covered entity.

In order to maintain compliance under The Health Insurance Portability and Accountability Act of 1996, The Medical Center of Elberton, LLP is required to guard the privacy of PHI and to provide patients with notice of our legal duties and privacy practices regarding PHI. The Medical Center of Elberton, LLP has developed a plan of action as it relates to maintaining the privacy of PHI that includes: education and training of all staff and physicians of the general laws and how the laws relate to The Medical Center of Elberton, LLP; performing an extensive and formal analysis daily treatment, payment and healthcare operations to assess methods of improved privacy and security of PHI; policies and procedures for maintaining the privacy and security of PHI in all treatment, payment and operations; and engaging in contractual relationships with third parties to maintain privacy of PHI in instances whereby PHI is used and disclosed without the patient's authorization. The Medical Center of Elberton, LLP is required to abide by the terms set forth in this privacy notice, and thereby reserves the right to change the terms of this notice and how patients receive any such notice, given that a notice is posted for a minimum of 60 days in advance. In cases whereby State Law is more stringent than Federal Law, State Law will govern, and the Covered Entity shall abide by such State Law.

In such cases whereby the patient believes that his or her rights have been violated as related to the privacy of his or her PHI, the patient also has the right to issue a complaint to The Medical Center of Elberton's Chief Privacy Official and/or to the Secretary of The Department of Health and Human Services. In the case whereby a complaint is issued, The Medical Center of Elberton, LLP may not retaliate against a patient for issuing the complaint. If the patient wishes to issue a formal complaint to the Medical Center of Elberton, LLP, the complaint must be issued in writing to the attention of: The Medical Center of Elberton, LLP, 109 College Avenue, Elberton, GA 30635, Attn: Chief Privacy Official. If the patient wishes to discuss the complaint with the Chief Privacy Official, the patient may also call (706) 283-3315.