

Cranford Family Practice **Notice of Privacy Practices**

Effective April 14, 2003 all health care facilities and physicians are required to comply with the new federal privacy rules concerning how your health information is shared, stored, and utilized. These Health Insurance Portability and Accountability Act (HIPAA) regulations outline privacy standards that protect your medical records and other health information, and identify your rights and responsibilities.

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.

- I. This notice describes the privacy practice of Cranford Family Practice
- II. Our privacy obligation: We are required by law to maintain the privacy of medical and health information about you (Personal Health Information) ("PHI") and to provide you with this Notice of our legal duties and privacy practices with respect to personal health information (PHI). When we use or disclose PHI, we are required to abide by the terms of this notice (or other notice in effect at the time of the use of disclosure).
- III. Permissible Uses and Disclosures Without Your Written Authorization

In certain situations, which we will describe in Section IV below, we must obtain your written authorization in order to use and/or disclose your PHI. However, we do not need any type of authorization for you for the following uses and disclosures.

 - A. Uses and Disclosures for Treatment, Payment, and Health Care Operations. We may use and disclose PHI (including, if any, your HIV/AIDS related, genetic information, venereal disease or tuberculosis information) in order to treat you, obtain payment for services provided to you and in order to "conduct health care operations" as detailed below:
 - Treatment. We use and disclose PHI to provide treatment and other services to you- for example, to diagnose and treat your injury or illness. In addition, we may contact you to provide appointment reminders or information about treatment alternatives or other health-related benefits and services that may be of interest to you. We may also disclose PHI to other providers involved in your treatment.
 - Payment. We may use and disclose PHI to obtain payment for services that we provide to you, for example, disclosures to claim and obtain payment from your health insurer, HMO, or other company ("Your Payor") that arranges or pays the cost of some or all of your health care- to verify that **Your Payor** will pay for health care. You should be aware that if you are not the insurance policy holder, certain information may be disclosed to the policy holder by the insurance carrier.
 - Health Care Operations: We may use and disclose PHI for your health care operations, which include internal administration and planning and various activities that improve the quality and cost effectiveness of care that we deliver to you. For example, we may use PHI to assess quality of care of our physicians and office staff.

We may also disclose PHI to other health care providers when such PHI is required for them to treat you, receive payment for services they render to you, or conduct certain health care operations, such as quality assessment and improvement activities, reviewing the quality and competence of health care professionals, or health care fraud and abuse detection or compliance.

 - B. Personal Representatives. A personal representative is a legal guardian, a court-appointed individual, or a person designated by you (via a health care power of attorney) to act on your behalf in making decisions related to your health care. We will obtain written documentation of the person's qualification to act as your personal representative prior to allowing them to make health care decisions on your behalf.
 - C. Disclosures to Relatives and Close Friends: We may use or disclose PHI to a family member, other relative, a close personal friend or any other person identified by you when you are present for, or otherwise available prior to, the disclosure, if we (1) obtain your agreement; (2) provide you with the opportunity to object to the disclosure and you do not object; or (3) reasonably infer that you do not object to the disclosure.

If you are not present, or the opportunity to agree or object to use or disclosure cannot practicably be provided because of incapacity or an emergency circumstance, we may exercise our professional judgment to determine whether a disclosure is in your best interests. If we disclose information to a family member, other relative or a close personal friend, we would disclose only information that is directly relevant to the person's involvement with your health care or payment related to your health care. We may also disclose PHI in order to notify (or assist in notifying) such persons of your location, general health condition, or death.

 - D. Public Health Activities: We may disclose PHI for the following public health activities and purposes: (1) to report health information to public health authorities for the purpose of preventing or controlling disease, injury, or disability; (2) to report child abuse and neglect to public health authorities or other government authorities authorized by law to receive such reports; (3) to report information about products under the jurisdiction of the U.S. Food and Drug Administration; and (4) to alert a person who may have been exposed to a communicable disease or may otherwise be at risk of contracting or spreading a disease or condition.

E. Victims of Abuse, Neglect, or Domestic Violence: If we reasonably believe you are a victim of abuse, neglect, or domestic violence, we may disclose PHI to a government authority, including a social service agency, authorized by law to receive report of such abuse, neglect, or domestic violence.

F. Health Oversight Activities. We may disclose PHI to a health oversight agency that oversees the health care system and is charged with the responsibility for ensuring compliance with the rules of government health programs such as Medicare or Medicaid.

G. Judicial and Administrative Proceedings. We may disclose PHI in the course of a judicial or administrative proceeding in response to legal order of other lawful process.

H. Law enforcement officials. We may disclose PHI to the police or other law enforcement officials as required or permitted by law or in compliance with a court order or a grand jury or administrative subpoena.

I. Decedents. We may disclose PHI to a medical examiner as authorized by law.

J. Organ and Tissue Procurement. We may disclose PHI to organizations that facilitate organ, eye, or tissue procurement, banking, or transplantation.

K. Research. We may use or disclose PHI without your consent or authorization if an Institutional Review Board approves a waiver of authorization for disclosure.

L. Health or Safety. We may use or disclose PHI to prevent or lessen a threat of imminent, serious physical violence against you or another readily identifiable individual.

M. Specialized Government Functions. We may use or disclose PHI to units of the government with special functions, such as the U.S. military or the U.S. Department of State under certain circumstances.

N. Worker's Compensation. We may disclose PHI as authorized by and to the extent necessary to comply with laws relating to workers compensation or other similar programs

P. As required by law. We may use and disclose PHI when required to do so by any other law not already referred to in the preceding categories.

IV. Uses and Disclosures Requiring Your Written Authorization

A. Uses or Disclosure with Your Authorization. For any purpose other than the ones described above in section III, we only may use or disclose your PHI when: (1) you give us your authorization on our authorization form (“**Your authorization**”) This form is available at our office.

B. Marketing. We must also obtain your written authorization (“**Your Marketing Authorization**”) prior to using your PHI to send you any marketing materials. (We can, however, provide you with marketing materials in a face-to-face encounter, without obtaining Your Marketing Authorization. We are also permitted to give you a promotional gift of nominal value, if we so choose, without obtaining Your Marketing Authorization.) In addition, we may communicate with you about products or services relating to your treatment, case management, or care coordination, or alternative treatments, therapies, providers, or care settings.

C. Genetic Information. Except in cases (such as a paternity test for a court proceeding, anonymous research, newborn screening requirements, or pursuant to a court order), we will obtain your special written consent prior to obtaining or retaining your genetic information (for example, your DNA sample) or using or disclosing your genetic information for purposes of treatment, payment, or health care operations. We may use or disclose your genetic information for any other reason only when Your Authorization expressly refers to your genetic information or when disclosure is permitted under New Jersey State law (including, for example, when disclosure is necessary for the purposes of a criminal investigation, to determine paternity, newborn screening, identifying your body or as otherwise authorized by a court order.)

D. HIV/AIDS Related Information. Your authorization must expressly refer to your HIV/AIDS related information in order to permit us to disclose your HIV/AIDS related information. However, there are certain purposes for which we may disclose your HIV/AIDS information without obtaining Your Authorization: (1) your diagnosis and treatment (2) scientific research (3) management audits (4) financial audits or program evaluation (5) disease prevention and control when permitted by New Jersey Department of Health and Senior Services (6) to comply with a certain type of court order (7) when required by law, to the NJ Department of Health and Senior Services or another entity. You should also know that we may disclose your HIV/AIDS related information to third party payors (such as your insurance company or HMO) in order to receive payment for the services we provide to you.

E. Venereal Disease Information. Your authorization must expressly refer to your venereal disease information in order to permit us to disclose any information identifying you as having, or being suspected of having, a venereal disease. However, there are certain purposes for which we may disclose your venereal disease information, without obtaining Your Authorization, including to a prosecuting officer or the court if you are being prosecuted under New Jersey law, to the Department of Health and Senior Services, or to the local health authority, such as the local Board of Health. Your physician or the local health authority may further disclose your venereal information if he/she/it deems it necessary in order to protect the health or welfare of you, your family or the public. Under

New Jersey law, we may also grant access to your venereal disease information upon the request of a person (or his/her insurance carrier) against whom you are asserting a claim for damages for your personal injuries.

F. **Tuberculosis Information**: Your Authorization must expressly refer to your tuberculosis information in order to permit us to disclose any information identifying you as having tuberculosis or refusing / failing to submit to a tuberculosis test if you are suspected of having tuberculosis or are in close contact to a person with tuberculosis. However, there are certain purposes for which we may disclose your tuberculosis information, without obtaining Your Authorization, including for research purposes under certain conditions, pursuant to a valid court order, or when the Commissioner of the Department of Health and Senior Services (or his/her designee) determines that such disclosure is necessary to enforce public laws or to protect the life or health of a named person.

V. Your Individual Rights

- A. **For further information**: Complaints. If you desire further information about your privacy rights, are concerned that we have violated your privacy rights or disagree with a decision that we made about access to PHI, you may contact Dr. Eidus directly or email him at info@eidushealth.com. You may also file written complaints with the Director, Office of Civil Rights of the U.S. Department of Health and Human Services, 330 Independence Ave., SW, Washington, DC, 20201
- B. **Right to Request Additional Restrictions** You may request restrictions on our use and disclosure of PHI (1) for treatment, payment and health care operations; (2) to individuals (such as a family member, other relative, close personal friend or any other person identified by you); or (3) to notify or assist in the notification of such individuals regarding your location and general condition. While we will consider all requests for additional restrictions carefully, we are not required to agree with a requested restriction
- C. **Right to Receive Confidential Information**. You may request, and we will accommodate, any reasonable written request for you to receive PHI by alternative means of communication or at alternative locations
- D. **Right to Revoke your authorization**. You may revoke your Authorization or Your Marketing Authorization, except to the extent that we have taken action in reliance on it, by delivering a written revocation statement to Dr. Eidus
- E. **Right to inspect and copy your health Information**. You may request access to your medical record file and billing records maintained by us in order to inspect and obtain copies of your records. If you desire records, please obtain a record request form from our office. If you request copies, we will charge you \$. 50 per page or \$100.00, whichever is less, as permitted by New Jersey law.
(You should take note that, if you are a parent or legalguardian of a minor, certain portions of the minor's medical record will not be accessible to you including records relating to pregnancy, abortion, sexually transmitted diseases, substance use and abuse, and/ or contraception and family planning services)
- F. **Right to Amend Your Records**. You have the right to request that we amend PHI maintained in your medical record file or billing records. If you desire to amend your records, please request this in writing, including the specific content to be amended. We will comply with your request unless we believe that the information that would be amended is already accurate and complete or other special circumstances apply.
- G. **Right to Receive An Accounting of Disclosures**. Upon request, you may receive an accounting of certain disclosures of PHI made by us during any period of time prior to the date of your request provided such period does not exceed six years. If you request an accounting more than once during a twelve month period, we will charge you \$0.50 per page and \$ 20.00 per hour of the accounting statement.

VI. Effective Date of This Notice

- A. **Effective Date**. This notice is effective on February 26, 2003.
- B. **Right to Change Terms of This Notice**. We may change the terms of this Notice. If we change this Notice, we may make the new notice effective for all PHI that we maintain, including any information created or received prior to issuing the new notice. If we change this Notice, we will post the new notice in the waiting room or receptionist area and on our Internet site at www.eidushealth.com

VII. Compliance Officer

Robert Eidus MD is the compliance officer for HIPAA regulations. He may be reached at 908-272-7990 or info@eidushealth.com