



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"

Reference: See 45 CFR 164.520

A. COMMITMENT TO PATIENTS' PRIVACY

Betty Jean Kerr People's Health Centers (BJKPHC) is dedicated to maintaining the privacy of patients' Protected Health Information (PHI). In conducting our business, we will create records regarding patients and the treatment and services we provide to them. We are required by law to maintain the confidentiality of health information that identifies patients. We also are required by law to provide patients with this notice of our legal duties and the privacy practices that we maintain in our Health Center concerning their 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.

We realize that these laws are complicated, but we must provide our patients with the following important information:

- ▶ **How we may use and disclose their PHI**
- ▶ **Their privacy rights regarding their PHI**
- ▶ **Our obligations concerning the use and disclosure of their PHI**

The terms of this notice apply to all records containing patients' PHI that are created or retained by our Health Center. 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 patients' records that BJKPHC has created or maintained in the past, and for any of patients' records that we may create or maintain in the future. BJKPHC will post a copy of current Notice in a visible location at all times, and patients may request a copy of BJKPHC current Notice of Privacy Practices at any time.

IF YOU HAVE QUESTIONS ABOUT THIS NOTICE, PLEASE CONTACT:

Myson Joseph, Privacy Officer
5701 Delmar Blvd., St. Louis, MO 63112 Tel: 314-367-7848

B. BJKPHC MAY USE AND DISCLOSE PATIENTS PROTECTED HEALTH INFORMATION (PHI) IN THE FOLLOWING WAYS.

Permitted Uses and Disclosures.

BJKPHC is permitted, but not required, to use and disclose protected health information, without an

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individual's authorization, for the following purposes or situations: (1) To the Individual (unless required for access or accounting of disclosures); (2) Treatment, Payment, and Health Care Operations; (3) Opportunity to Agree or Object; (4) Incident to an otherwise permitted use and disclosure; (5) Public Interest and Benefit Activities; and (6) Limited Data Set for the purposes of research, public health or health care operations. BJKPHC may rely on professional ethics and best judgments in deciding which of these permissive uses and disclosures to make.

- (1) **To the Individual.** BJKPHC may disclose protected health information to the individual who is the subject of the information.
- (2) **Treatment, Payment, Health Care Operations.** BJKPHC may use and disclose protected health information for its own treatment, payment, and health care operations activities. BJKPHC also may disclose protected health information for the treatment activities of any health care provider, the payment activities of another covered entity and of any health care provider, or the health care operations of another covered entity involving either quality or competency assurance activities or fraud and abuse detection and compliance activities, if both covered entities have or had a relationship with the individual and the protected health information pertains to the relationship.

Treatment is the provision, coordination, or management of health care and related services for an individual by one or more health care providers, including consultation between providers regarding a patient and referral of a patient by one provider to another.

Payment encompasses activities of a health plan to obtain premiums, determine or fulfill responsibilities for coverage and provision of benefits, and furnish or obtain reimbursement for health care delivered to an individual and activities of a health care provider to obtain payment or be reimbursed for the provision of health care to an individual.

Health care operations are any of the following activities: (a) quality assessment and improvement activities, including case management and care coordination; (b) competency assurance activities, including provider or health plan performance evaluation, credentialing, and accreditation; (c) conducting or arranging for medical reviews, audits, or legal services, including fraud and abuse detection and compliance programs; (d) specified insurance functions, such as underwriting, risk rating, and reinsuring risk; (e) business planning, development, management, and administration; and (f) business management and general administrative activities of the entity, including but not limited to: de-identifying protected health information, creating a limited data set, and certain fundraising for the benefit of the covered entity.

Most uses and disclosures of psychotherapy notes for treatment, payment, and health care operations purposes require an authorization as described below. Obtaining "consent" (written permission from individuals to use and disclose their protected health information for treatment, payment, and health care operations) is optional under the Privacy Rule for all covered entities. The content of a consent form, and the process for obtaining consent, are at the discretion of the covered entity electing to seek consent.

- (3) **Uses and Disclosures with Opportunity to Agree or Object.** Informal permission may be obtained by asking the individual outright, or by circumstances that clearly give the individual the opportunity to agree, acquiesce, or object. Where the individual is incapacitated, in an emergency situation, or not available, BJKPHC healthcare providers generally may make such uses and disclosures, if in the exercise of their professional judgment, the use or disclosure is determined to be in the best interests of the individual.

Facility Directories. BJKPHC does not maintain a directory of patient contact information.

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For Notification and Other Purposes. BJK PHC also may rely on an individual's informal permission to disclose to the individual's family, relatives, or friends, or to other persons whom the individual identifies, protected health information directly relevant to that person's involvement in the individual's care or payment for care. This provision, for example, allows a pharmacist to dispense filled prescriptions to a person acting on behalf of the patient. Similarly, BJK PHC may rely on an individual's informal permission to use or disclose protected health information for the purpose of notifying (including identifying or locating) family members, personal representatives, or others responsible for the individual's care of the individual's location, general condition, or death. In addition, protected health information may be disclosed for notification purposes to public or private entities authorized by law or charter to assist in disaster relief efforts.

- (4) **Incidental Use and Disclosure.** The Privacy Rule does not require that every risk of an incidental use or disclosure of protected health information be eliminated. A use or disclosure of this information that occurs as a result of, or as "incident to," an otherwise permitted use or disclosure is permitted as long as BJKPHC has adopted reasonable safeguards as required by the Privacy Rule, and the information being shared was limited to the "minimum necessary," as required by the Privacy Rule.
- (5) **Public Interest and Benefit Activities.** The Privacy Rule permits use and disclosure of protected health information, without an individual's authorization or permission, for 12 national priority purposes. These disclosures are permitted, although not required, by the Rule in recognition of the important uses made of health information outside of the health care context. Specific conditions or limitations apply to each public interest purpose, striking the balance between the individual privacy interest and the public interest need for this information.

Required by Law. BJKPHC may use and disclose protected health information without individual authorization as required by law (including by statute, regulation, or court orders).

Public Health Activities. BJKPHC may disclose protected health information to: (1) public health authorities authorized by law to collect or receive such information for preventing or controlling disease, injury, or disability and to public health or other government authorities authorized to receive reports of child abuse and neglect; (2) entities subject to FDA regulation regarding FDA regulated products or activities for purposes such as adverse event reporting, tracking of products, product recalls, and post-marketing surveillance; (3) individuals who may have contracted or been exposed to a communicable disease when notification is authorized by law; and (4) employers, regarding employees, when requested by employers, for information concerning a work-related illness or injury or workplace related medical surveillance, because such information is needed by the employer to comply with the Occupational Safety and Health Administration (OHS), the Mine Safety and Health Administration (MHS), or similar state law.

Victims of Abuse, Neglect or Domestic Violence. In certain circumstances, BJKPHC may disclose protected health information to appropriate government authorities regarding victims of abuse, neglect, or domestic violence.

Health Oversight Activities. BJKPHC may disclose protected health information to health oversight agencies (as defined in the Rule) for purposes of legally authorized health oversight activities, such as audits and investigations necessary for oversight of the health care system and government benefit programs.

Judicial and Administrative Proceedings. BJKPHC may disclose protected health information in a judicial or administrative proceeding if the request for the information is through an order from a court or

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administrative tribunal. Such information may also be disclosed in response to a subpoena or other lawful process if certain assurances regarding notice to the individual or a protective order are provided.

Law Enforcement Purposes. BJKPHC may disclose protected health information to law enforcement officials for law enforcement purposes under the following six circumstances, and subject to specified conditions: (1) as required by law (including court orders, court-ordered warrants, subpoenas) and administrative requests; (2) to identify or locate a suspect, fugitive, material witness, or missing person; (3) in response to a law enforcement official's request for information about a victim or suspected victim of a crime; (4) to alert law enforcement of a person's death, if BJKPHC suspects that criminal activity caused the death; (5) when BJKPHC believes that protected health information is evidence of a crime that occurred on its premises; and (6) by a covered health care provider in a medical emergency not occurring on its premises, when necessary to inform law enforcement about the commission and nature of a crime, the location of the crime or crime victims, and the perpetrator of the crime.

Decedents. BJKPHC may disclose protected health information to funeral directors as needed, and to coroners or medical examiners to identify a deceased person, determine the cause of death, and perform other functions authorized by law.

Cadaveric Organ, Eye, or Tissue Donation. BJKPHC may use or disclose protected health information to facilitate the donation and transplantation of cadaveric organs, eyes, and tissue.

Research. "Research" is any systematic investigation designed to develop or contribute to generalizable knowledge. The Privacy Rule permits BJKPHC to use and disclose protected health information for research purposes, without an individual's authorization, provided BJKPHC obtains either: (1) documentation that an alteration or waiver of individuals' authorization for the use or disclosure of protected health information about them for research purposes has been approved by an Institutional Review Board or Privacy Board; (2) representations from the researcher that the use or disclosure of the PHI is solely to prepare a research protocol or for similar purpose preparatory to research, that the researcher will not remove any protected health information from BJKPHC, and that PHI for which access is sought is necessary for the research; or (3) representations from the researcher that the use or disclosure sought is solely for research on the protected health information of decedents, that the protected health information sought is necessary for the research, and, at the request of BJKPHC, documentation of the death of the individuals about whom information is sought. BJKPHC also may use or disclose, without an individual's authorization, a limited data set of protected health information for research purposes.

Serious Threat to Health or Safety. BJKPHC may disclose protected health information that it believes is necessary to prevent or lessen a serious and imminent threat to a person or the public, when such disclosure is made to someone it believes can prevent or lessen the threat (including the target of the threat). BJKPHC may also disclose to law enforcement if the information is needed to identify or apprehend an escapee or violent criminal.

Essential Government Functions. BJKPHC is not required to obtain an Authorization to use or disclose PHI for certain essential government functions. Such functions include: assuring proper execution of a military mission, conducting intelligence and national security activities that are authorized by law, providing protective services to the President, making medical suitability determinations for U.S. State Department employees, protecting the health and safety of inmates or employees in a correctional institution, and determining eligibility for or conducting enrollment in certain government benefit programs.

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Workers' Compensation. BJKPHC may disclose protected health information as authorized by, and to comply with, workers' compensation laws and other similar programs providing benefits for work-related injuries or illnesses.

- (6) **Limited Data Set.** A limited data set is protected health information from which certain specified direct identifiers of individuals and their relatives, household members, and employers have been removed. BJKPHC may use and disclose a limited data set for research, health care operations, and public health purposes, provided the recipient enters into a data use agreement promising specified safeguards for the protected health information within the limited data set.

Authorized Uses and Disclosures

Authorization. BJKPHC must obtain the individual's written authorization for any use or disclosure of protected health information that is not for treatment, payment or health care operations or otherwise permitted or required by the Privacy Rule. BJKPHC may not condition treatment, payment, enrollment, or benefits eligibility on an individual granting an authorization, except in limited circumstances.

An authorization must be written in specific terms. It may allow use and disclosure of protected health information by BJKPHC, or by a third party. Examples of disclosures that would require an individual's authorization include disclosures to a life insurer for coverage purposes, disclosures to an employer of the results of a pre-employment physical or lab test, or disclosures to a pharmaceutical firm for their own marketing purposes.

All authorizations must be in plain language, and contain specific information regarding the information to be disclosed or used, the person(s) disclosing and receiving the information, expiration, right to revoke in writing, and other data. The Privacy Rule contains transition provisions applicable to authorizations and other express legal permissions obtained prior to April 14, 2003.

Psychotherapy Notes. BJKPHC must obtain an individual's authorization to use or disclose psychotherapy notes with the following exceptions.

- BJKPHC healthcare provider who originated the notes may use them for treatment.
- BJKPHC may use or disclose, without an individual's authorization, the psychotherapy notes, for its own training, and to defend itself in legal proceedings brought by the individual, for HHS to investigate or determine BJKPHC compliance with the Privacy Rules, to avert a serious and imminent threat to public health or safety, to a health oversight agency for lawful oversight of the originator of the psychotherapy notes, for the lawful activities of a coroner or medical examiner or as required by law.

Marketing. Marketing is any communication about a product or service that encourages recipients to purchase or use the product or service. The Privacy Rule carves out the following health-related activities from this definition of marketing:

- Communications to describe health-related products or services, or payment for them, provided by or included in a benefit plan of the covered entity making the communication;
- Communications about participating providers in a provider or health plan network, replacement of or enhancements to a health plan, and health-related products or services available only to a health plan's enrollees that add value to, but are not part of, the benefits plan;

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- Communications for treatment of the individual; and
- Communications for case management or care coordination for the individual, or to direct or recommend alternative treatments, therapies, health care providers, or care settings to the individual.

Marketing also is an arrangement between a covered entity and any other entity whereby the covered entity discloses protected health information, in exchange for direct or indirect remuneration, for the other entity to communicate about its own products or services encouraging the use or purchase of those products or services. BJKPHC must obtain an authorization to use or disclose protected health information for marketing, except for face-to-face marketing communications between BJKPHC and an individual, and for BJKPHC provision of promotional gifts of nominal value. No authorization is needed, however, to make a communication that falls within one of the exceptions to the marketing definition. An authorization for marketing that involves BJKPHC receipt of direct or indirect remuneration from a third party must reveal that fact.

Limiting Uses and Disclosures to the Minimum Necessary

Minimum Necessary. A central aspect of the Privacy Rule is the principle of "minimum necessary" use and disclosure. BJKPHC must make reasonable efforts to use, disclose, and request only the minimum amount of protected health information needed to accomplish the intended purpose of the use, disclosure, or request. BJKPHC developed and implemented this policy and procedure to reasonably limit uses and disclosures to the minimum necessary. When the minimum necessary standard applies to a use or disclosure, BJKPHC may not use, disclose, or request the entire medical record for a particular purpose, unless it can specifically justify the whole record as the amount reasonably needed for the purpose.

The minimum necessary requirement is not imposed in any of the following circumstances: (a) disclosure to or a request by BJKPHC for treatment; (b) disclosure to an individual who is the subject of the information, or the individual's personal representative; (c) use or disclosure made pursuant to an authorization; (d) disclosure to HHS for complaint investigation, compliance review or enforcement; (e) use or disclosure that is required by law; or (f) use or disclosure required for compliance with the HIPAA Transactions Rule or other HIPAA Administrative Simplification Rules.

Access and Uses. For internal uses BJKPHC developed and implemented policies and procedures to restrict access and uses of protected health information based on the specific roles of the members of its workforce. These policies and procedures identify the persons, or classes of persons, in the workforce who need access to protected health information to carry out their duties, the categories of protected health information to which access is needed, and any conditions under which they need the information to do their jobs.

Disclosures and Requests for Disclosures. BJKPHC established standard protocols for routine, recurring disclosures, or requests for disclosures, that limits the protected health information disclosed to that which is the minimum amount reasonably necessary to achieve the purpose of the disclosure. For non-routine, non-recurring disclosures, or requests for disclosures that it makes, BJKPHC developed criteria designed to limit disclosures to the information reasonably necessary to accomplish the purpose of the disclosure and review each of these requests individually in accordance with the established criteria.

Reasonable Reliance. If another covered entity makes a request for protected health information, BJKPHC may rely, if reasonable under the circumstances, on the request as complying with this minimum necessary standard. Similarly, BJKPHC may rely upon requests as being the minimum necessary protected health information from: (a) a public official, (b) a professional (such as an attorney or accountant) who is the covered entity's business associate, seeking the information to provide services

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to or for BJKPHC or (c) a researcher who provides the documentation or representation required by the Privacy Rule for research.

C. PATIENTS RIGHTS REGARDING THEIR PHI

Patients have the following rights regarding the PHI that we maintain about them:

1. Confidential Communications. Patients have the right to request that our Health Center communicate with them about their health and related issues in a particular manner or at a certain location. For instance, patients may ask that we contact them at home, rather than work. In order to request a type of confidential communication, patients must make a written request to Myson Joseph, Privacy Officer, 5701 Delmar Blvd. St. Louis, MO 63112 specifying the requested method of contact, or the location where they wish to be contacted. BJKPHC will accommodate reasonable requests. Patients do not need to give a reason for their request.

2. Requesting Restrictions. Patients have the right to request a restriction in our use or disclosure of their PHI for treatment, payment or health care operations. Additionally, they have the right to request that we restrict our disclosure of their PHI to only certain individuals involved in their care or the payment for their care, such as family members and friends. We are not required to agree to their requests; 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 of our Health Center's uses or disclosures of PHI, patients must make their requests in writing to Myson Joseph Privacy Officer, 5701 Delmar Blvd., St. Louis, MO 63112.

Patients requests must describe in a clear and concise fashion:

- **The information they wish to restrict;**
- **Whether they are requesting to limit our Health Center's use, disclosure or both; and**
- **Whom or which organizations, do the restrictions apply to**

3. Inspection and Copies. Patients have the right to inspect and obtain a copy of their PHI that may be used to make decisions about them, including their medical and billing records, but not including psychotherapy notes. Patients must submit their requests in writing to Myson Joseph, Privacy Officer, 5701 Delmar Blvd., St. Louis, MO 63112 in order to inspect and/or obtain a copy of their PHI. BJKPHC charge a fee for the costs of copying, mailing, labor and supplies associated with the requests. Our Health Center may deny a request to inspect and/or copy in certain limited circumstances; however, I patients may request a review of our denial. A licensed health care professional chosen by us will conduct reviews.

4. Amendment. Patients may ask us to amend their health information if they believe it is incorrect or incomplete, and they may request an amendment for as long as the information is kept by or for our Health Center. To request an amendment, patients' requests must be made in writing and submitted to Myson Joseph, Privacy Officer, 5701 Delmar Blvd., St. Louis, MO 63112. Patients must provide us with a reason that supports their request for amendment. Our Health Center will deny requests if patients fail to include the reason supporting their requests, in writing. Also, we may deny patients' requests if they 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 Health Center; (c) not part of the PHI which they would be permitted to inspect and copy; or (d) not created by BJKPHC, unless the individual or entity that created the information is not available to amend the information.

1. **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 BJKPHC has made of patients PHI for non-treatment, non-payment or nonoperation's purposes. Uses of patients' PHI as part of the routine patient care in our IHealth Center is not required to be

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documented. For example, the doctor shares information with the nurse; or the billing department using your information to file your insurance claim. In order to obtain an accounting of disclosures, patients must submit their requests in writing to Myson Joseph Privacy Officer, 5701 Delmar Blvd., St. Louis, MO 63112. All requests for an "accounting of disclosures" must state the time period, which may not be longer than six (6) years from the date of disclosure and may not include dates before April 14, 2003. The first list patients request within a 12-month period is free of charge, but our Health Center may charge patients for additional lists within the same 12-month period. BJKPHC will notify patients of the costs involved with additional requests, and they may withdraw their requests before they incur any costs.

2. Right to a Paper Copy of This Notice. Patients are entitled to receive a paper copy of our Notice of Privacy Practices. Patients may ask us to give them a copy of this notice at any time. To obtain a paper copy of this notice, contact Myson Joseph, Privacy Officer, 5701 Delmar Blvd., St. Louis, MO 63112 Tel: 314-367-7848.
3. Right to File a Complaint. If patients believe their privacy rights have been violated, they may file a complaint with BJKPHC or with the Secretary of the Department of Health and Human Services.

To file a complaint with BJKPHC, contact Myson Joseph, Privacy Officer,
5701 Delmar Blvd., St. Louis, MO 63112.

*All complaints must be submitted in writing You will not be penalized for filing a complaint.

4. Right to Provide an Authorization for Other Uses and Disclosures. Our Health Center will obtain patients' written authorization for uses and disclosures that are not identified by this notice or permitted by applicable law. Any authorization patients provide to us regarding the uses and disclosures of their PHI may be revoked at any time in writing. After patients revoke their authorization, we will no longer use or disclose their PHI for the reasons described in the authorization.

Again, if you have any questions regarding this notice, please contact Myson Joseph, Privacy Officer,
5701 Delmar Blvd., St. Louis, MO 63112 Tel: 314-367-7848