

# Allied Pediatrics of New York, PLLC

## NOTICE OF PRIVACY PRACTICES

### Notice of Privacy Practices

Effective: September 23, 2013

**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.**

If you have any questions about this Notice of Privacy Practices, please contact our Compliance Officer, Brad Fell, MD, (516) 931-4343.

This Notice of Privacy Practices describes how we may use and disclose your protected health information to carry out treatment, payment or health care operations and for other purposes that are permitted or required by law. It also describes your rights to access and control your protected health information. "Protected health information" is information about you, including demographic information, that may identify you and that relates to your past, present or future physical or mental health or conditions and related health care services.

**We are required to abide by the terms of this Notice of Privacy Practices. We may change the terms of this Notice at any time. Any revised Notice of Privacy Practices would be effective for all protected health information that we maintain at that time. Upon your request, we will provide you with any revised Notice of Privacy Practices by calling the office and requesting that a revised copy be sent to you in the mail. A copy of the current Notice of Privacy Practices will be prominently displayed in our office at all times and posted on our website at [www.alliedpeds.com](http://www.alliedpeds.com).**

### 1. USES AND DISCLOSURES OF PROTECTED HEALTH INFORMATION

#### Uses and Disclosures of Protected Health Information

Prior to disclosing your protected health information to outside health care providers or to obtain payment, **Allied Pediatrics of New York, PLLC ("APNY")** will obtain your general consent, usually at your first visit to our facility.

However APNY is legally permitted to use or disclose your protected health information without your consent in order to carry out treatment, payment and health care operations, some example of which are described here:

**Treatment:** We will use and disclose your protected health information to provide, coordinate or manage your health care and any related treatment. This includes the coordination or management of your health care with a third

party that already has obtained your permission to have access to your protected health information. For example, we would disclose your protected health information, as necessary, to your primary care physician. We also may disclose protected health information to other specialist physicians who may be treating you.

**Payment:** Your protected health information will be used, as needed, to obtain payment for your health care services. This may include certain activities that your health insurance plan may undertake before it approves or pays for the health care services we provide for you, determining your eligibility or coverage for insurance benefits, reviewing services provided to you for medical necessity and undertaking utilization review activities.

**Health Care Operations:** We may use or disclose, as needed, your protected health information in order to support the business activities of our practice. These activities include, but are not limited to, quality assessment activities, employee review activities, licensing, and conducting or arranging for other business activities. For example, we may disclose your protected health information to an insurer or accreditation agency that performs chart audits. In addition, we may use a sign-in sheet at the registration desk where you will be asked to sign your name. We may use or disclose your protected health information, as necessary, to contact you to remind you of a scheduled appointment or procedure.

We will share your protected health information with third party "business associates" that perform various activities for our practice (e.g., billing and collection companies, computer consulting company, law firm or other consultants). Whenever an arrangement between our office and a business associate involves the use or disclosure of your protected health information, we will have a written contract that contains terms that will protect the privacy of your protected health information.

We may use or disclose your protected health information, as necessary, to provide you with information about treatment alternatives or other health-related benefits and services that may be of interest to you. You may contact our Privacy Officer to request that these materials not be sent to you.

#### Uses and Disclosures of Protected Health Information Based upon Your Written Authorization

Other uses and disclosures of your protected health information will be made only with your signed, written authorization, unless otherwise permitted or required by law or as described below. For example, **APNY** will not sell your protected health information or use or disclose it for

marketing purposes without getting a signed authorization from you to do so. **APNY** will also not use or disclose psychotherapy notes relating to you without your written authorization.

### **You Have a Right to Revoke Your Authorizations.**

You may revoke your authorizations at any time, in writing, except to the extent that **APNY** has already taken an action in reliance on the use or disclosure indicated in the authorization.

### **Uses and Disclosures To Which You Have an Opportunity to Object**

**Others Involved in Your Health Care:** Unless you object, we may disclose to a member of your family, a relative, a close friend or any other person you identify as being involved in your medical care or payment for such care any of your protected health information that directly relates to that person's involvement in your health care. If you bring someone with you into a treatment room, you are hereby notified that you will have identified that person to us as being so involved in your care, and may discuss your protected health information in their presence in front of you. In an emergency or when you are unable to agree or object to such a disclosure, we may disclose such information as necessary if we determine that it is in your best interest based upon our professional judgment. We will give you the opportunity to object to future disclosures to family and friends.

### **Other Permitted and Required Uses and Disclosures that May be Made without your Consent or Authorization**

We may use and disclose your health information legally in a number of ways without your authorization. Such uses and disclosures include the following categories:

**Required by Law:** We may use or disclose your protected health information to the extent that we are required by law to do so. The use or disclosure will be made in compliance with the law.

**Public Health:** We may disclose your protected health information for public health activities to a public health authority that is permitted by law to collect or receive the information. The disclosure will be made for the purpose of controlling disease, injury or disability. We also may disclose your protected health information, if directed by the public health authority, to a foreign government agency that is collaborating with the public health authority.

**Communicable Diseases:** We may disclose your protected health information, if authorized by law, to a person who may have been exposed to a communicable disease or may otherwise be at risk of contracting or spreading the disease or condition.

**Health Oversight:** We may disclose your protected health information to a governmental agency for activities authorized by law, such as audits, investigations, and inspections.

**Abuse or Neglect:** We may disclose your protected health information to a public health authority that is authorized by law to receive reports of abuse or neglect. In addition, we may disclose your protected health information if we believe that you have been a victim of abuse, neglect or domestic violence to the governmental entity or agency authorized to receive such information.

**Product Monitoring and Recalls:** We may disclose your protected health information to a person or company required by the Food and Drug Administration to report adverse events, product defects or problems, and biologic product deviations; to track products; to enable product recalls; to make repairs or replacements, or in connection with post-marketing surveillance, as required by law.

**Research:** We may use and disclose your health information for research purposes, provided the information does not identify you, or a waiver has been issued by an institutional review board or a privacy board after the board has reviewed the research proposal and protocols to guarantee the privacy of your health information, or such information is only released to researchers in connection with their preparing to conduct a research project and during such preparations no health information relating to you leaves **APNY**.

**Legal Proceedings:** We may disclose protected health information in the course of any judicial or administrative proceeding, in response to an order of a court or administrative tribunal (to the extent such disclosure is expressly authorized), and in response to a subpoena, discovery request or other lawful process if certain efforts to notify you or to obtain protective orders relating to such information are made.

**Law Enforcement:** We may also disclose protected health information, so long as applicable legal requirements are met, for law enforcement purposes. These law enforcement purposes include (1) as required by law (including such legal processes as court orders or in connection with warrants or subpoenas) and pursuant to administrative requests, (2) requests to identify or locate a suspect, fugitive, witness or missing person, (3) pertaining to law enforcement requests about a victim or suspected victim of a crime, (4) suspicion that death has occurred as a result of criminal conduct, (5) in the event that a crime occurs on the premises of **APNY**, and (6) medical emergency not occurring on **APNY**'s premises when needed to inform law enforcement about the details of a crime that has occurred.

**Decedents:** Health information may be disclosed to funeral directors or coroners to enable them to carry out their lawful duties.

**Organ/Tissue Donation:** Your health information may be used or disclosed for cadaver organ, eye or tissue donation purposes.

**Criminal Activity:** We may disclose your protected health information if we believe that the use or disclosure is necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the public. We also may disclose protected health information if it is necessary for law enforcement authorities to identify or apprehend an individual.

**Military Activity and National Security:** When the appropriate conditions apply, we may use or disclose protected health information of individuals who are Armed Forces personnel for authorized military purposes, as required by law, or to authorized federal officials for intelligence or counterintelligence activities, or as authorized by federal officials to protect the President or other persons or foreign leaders, or to conduct special investigations.

**Workers' Compensation:** Your protected health information may be disclosed by us as authorized to comply with workers' compensation laws and other similar legally established programs.

**Inmates:** If you are an inmate, we may use or disclose your protected health information to a correctional facility or a law enforcement official if you are an inmate of that facility or in that official's custody. This information would be necessary for the facility to provide you with health care, protect the health and safety of others or the facility itself.

**Required by HHS:** Under the law, we must make disclosures to you and when required by the Secretary of the Department of Health and Human Services to investigate or determine our compliance with the requirements of the federal privacy regulations.

## 2. YOUR RIGHTS

**You have the right to inspect and copy your protected health information.** This means you may inspect and obtain a paper copy of protected health information about you that is contained in a medical record maintained by APNY for as long as we maintain the protected health information. Any psychotherapy notes that may have been included in records we received about you are not available for your inspection or copying, by law. We may require that you submit your request in writing to our privacy officer at the address or facsimile number at the end of this notice, and may charge you our standard fee for the costs of copying, mailing or other supplies we use to fulfill your request. We will have 30 days to respond to your request. If the

information is stored off-site, we are allowed up to 60 days to respond but must inform you of this delay.

If we maintain your protected health information in an electronic medical record, you have the right to obtain electronic copies of your protected health information or to direct us to get it to a third party; we may charge a reasonable cost based fee limited to the labor costs connected with transmitting the information.

**You have the right to request a restriction of your protected health information.** This means you may ask us not to use or disclose any part of your protected health information for the purposes of treatment, payment or health care operations. You also may request that all or any part of your protected health information not be disclosed to family members or friends who may be involved in your care or for notification purposes as described in this Notice of Privacy Practices. Your request must be in writing and state the specific restriction requested and to whom you want the restriction to apply.

In most circumstances, your physician is not required to agree to any restriction that you may request. If your physician believes it is in your best interest to permit use and disclosure of your protected health information, this information will not be restricted.

**You have a right to restrict your protected health information sent to a health plan in certain circumstances.** If you request us to restrict disclosures to health plans that we would normally make as part of payment or health care operations, we *must* agree to that restriction if the protected health information relates to health care which you have already paid for (or had someone pay for) in full out of pocket (meaning your insurance did not pay for it).

If your physician does agree to the requested restriction, we may not use or disclose your protected health information in violation of that restriction unless it is needed to provide emergency treatment. With this in mind, please discuss any restriction you wish to request with your physician. You may request a restriction using the form for requests for restrictions on protected health information from the Privacy Officer, or you may provide us your request, in writing. Your written request must include (a) the information you wish restricted; (b) whether you are requesting to limit the Practice's use, disclosure, or both; and (c) to whom you want the limits to apply.

**You have the right to request to receive confidential communications from us by alternative means or at an alternative location.** For example, you may ask us to contact you by mail, rather than by phone at home. You do not have to provide us a reason for this request. We will accommodate reasonable requests. We also may condition this accommodation by asking you for information as to how

payment will be handled or specification of an alternative address or other method of contact. Please make this request in writing to our Privacy Officer.

**You may have the right to have your physician amend your protected health information.** This means you may request an amendment of protected health information about you that we maintain that you feel is incomplete or inaccurate. Your request must be in writing and provide a reason that supports your request. We may deny your request for an amendment in certain cases, for example, because you fail to provide a reason to support your request, or the information was not created by **APNY** (unless the entity or person that did create the information no longer exists) or not kept by **APNY**, or because upon review the information is found to be accurate and complete. If we deny your request for amendment, you have the right to file a statement of disagreement with us and we may prepare a rebuttal to your statement and will provide you with a copy of any such rebuttal. Please contact our Privacy Officer if you have questions about amending your medical record.

**You have a right to be notified following a breach of your unsecured protected health information.** Where there has been an improper disclosure or use of your protected health information, we will notify you of the facts surrounding such breach, what we have done or are doing about it and how to best protect yourself in our opinion.

**You have the right to receive an accounting of certain disclosures we have made, if any, of your protected health information.** This right applies generally to disclosures for purposes other than treatment, payment or health care operations as described in this Notice of Privacy Practices. However, you do have the right to an accounting of disclosures for treatment, payment or health care operations if the disclosures were made from an electronic health record. Your right to an accounting of disclosures excludes disclosures we may have made to you, or to family members or friends involved in your care, or for notification purposes. You have the right to receive specific information regarding other disclosures that occurred up to six years from the date of your request (three years in the case of disclosures from an electronic health record made for treatment, payment or health care operations). You may request a shorter timeframe. The first list you request within a 12-month period is free of charge, but there is a charge involved with any additional lists within the same 12-month period. We will inform you of any costs involved with additional requests, and you may withdraw your request before you incur any costs.

**You have the right to obtain a paper copy of this Notice from us.**

### 3. COMPLAINTS

You may complain to us or to the Secretary of Health and Human Services if you believe your privacy rights have been violated by us, at U.S. Department of Health & Human Services, 200 Independence Avenue, S.W., Washington, D.C. 20201; phone 202-619-0257, toll free 877-696-6775; or by visiting [www.hhs.gov/ocr/privacy/hipaa/complaints](http://www.hhs.gov/ocr/privacy/hipaa/complaints). You may file a complaint with us by notifying our Privacy Officer of your complaint within 180 days of the suspected violation. Please provide as much detail as you can and send it our Privacy Officer at the address below. We will not retaliate against you for filing a complaint.

You may contact our Compliance Officer, Brad Fell, MD, at (516) 931-4343 for further information about the complaint process.