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## EAST BAY PEDIATRIC CARDIOLOGY MEDICAL GROUP, INC.

### NOTICE OF PRIVACY PRACTICES

Effective April 14, 2003

### THIS NOTICE DESCRIBES HOW MEDICAL INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION.

This Notice of Privacy Practices describes how East Bay Pediatric Cardiology Medical Group, Inc. (EBPCMG) may use and disclose your protected health information in order to carry out treatment, payment and health care operations and for other purposes permitted or required by law. It also describes your rights to access and control your protected health information (PHI). Your protected health information (PHI) means any of your written or oral health information, including demographic data, which can be used to identify you. This is health information that is created or received by your health care provider, and that relates to your past, present or future physical or mental health or condition.

EBPCMG is required to abide by the terms of this Notice. However, EBPCMG may modify the terms of this Notice at any time, and the new Notice will be effective for all PHI in our possession at the time of the change, and any received thereafter. Upon request, we will provide you with any revised Notice.

### USES AND DISCLOSURES OF HEALTH INFORMATION

EBPCMG uses PHI about you for purposes of providing treatment, obtaining payment for treatment, and conducting health care operations. Your protected health information may be used or disclosed only for these purposes unless EBPCMG has obtained your authorization or the use or disclosure is otherwise permitted by the HIPAA Privacy Regulations or State law. Disclosures of your protected health information for the purposes described in this Notice may be made in writing, orally or by facsimile.

A. **Treatment.** EBPCMG will use and disclose your protected health information to provide, coordinate, or manage your health care and any related services. This includes the coordination or management of your health care with a third party for treatment purposes. For example, we may disclose your protected health information or a pharmacy to fill a prescription or to a radiology provider to order a xray. We may also disclose protected health information to other physicians who may be treating you or consulting with your physician with respect to your care. In some cases, EBPCMG may also disclose your protected health information to an outside treatment provider for purposes of the treatment activities of the other provider.

B. **Payment.** Your PHI will be used, as needed, to obtain payment for the services that EBPCMG provides. This may include certain communications to your health insurer to get approval for the treatment that we recommend. For example, if a hospital admission is recommended, we may need to disclose information to your health insurer to get prior approval for the hospitalization. We may also disclose PHI to your insurance company to determine whether you are eligible for benefits or whether a particular service is covered under your health plan. In order to get payment for your services, we may also need to disclose your PHI to your insurance company to demonstrate the medical necessity of the services or, as required by your insurance company, for utilization review. We may also disclose PHI to another provider involved in your care for the other provider's payment activities.

C. **Operations.** EBPCMG may use or disclose your PHI, as necessary, for our own health care operations in order to facilitate the function of the office and its physicians and to provide quality care to all patients. Health care operations include such activities as:

- Business management and general administrative activities.
- Employee training and performance review activities.
- Quality assessment and improvement activities.

- Accreditation, certification, licensing or credentialing activities.
- Review and auditing, including compliance reviews, medical reviews, legal services and maintaining compliance programs.

In certain situations, we may also disclose patient information to another provider or health plan for their health care operations.

D. **Other Uses and Disclosures.** As part of treatment, payment and health care operations, we may also use or disclose your PHI for the following purposes:

- To remind you of an appointment.
- To inform you of potential treatment alternatives or options.

## **II. Uses and Disclosures Beyond Treatment, Payment, and Health Care Operations Permitted without Authorization or Opportunity to Object**

Federal privacy rules allow us to disclose your PHI without your permission or authorization for a number of reasons including the following:

A. **When Legally Required.** EBPCMG will disclose your PHI when we are required to do so by any Federal, State or local law.

B. **When there are Risks to Public Health.** EBPCMG may disclose your PHI for the following public activities and purposes:

- To prevent, control, or report disease, injury or disability as permitted by law.
- To report vital events such as birth or death as permitted or required by law.
- To conduct public health surveillance, investigations and interventions as permitted or required by law.
- To collect or report adverse events and product defects, track FDA regulated products, enable product recalls, repairs or replacements to the FDA and to conduct post marketing surveillance.
- To notify a person who has been exposed to a communicable disease or who may be at risk of contracting or spreading a disease as authorized by law.
- To report to an employer information about an individual who is a member of the workforce as legally permitted or required.

C. **To Report Abuse, Neglect or Domestic Violence.** EBPCMG may notify government authorities if we believe that a patient is the victim of abuse, neglect or domestic violence. We will make this disclosure only when specifically required or authorized by law or when the patient agrees to the disclosure.

D. **To Conduct Health Oversight Activities.** EBPCMG may disclose your PHI to a health oversight agency for activities including audits; civil, administrative, or criminal investigations, proceedings, or actions; inspections; licensure or disciplinary actions; or other activities necessary for appropriate oversight as authorized by law. We will not disclose your PHI if you are the subject of an investigation and your health information is not directly related to your receipt of health care or public benefits.

E. **In Connection with Judicial and Administrative Proceedings.** EBPCMG may disclose your PHI in the course of any judicial or administrative proceeding in response to an order of a court of administrative tribunal as expressly authorized by such order or in response to a subpoena in some circumstances.

F. **For Law Enforcement Purposes.** EBPCMG may disclose your PHI to a law enforcement official for law enforcement purposes as follows:

- As required by law for reporting of certain types of wounds or other physical injuries.
- Pursuant to court order, court-ordered warrant, subpoena, summons or similar process.
- For the purpose of identifying or locating a suspect, fugitive, material witness or missing person.
- Under certain limited circumstances, when you are the victim of a crime.
- To a law enforcement official if the provider has a suspicion that your death was the result of criminal conduct.
- In an emergency in order to report a crime.

**G. To Coroners, Funeral Directors, and for Organ Donation.** EBPCMG may disclose PHI to a coroner or medical examiner for identification purposes, to determine cause of death or for the coroner or medical examiner to perform other duties authorized by law. We may also disclose PHI to a funeral director, as authorized by law, in order to permit the funeral director to carry out their duties. We may disclose such information in reasonable anticipation of death. PHI may be used and disclosed for cadaveric organ, eye or tissue donation purposes.

**H. For Research Purposes.** EBPCMG may disclose your PHI for research when the use or disclosure for research has been approved by an institutional review board or privacy board that has reviewed the research proposal and research protocols to address the privacy of your PHI.

**I. In the Event of a Serious Threat to Health or Safety.** EBPCMG may, consistent with applicable law and ethical standards of conduct, use or disclose your PHI if we believe, in good faith, that such use or disclosure is necessary to prevent or lessen a serious and imminent threat to your health or safety or to the health and safety of the public.

**J. For Specified Government Functions.** In certain circumstances, the Federal regulations authorize EBPCMG to use or disclose your PHI to facilitate specified government functions relating to military and veterans activities, national security and intelligence activities, protective services for the president and others, medical suitability determinations, correctional institutions and law enforcement custodial situations.

**K. For Worker's Compensation.** EBPCMG may release your PHI to comply with worker's compensation law or similar programs.

### **III. Uses and Disclosures Permitted without Authorization BUT with Opportunity to Object**

EBPCMG may disclose your PHI to your family member or a close personal friend if it is directly relevant to the person's involvement in your care or payment related to your care. We can also disclose your PHI in connection with trying to locate or notify family members or others involved in your care concerning your location, condition or death.

You may object to these disclosures. If you do not object to these disclosures or we can infer from the circumstances that you do not object or we determine, in the exercise of our professional judgment, that it is in your best interests for us to make disclosure of PHI that is directly relevant to the person's involvement with your care, we may disclose your PHI as described.

### **IV. Uses and Disclosures which you Authorize**

Other than as stated above, EBPCMG will not disclose your health information other than with your written authorization. You may revoke your authorization in writing at any time except to the extent that we have taken action in reliance upon the authorization.

### **V. Your Rights**

You have the following rights regarding your protected health information:

**A. The right to inspect and copy your PHI.** You may inspect and obtain a copy of your PHI that is contained in a designated record set for as long as we maintain the PHI. A "designated record set" contains medical and billing records and any other records that EBPCMG and its physicians use for making decisions about you.

Under Federal law, however, you may not inspect or copy the following records: psychotherapy notes; information compiled in reasonable anticipation of, or for use in, a civil, criminal, or administrative action or proceeding; and PHI that is subject to a law that prohibits access to PHI. Depending on the circumstances, you may have the right to have a decision to deny access reviewed.

EBPCMG may deny your request to inspect or copy your PHI if, in our professional judgment, we determine that the access requested is likely to endanger your life or safety or that of another person, or that it is likely to cause substantial harm to another person referenced within the information. You have the right to request a review of this decision.

To inspect and copy your medical information, you must submit a written request to the Privacy Officer whose contact information is listed on the last pages of this Notice. If you request a copy of your information, we may charge you a fee for the costs of copying, mailing or other costs incurred by us in complying with your request.

Please contact our Privacy Officer if you have questions about access to your medical record.

**B. The right to request a restriction on uses and disclosures of your PHI.** You may ask us not to use or disclose certain parts of your protected health information for the purposes of treatment, payment or health care operations. You may also request that we not disclose your PHI 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 state the specific restriction requested and to whom you want the restriction to apply.

EBPCMG is not required to agree to a restriction that you may request. We will notify you if we deny your request to a restriction. However, if we do agree to the requested restriction, we may not use or disclose your PHI in violation of that restriction unless it is needed to provide emergency treatment. Under certain circumstances, we may terminate our agreement to a restriction. You may request a restriction by contacting the Privacy Officer.

**C. The right to request to receive confidential communications from us by alternative means or at an alternative location.** You have the right to request that EBPCMG communicate with you in certain ways. We will accommodate reasonable requests. We 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. We will not require you to provide an explanation for your request. Requests must be made in writing to our Privacy Officer.

**D. The right to have your physician amend your protected health information.** You may request an amendment of PHI about you in a designated record set for as long as we maintain this information. In certain cases, we may deny your request for an amendment. 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. Requests for amendment must be in writing and must be directed to our Privacy Officer. In this written request, you must also provide a reason to support the requested amendments.

**E. The right to receive an accounting.** You have the right to request an accounting of certain disclosures of your PHI made by EBPCMG. This right applies to disclosures for purposes other than treatment, payment or health care operations as described in this Notice of Privacy Practices. We are also not required to account for disclosures that you requested, disclosures that you agreed to by signing an authorization form, to friends or family members involved in your care, or certain other disclosures we are permitted to make without your authorization. The request for an accounting must be made in writing to

our Privacy Officer. The request should specify the time period sought for the accounting. We are not required to provide an accounting for disclosures that take place prior to April 14, 2003. Accounting requests may not be made for periods of time in excess of six years. We will provide the first accounting you request during any 12-month period without charge. Subsequent accounting requests may be subject to a reasonable cost-based fee.

F. **The right to obtain a paper copy of this notice.** Upon request, you have the right to a paper copy of this Notice.

## VI. Our Duties

EBPCMG is required by law to maintain the privacy of your PHI and to provide you with this Notice of our duties and privacy practices. We are required to abide by the terms of this Notice as may be amended from time to time. We reserve the right to change the terms of this Notice and to make the new Notice provisions effective for all PHI that we maintain. If EBPCMG changes its Notice, we will provide a copy of the revised Notice by sending a copy of the Revised Notice via regular mail or through in-person contact.

## VII. Complaints

You have the right to express complaints to EBPCMG and to the Secretary of Health and Human Services if you believe that your privacy rights have been violated. You may complain to the provider by contacting the Privacy Officer verbally or in writing, using the contact information below. We encourage you to express any concerns you may have regarding the privacy of your information. You will not be retaliated against in any way for filing a complaint.

## VIII. Contact Person

The EBPCMG's contact person for all issues regarding patient privacy and your rights under the Federal privacy standards is the Privacy Officer. Information regarding matters covered by this Notice can be requested by contacting the Privacy Officer. Complaints against the provider can be mailed to the Privacy Officer by sending it to:

East Bay Pediatric Cardiology Medical Group, Inc.  
747 52nd Street  
Oakland, CA 94609  
Attn: Privacy Officer

The Privacy Officer can be contacted by telephone at 510-428-3885 x2986.

## IX. Effective Date

This Notice is effective April 14, 2003.



**Disclaimer:** The information provided here is intended to educate the reader about certain medical conditions and certain possible treatment. It is not a substitute for examination, diagnosis, and medical care provided by a licensed and qualified health professional. If you believe you, your child, or someone you know, suffer from the conditions described herein, please see your health care provider immediately. Do not attempt to treat yourself, your child or anyone else without proper medical supervision.

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