

## THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT “NOTICE OF PRIVACY PRACTICES”

Effective Date: April 14, 2003; revised September 17, 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, our policies or clinic locations, please contact the Texas A&M Health Science Center Privacy Officer at: 200 Technology Way, College Station, Texas 77845, (979) 436-9248.

#### **Who We Are**

This Notice describes the privacy practices of the Texas A&M Health Science Center (TAMHSC) and services furnished by its Health Care Providers (College of Medicine, Baylor College of Dentistry and Coastal Bend Health Education Center.) Federal law requires us to provide this Notice to you.

#### **Who Will Follow This Notice?**

This Notice describes our TAMHSC’s Health Care Providers and those of:

- Health care professionals who are members of our workforce authorized to access and/or enter information into your medical record or billing record;
- All departments and units of our clinic locations;
- All employees, volunteers and other clinic location personnel considered a part of our workforce; and,
- Any health care entities and medical offices owned by or affiliated with our Health Care Providers.

#### **Our Pledge Regarding Medical and Billing Information**

We understand that information about you and your health is personal. We are committed to protecting medical and billing information about you. We create a record of the care and services you receive from our Health Care Providers. Typically, this record contains your symptoms, examination and test results, diagnosis, treatment, a plan for future care or treatment, and charges or bills for services related to your care. These records are used to provide you with quality care and to comply with certain legal requirements.

This Notice applies to all of the records of your care generated by our Health Care Providers. You may have a different Notice presented to you, if your care is provided in an affiliated facility.

This Notice will tell you about the ways in which we may use and disclose medical and billing information about you. We also describe your rights and certain obligations we have regarding the use and disclosure of your medical information.

We are required by law to:

- Make sure that medical and billing information that identifies you is kept private;
- Give you this Notice of our legal duties and privacy clinic locations with respect to medical and billing information about you; and
- Follow the terms of the Notice that is currently in effect.

### **How We May Use and Disclose Medical and Billing Information About You**

The following categories describe different ways we use and disclose medical and billing information. For each category of uses or disclosures we will explain what we mean and try to give some examples. Not every use or disclosure in a category will be listed. However, all of the ways we are permitted to use and disclose information will fall within one of the categories.

#### **Electronic Disclosure**

Your protected health information is subject to electronic disclosure. If we disclose your protected health information electronically for any reason other than for treatment, payment, health care operations, or as otherwise authorized or required by law, we cannot do so without your authorization for each disclosure.

At your request, we are authorized to send protected health information to you via email. However, there are significant risks associated with utilizing unencrypted emails.

#### **For Treatment**

We may use medical information about you to provide you with medical treatment or services. We may disclose medical information about you to doctors, nurses, technicians, office staff, or other medical personnel who are involved in taking care of you by our Health Care Providers.

We may also disclose information about you to other health care providers outside our clinic location so they may treat you. For example, your doctor may be treating you for a heart condition and may need to know if you have other health problems that could complicate your treatment. The doctor may use your medical history to decide what treatment is best for you. He may also tell another doctor about your condition so that doctor can help determine the most appropriate care for you.

Different personnel in our office may share information about you and disclose information to people who do not work in our office in order to coordinate your care, such as phoning in prescriptions, scheduling lab work, and ordering x-rays. We may also disclose medical information about you to family members and other health care professionals outside our clinic location who may be involved in your medical care. This information is shared on the basis of other health care staff "needing to know" the information about you to provide safe necessary treatment to you.

#### **For Payment**

We may use and disclose medical information about you so the treatment and services you receive at our clinic location may be billed to and payment may be collected from you, an insurance company, or other third party. For example, we may need to give your health plan information about a service you received here so your health plan will pay us or reimburse you for the service. We may also tell your health plan about a treatment you are going to receive to obtain prior approval, or to determine whether your plan will cover the treatment.

We may also use or disclose your health information to our billing department/company or consumer reporting agencies for claims management or collection activities pertaining to the collection of payments owed to us.

#### **For Health Care Operations**

We may use and disclose medical information about you for office operation. These uses and disclosures are necessary for patient quality care. For example, we may use your health information to evaluate the performance of our staff in caring for you. We may also use health information about all or many of our patients to help us decide what additional services we should offer, how we can become more efficient, or whether certain new treatments are effective.

We may remove information that identifies you from this set of medical information so others may use it to study health care and health care delivery without learning who you or other patients are as individuals. We may provide information about you to other health care providers, health plans, or health care clearinghouses to perform activities such as quality assessment, case management, training, and studying groups of people for the purpose of improving health.

#### **Appointment Reminders**

We may use and disclose medical information to contact you as a reminder that you have an appointment for tests, treatment or medical care.

#### **Treatment Alternatives**

We may use and disclose medical information to tell you about or recommend possible treatment options or alternatives that may be of interest to you or offer you optional care alternatives.

#### **Health-Related Products and Services**

We may use and disclose medical information to tell you about health-related benefits or services that may be of interest to you.

#### **Individuals Involved in Your Care or Payment for Your Care**

Unless you tell us otherwise, we may release medical information about you to a friend or family member who is involved in your medical care. We may give information to someone who helps pay for your care. We may also tell your family or friends your condition and that you are at our clinic location. In addition, we may disclose medical information about you to an entity assisting us in a disaster relief effort so that your family can be notified about your condition, status, and location.

**Business Associates**

There are some services provided in our organization through contracts with business associates. Examples may include transcription services, billing services or healthcare clearinghouse. When these services are contracted, we may disclose your health information to our business associates so they can perform the jobs we've asked them to do and bill you or your third-party payer for services rendered. All of our business associates, including contractors and sub-contractors that receive or have access to protected health information, are obligated to protect the privacy of your information and are not allowed to use or disclose any information other than as specified in our contract.

**Research**

Under certain circumstances, we may use and disclose medical information about you for research purposes. For example, a research project may involve comparing the health and recovery of patients who received one medication to those who received another, for the same condition. Before we use or disclose medical information for research, the project will go through a special approval process. In certain circumstances, we are permitted to disclose medical information about you to people preparing for research. For example, researchers may look for patients with specific treatment needs to develop a research protocol, but may not remove the medical information they review from the clinic location.

**As Required by Law**

We will disclose medical information about you when required to do so by federal, state, or local laws.

**To Avert a Serious Threat to Health or Safety**

We may use or disclose medical information about you when necessary to prevent a serious threat to you health and safety or the health and safety of the public or other person. Any disclosure, however, would only be to someone able to help prevent the threat.

**Organ and Tissue Donation**

If you are an organ donor, we may release medical information to organizations that handle organ procurement or organ, eye or tissue transplantation or to an organ donation bank, as necessary to facilitate organ or tissue donation and transplantation.

**Military Personnel**

If you are a member of the armed forces, active or reserve, we may release medical information about you as required by military command authorities. We may also release medical information about foreign military command authorities. We may also release medical information about foreign military personnel to the appropriate foreign military authority.

**Worker's Compensation**

We may release medical information about you as necessary to comply with laws related to worker's compensation or similar programs that provide benefits for work-related injuries or illnesses.

**Public Health Risks**

We may disclose medical information about you for public health activities. These activities generally include the following:

- To prevent or control disease, injury or disability;
- To report births and deaths;
- To report child abuse or neglect;
- To report reactions to medications or problems with products;
- To notify people of recalls of products they may be using;
- To notify a person who may have been exposed to a disease, or who may be at risk for contracting or spreading a disease or condition; and
- To notify the appropriate government or law enforcement authority if we believe a patient has been the victim of abuse, neglect, or domestic violence. We will only make this disclosure if you agree or when required or authorized by law.

**Health Oversight Activities**

We may disclose medical information to a health oversight agency for activities authorized by law. These oversight activities include, for example, audits, investigations, inspections, and licensure. These activities are necessary for the government to monitor the health care system, government programs, and compliance with civil rights laws.

**Lawsuits and Disputes**

If you are involved in a lawsuit or a dispute, we may disclose medical information about you in response to a court or administrative order. We may also disclose medical information about you in response to a subpoena, discovery request or other lawful process by someone else involved in the dispute, but only if efforts have been made to tell you about the request or to obtain an order protecting the information requested.

## **Law Enforcement**

We may release medical information if asked to do so by a law enforcement official:

- In response to a court order, subpoena, warrant, summons or similar process;
- To identify or locate a suspect, fugitive, material witness or missing person;
- About the victim of a crime, if under certain limited circumstances, we are unable to obtain the person's agreement;
- About a death we believe may be the result of criminal conduct;
- About criminal conduct at the clinic location; and
- In emergency circumstances to report a crime, the location of the crime or victims, or the identity, description or location of the person who committed the crime.

## **Coroners, Medical Examiners and Funeral Directors**

We may release medical information to a coroner or medical examiner. This may be necessary, for example, to identify a deceased person or determine the cause of death. We may also release medical information about you as a patient of our Health Care Providers to funeral directors as necessary to carry out their duties.

## **National Security and Intelligence Activities**

We may release medical information about you to authorized federal officials for intelligence, counterintelligence, and other national security activities authorized by law.

## **Protective Services for the President and Others**

We may disclose medical information about you to authorized federal officials so they may provide protection to the President, other authorized persons and foreign heads of state or to conduct special investigations.

## **Inmates**

If you are an inmate of a correctional institution or under the custody of a law enforcement official, we may release medical information about you to the correctional institution or law enforcement official. This release would be necessary (1) for the institution to provide you with health care; (2) to protect your health and safety or the health and safety of others; or (3) for the safety and security of the correctional institution.

## **Other Uses of Medical Information: Authorization and Right to Revoke Authorization**

The following uses and disclosures of your protected health information will be made only with your written authorization:

1. Uses and disclosures of protected health information for marketing purposes;
2. Disclosures that constitute a sale of your protected health information; and
3. Disclosure of psychotherapy notices, except for certain treatment, payment or health care operations activities.

Other uses and disclosures of medical information not covered by this Notice or the laws that apply to us will be made only with your written authorization. If you authorize us to disclose medical information about you, you may revoke that authorization, in writing, at any time. If you revoke your permission, we will no longer use or disclose medical information about you for the reasons covered by your written authorization. You understand that we are unable to take back any disclosures we have already made with your authorization, and that we are required by state law to retain our records of the care that we provide to you.

## **Childhood Immunizations**

We may disclose immunization records to schools who are required to obtain proof of immunization prior to admitting the student as long as we have the patient or patient's legal representative's consent to the disclosure.

## **Genetic Information**

Your genetic information is considered protected health information and to the extent we are deemed to be a health plan we are prohibited from using or disclosing genetic information for underwriting purposes.

## **Your Right Regarding Medical and Billing Information About You**

You have the following rights regarding your medical and billing information we maintain.

### **Right to Notice of Breach**

You have the right to be notified if we or one of our business associates become aware of a breach of your unsecured protected health information. A breach means the acquisition, access, use, or disclosure of your unsecured protected health information in a manner not permitted under the law that compromises the security or privacy of your protected health information.

**Right to Restrict Disclosure for Services Paid by You in Full**

You have the right to restrict the disclosure of your protected health information to a health plan if the protected health information pertains to health care services for which you paid in full directly to us.

**Right to Inspect and Copy Your Medical and Billing Information**

You have the right to inspect and copy medical information that may be used to make decisions about your care. Usually, this includes medical and billing records, but does **not** include psychotherapy notes. To inspect and obtain a copy of medical and billing information that may be used to make decisions about you, you must submit your request in writing to the TAMHSC Privacy Officer, 200 Technology Way, College Station, Texas, 77845. If you request a copy of the information, we must respond to you within fifteen (15) business days and may charge a fee for the costs of copying, mailing or other supplies associated with your request. We may deny your request to inspect and copy this information in certain limited circumstances. If you are denied access to medical or billing information, you may make a request, in writing to the TAMHSC Privacy Officer, 200 Technology Way, College Station, Texas, 77845 that the denial be reviewed. Another licensed health care professional chosen by the clinic location will review your request and the denial. The person conducting the review will not be the person who denied your request. We will comply with the outcome of the review.

**Right to Amend Your Medical and Billing Information**

If you feel that medical and billing information we have about you is incorrect or incomplete, you may ask us to amend the information. You have a right to request an amendment for as long as the information is kept by or for the facility. To request an amendment, your request must be made in writing and submitted to the TAMHSC Privacy Officer, 200 Technology Way, College Station, Texas, 77845. In addition, you must provide a reason that supports your request. We may deny your request for an amendment if it is not in writing, or does not include a reason to support the request. In addition, we may deny your request if you ask us to amend information that:

- Was not created by us, unless the person or entity that created the information is no longer available to make the amendment;
- Is not part of the medical or billing information kept by or for the clinic location;
- Is not part of the information that you would be permitted to inspect and copy; or
- Is accurate and complete.

**Right to an Accounting of Disclosures of Your Medical and Billing Information**

You have the right to request an “accounting of disclosures.” This is a list of certain disclosures we made of medical and billing information about you, except for those disclosures to carry out treatment, payment or health care operations, disclosures made to you, disclosures you have authorized or certain other disclosures. To request an accounting of disclosures, you must submit your request in writing to the TAMHSC Privacy Officer, 200 Technology Way, College Station, Texas, 77845. Your request must state a time period, which may not be longer than six (6) years and may not include dates before April 14, 2003. The first list you request within a 12-month period will be free. For additional lists, we may charge you for the costs of providing the list. We will notify you of the costs involved and you may choose to withdraw or modify your request at that time before any costs are incurred.

**Right to Request Restrictions**

You have the right to request a restriction or limitation on the uses and disclosures of your medical or billing information for treatment, payment or health care operations. You also have the right to request a restriction on the medical or billing information we disclose about you to someone who is involved in your care or payment for your care, like a family member or friend. For example, you could ask that we **not** use or disclose information about your particular surgery or other particular treatment. **We are not required to agree to your request.** If we cannot agree to your requested restriction, we will notify you. If we do agree, we will comply with your request unless the information is needed to provide you emergency treatment. We may terminate our agreement for a restriction if we inform you and you agree. To request restrictions, you must make your request in writing to the Privacy Officer, 200 Technology Way, College Station, Texas, 77845.

**Right to Request Confidential Communications**

You have a right to request that we communicate with you about medical treatment and options in a certain way or at a certain location. For example, you can ask that we contact you at a different phone number or address than that shown in your records. To request confidential communications, you must make your request in writing to the TAMHSC Privacy Officer, 200 Technology Way, College Station, Texas, 77845. We will **not** ask you the reason for your request. We will accommodate all reasonable requests. Your request must specify how or where you wish to be contacted.

**Right to a Paper Copy of This Notice**

You have the right to a paper copy of this Notice. You will be offered a paper copy during the admission or registration process. You may ask the Health Care Provider to give you a copy of this Notice at any time, or you may contact the TAMHSC Privacy Officer, 200 Technology Way, College Station, Texas, 77845. Even if you have agreed to receive this Notice electronically, you are still entitled to a paper copy of this Notice. This Notice may be available on a website that could be developed by the TAMHSC Health

Care Provider. If a website is developed, you will be notified of the website address and you may obtain a copy of this Notice on that website.

**Right to Opt Out of Receiving Fundraising Communications**

From time to time we may contact you to raise funds for the benefit of TAMHSC. We will inform you how to opt out within each fundraising communication that we send to you.

**Changes to This Notice**

We reserve the right to change this Notice at any time. We reserve the right to make the revised or changed Notice effective for medical and billing information we already have about you as well as any information we receive in the future. The effective date of the revised Notice will be on the first page, in the top right-hand corner. As of the effective date, distribution of the revised Notice that is in effect will be the same as above in the section describing your rights to receive a paper copy of the Notice.

**Complaints**

If you believe your privacy rights have been violated, you may file a complaint with the clinic location or with the Secretary of the Department of Health and Human Services. To file a complaint with the clinic location, contact the TAMHSC Privacy Officer, 200 Technology Way, College Station, Texas, 77845 or, The Secretary of the Department of Health and Human Services may be contacted at 200 Independence Ave., S. W.; Washington, D. C. 20201 or by phone at 1-877-696-6775.