

# Notice of Privacy Practices (HIPAA)

**Effective Date: April 14, 2003**

**Emory Healthcare**

## **NOTICE OF PRIVACY PRACTICES**

**THIS NOTICE DESCRIBES HOW PROTECTED HEALTH INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU MAY GAIN ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY.**

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) directs health care providers, payers, and other health care entities to develop policies and procedures to ensure the security, integrity, privacy and authenticity of health information, and to safeguard access to and disclosure of health information. The federal government has privacy rules which require that we provide you with information on how we might use or disclose your identifiable health information. Emory Healthcare is required by the federal government to give you our Notice of Privacy Practices.

## **OUR COMMITMENT TO YOUR PRIVACY**

As a healthcare provider, Emory Healthcare uses your confidential health information and creates records regarding that health information in order to provide you with quality care and to comply with certain legal requirements. We understand that this health information is personal, and we are dedicated to maintaining your privacy rights under Federal and State law. This Notice applies to records of your care created or maintained by Emory Healthcare.

We are required by law to: (1) make sure that your health information is kept private; (2) give you this Notice of our legal duties and privacy practices with respect to your health information; and (3) follow the terms of the Notice that are currently in effect.

## **WHO WILL FOLLOW THIS NOTICE**

Emory Healthcare facilities that will abide by this notice include, but are not limited to, Emory University Hospital, Emory University Hospital Midtown, The Emory Clinic, Emory Medical Affiliates, Emory Children's Center, Saint Joseph's Hospital Wesley Woods Geriatric Hospital (including the Wesley Woods Outpatient Clinic, and Long Term Hospital), Budd Terrace and Dialysis Access Center of Atlanta, collectively referred to as Emory Healthcare.

Emory Healthcare facilities are part of an organized health care arrangement with other components of Emory University, such as the School of Medicine. On occasion, we may disclose health information with these components of the University if necessary to carry out treatment, payment or healthcare operations related to the organized health care arrangement. All components of the organized health care arrangement are required to abide by the confidentiality obligations in this Notice.

## HOW WE MAY USE OR DISCLOSE YOUR HEALTH INFORMATION WITHOUT YOUR AUTHORIZATION

The following information describes different ways that we may use or disclose your health information without your authorization. For each category of use or disclosure we will explain what we mean and give examples to help you better understand each category. Although we cannot list every use or disclosure within a category, we are only permitted to use or disclose your health information without your authorization if it falls within one of these categories.

If your health information contains information regarding your mental health or substance abuse treatment or certain infectious diseases (including HIV/AIDS tests or results), we are required by state and federal confidentiality laws to obtain your consent prior to certain disclosures of such information. Once we have obtained your consent on the Admission/Registration Agreement, we will treat the disclosure of such information in accordance with our privacy practices outlined in this Notice.

### CATEGORIES FOR USES AND DISCLOSURES:

**Treatment.** We may use health information about you to provide you with medical treatment or services. We may disclose health information about you to doctors, nurses, technicians, medical students, residents, student nurses, or other healthcare personnel who are involved in taking care of you at Emory Healthcare or at another healthcare provider. For example, a doctor treating you for a broken leg may need to know if you have diabetes because diabetes may slow the healing process. In addition, the doctor may need to tell the dietitian if you have diabetes so that we can arrange for appropriate meals. Different departments within Emory Healthcare also may share health information about you in order to coordinate the different things you need, such as prescriptions, lab work and x-rays.

**Payment.** We may use or disclose health information about you in order to bill and collect payment for the services and items you may receive from us. For example, we may need to give your health insurance plan information about your surgery so your health insurance plan will pay us or reimburse you for the surgery. We may also tell your health insurance plan about a treatment you are going to receive in order to obtain prior approval or to determine whether your health insurance plan will cover the treatment. We may disclose to other healthcare providers health information about you for their payment activities.

**Health Care Operations.** We may use and disclose health information about you for Emory Healthcare operations. For example, we may use health information to review our treatment and services and to evaluate the performance of our staff in caring for you. We may also combine health information about our patients to decide what additional services should be offered, what services are not needed, and whether certain new treatments are effective. We may disclose your health information to doctors, nurses, technicians, medical students, residents, nursing staff and other personnel for review and learning purposes. We may combine the health information we have with health information from other healthcare providers to compare how we are doing and see where we can make improvements in the care and services we offer.

**Medical Staff Members.** Emory Healthcare and the independent physicians and other health care providers who are members of an Emory Healthcare facility's medical staff are considered to be an organized healthcare arrangement under federal law for the specific purpose of sharing patient information. As such, Emory Healthcare and its medical staff will share health information about patients necessary to carry out treatment, payment and health care operations. Although all independent medical staff members who provide care at Emory Healthcare follow the privacy practices described in this Notice, they exercise their own independent medical judgment in caring for patients and they are solely responsible for their own compliance with the privacy laws. Emory Healthcare and independent medical staff members remain completely separate and independent entities that are legally responsible for their own actions.

**Appointment Reminders, Follow-up Calls and Treatment Alternatives.** We may use or disclose health information to remind you that you have an appointment or to check on you after you have received treatment. If you have an answering machine we may leave a message. We also may send you a post card appointment reminder. We may contact you about possible treatment options or alternatives or other health related benefits or services that may be of interest to you.

**Fundraising Activities.** We may use health information to contact you for fundraising needs. We would only use contact information, such as your name, address and phone number and the dates you received treatment or services. Beginning April 14, 2003, if you do not want Emory Healthcare to contact you for fundraising efforts, you must put the request in writing and send to The Woodruff Health Sciences Center, 1440 Clifton Road, Suite 116, Atlanta, Georgia 30322.

**Emory Healthcare Directory.** We may use or disclose health information about you in the patient directory while you are a patient at an Emory Healthcare facility. This information may include your name, location in the facility, your general condition (e.g., fair, stable, etc.) and your religious affiliation. The directory information, except for your religious affiliation, may be released to people who ask for you by name. Your religious affiliation may be given to a member of the clergy, such as a priest or rabbi, even if they don't ask for you by name. This is so your family, friends and clergy can visit you in the hospital and generally know how you are doing. You will be given the option not to be listed in the directory. If you choose not to be listed in the directory, we will not be able to tell any family or friends that you are in the facility, nor will we be able to tell flower couriers where you are located.

**Individuals Involved in Your Care or Payment for Your Care.** Unless you object, we may disclose health information to a friend or family member who is involved in your medical care or who assists in taking care of you. We may also give information to someone who helps pay for your care. We may tell your family or friends your general condition and that you are in the hospital. In addition, we may disclose health information about you to an entity assisting in a disaster relief effort so that your family can be notified about your condition, status and location.

**Records Research.** We may use or disclose health information under certain circumstances for medical research purposes. For example, a research project may compare the health of patients who received one

medication to those who received another for the same condition. We will obtain your written authorization to use or disclose your health information for research purposes except when (a) an Institutional Review Board (IRB) determines in advance that use or disclosure of your health information meets specific criteria required by law; or ; (b) the researcher signs a legally binding document certifying that he/she will only use the health information to prepare a research protocol or for similar purposes to prepare for a research project and that he/she will maintain the confidentiality of the information and will not remove any of the health information from Emory Healthcare. Emory Healthcare may also disclose health information to a researcher if it involves health information of deceased patients and the researcher certifies the information is necessary for research purposes.

**Clinical Research.** If you are enrolled in a clinical research trial through a School or Department of Emory University and you would like information on the Emory University privacy policies regarding use and disclosure of your health information related to the clinical trial, you may request information from the Emory University Privacy Officer, 1784 N. Decatur Road, Suite 510, Atlanta, Georgia 30322.

**As Required By Law.** We will use or disclose health information when required to do so by federal, state or local law. To Avert a Serious Threat to Health or Safety. We may use or disclose health information when necessary to prevent a serious threat to your health and safety, another person or the public. Any disclosure, however, would only be to someone able to help prevent the threat.

## **SPECIAL SITUATIONS**

We may also use or disclose your health information without your authorization in the following situations:

**Organ and Tissue Donation.** 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 and Veteran.** To military command authorities as required, if you are a member of the armed forces. We may also disclose health information about foreign military personnel to the appropriate foreign military authority.

**Workers' Compensation.** To workers' compensation or similar programs that provide benefits for work-related injuries or illness.

**Public Health Activities.** To public health agencies or other governmental authorities to report public health activities or risks. 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 may be at risk for contracting or spreading a disease or condition as authorized by law; to notify the appropriate government 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.** 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.** In response to a court or administrative order, if you are involved in a lawsuit or a dispute. We may also disclose health 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 health information requested.

**Law Enforcement.** In response to a court order, subpoena, warrant, summons or similar process; or upon request by a law enforcement official to identify or locate a suspect, fugitive, material witness, or missing person or to obtain information about the victim of a crime if, under certain limited circumstances, we are unable to obtain the person's authorization. We may report a death we believe may be the result of criminal conduct or report suspected criminal conduct occurring on the premises. We may also report information related to a suspected crime discovered in the course of providing emergency medical services.

**Coroners, Medical Examiners and Funeral Directors.** 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 health information about patients of Emory Healthcare to funeral directors as necessary to carry out their duties.

**National Security and Intelligence Activities.** To authorized federal officials for intelligence, counterintelligence, and other national security activities authorized by law.

**Protective Services for the President and Others.** To authorized federal officials so they may provide protection to the President of the United States, other authorized persons or foreign heads of state or to conduct special investigations.

**Inmates.** To the correctional institution or law enforcement official, if you are an inmate of a correctional institution or under the custody of a 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.

## **USES AND DISCLOSURES WHICH REQUIRE YOUR AUTHORIZATION**

Other types of uses and disclosures of your health information not described in this Notice will be made only with your written authorization. You may revoke your authorization by giving written notice to the medical

records department where you received your care. Please see the list of addresses at the end of this Notice. If you revoke your authorization we will no longer use or disclose your health information as permitted by your initial authorization. Please understand that we will not be able to take back any disclosures we have already made and that we are still required to retain our records containing your health information that documents the care that we provided to you.

## **YOUR RIGHTS REGARDING YOUR HEALTH INFORMATION**

### **THESE RIGHTS ARE EFFECTIVE APRIL 14, 2003**

**Right to Inspect and Copy.** You have the right to inspect and obtain a copy of your medical record or billing record.

To inspect and copy your medical or billing record, you must submit your request in writing to the Medical Records Department where you received your care. You need to include in your request your name or if acting as a personal representative, include the name of the patient, social security number, date of birth and dates of service if known. Please see the list of addresses at the end of this notice. If you request a copy, you will be charged a fee for the costs of copying, mailing or other supplies associated with your request. We may deny your request to inspect and copy records in certain limited circumstances; however, you may request that the denial be reviewed. A licensed health care professional chosen by Emory Healthcare 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 Request an Amendment.** If you feel that health information we have about you is incorrect, you may ask us to amend it. You have the right to request an amendment for as long as the health information is kept by or for Emory Healthcare.

To request an amendment, your request must be made in writing and submitted to The Medical Record Department of the entity where you received your care. In addition, you must provide a reason that supports your request. You need to include in your request your name, social security number, date of birth and dates of service if known. If you are acting as a personal representative include the name of the patient, social security number, date of birth and dates of service if known.

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 health information that:

- Was not created by us, unless the person or entity that created the health information is no longer available to make the amendment;
- Is not part of the health information kept by or for Emory Healthcare;
- Is not part of the health information which you would be permitted to inspect and copy; or

- Is accurate and complete.

**Right to an Accounting of Disclosures.** You have the right to request a list of the disclosures we made of your health information except for disclosures:

- for treatment, payment or healthcare operations,
- pursuant to an authorization,
- incident to a permitted use or disclosure, or
- certain other limited disclosures defined by law.

To request this list of disclosures, you must submit your request in writing to the Emory Healthcare Privacy Office at 101 West Ponce de Leon Ave, Suite 610, Decatur, Georgia 30030. Your request must specify a time period for which you are seeking an accounting of disclosures and include your name, social security number, date of birth and dates of service if known. If you are acting as a personal representative include the name of the patient, social security number, date of birth and dates of service if known.

You may not request disclosures that are more than six years from the date of your request or that were before April 14, 2003. Your request should indicate in what form you want the list, for example, on paper or electronically. 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 cost 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 health information we use or disclose about you for treatment, payment or health care operations. You also have the right to request a limit on the health information we disclose about you to someone who is involved in your care or the payment for your care, like a family member or friend. For example, you could ask that we not use or disclose information about a surgery you had.

We are not required to agree to your request. If we do agree, we will comply with your request unless the information is needed to provide you with emergency treatment. We have the right to revoke our agreement at any time, and once we notify you of this revocation, we may use or disclose your health information without regard to any restriction or limitation you may have requested.

To request restrictions, you must make your request in writing to Emory Healthcare Privacy Office, 101 West Ponce de Leon Ave, Suite 610, Decatur, Georgia 30030. In your request, you must tell us (1) what information you want to limit; (2) whether you want to limit our use, disclosure or both; and (3) to whom you want the limits to apply, for example, disclosures to your spouse.

**Right to Request Confidential Communications.** You have the right to request that we communicate with you about medical matters in a certain way or at a certain location. For example, you can ask that we only contact you at work or by mail.

To request confidential communications, you must make your request in writing to the Emory Healthcare Privacy Office, 101 West Ponce de Leon Avenue, Suite 610, Decatur, Georgia 30030. You will need to include your name or if acting as a personal representative, include the name of the patient, social security number, date of birth and dates of service if known.

We will not ask you the reason for your request. We will work to accommodate all reasonable requests. Your request must specify how or where you wish to be contacted.

**Right to Receive a Paper Copy of This Notice.** Even if you have agreed to receive this Notice electronically, you have the right to receive a paper copy of this Notice, which you may ask for at any time.

You may obtain a copy of this Notice at our website, [www.emoryhealthcare.org](http://www.emoryhealthcare.org).

To obtain a paper copy of this Notice, write to Emory Healthcare, Privacy Office, 101 West Ponce de Leon Avenue, Suite 610, Decatur, Georgia 30030.

## **CHANGES TO THIS NOTICE**

We reserve the right to change this notice. We reserve the right to make the revised or changed notice effective for health information we already have about you as well as any information we receive in the future. We will post a copy of the current Notice at the Emory Healthcare facilities and you may request a copy of the current notice. In addition, the current notice will be posted at [www.emoryhealthcare.org](http://www.emoryhealthcare.org).

## **COMPLAINTS**

If you believe your privacy rights have been violated, you may file a complaint by writing to: Director of Risk Management, Emory Healthcare, 101 W. Ponce de Leon Avenue, Suite 600, Decatur, GA 30030. You may also file a complaint with the Secretary of the Department of Health and Human Services. You will not be penalized for filing a complaint.

For further information you may send written inquiries to the Emory Healthcare Privacy Office, 101 West Ponce de Leon Avenue, Suite 610, Decatur, GA 30030 or call **404-778-2757**.

### **Additional Important Addresses:**

- The Emory Clinic- Medical Records, 101 West Ponce de Leon, Medical Records, Suite 200, Decatur, Georgia 30030

***\*This Notice is written using the subject "you". When the patient is an unemancipated minor, "your child" should be substituted for "you."***

***Revised 6/16/04***