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## **NOTICE OF PATIENT PRIVACY PRACTICES**

*Effective January 2020*

Santa Cruz Direct Primary Care has developed this Notice of Patient Privacy Practices to help you understand how medical information about you may be used, disclosed, and how you can get access to this information. **Please review this notice carefully.**

### **YOUR RIGHTS**

You have the right to:

- Get a copy of your paper or electronic medical record.
- Correct your paper or electronic medical record.
- Request confidential communication.
- Ask us to limit the information we share.
- Get a list of those with whom we've shared your information.
- Get a copy of this privacy notice.
- Choose someone to act for you.
- File a complaint if you believe your privacy rights have been violated.

### **YOUR CHOICES**

You have some choices in the way that we use and share information if we:

- Tell family and friends about your condition.
- Provide disaster relief.
- Include you in a hospital directory.
- Provide mental health care.

### **OUR USES AND DISCLOSURES**

We may use and share your information as we:

- Treat you.
- Run our practice.
- Bill for your services.
- Help with public health and safety issues.
- Do research.
- Comply with the law.
- Respond to organ and tissue donation requests.
- Work with a medical examiner or funeral director.
- Address workers' compensation, law enforcement, and other government requests.
- Respond to lawsuits and legal actions.
- Pursuant to California law, adult patients always have a right of access to their medical records, and minors have a right of access for any medical

record pertaining to healthcare for which the minor is legally authorized to grant consent.

- If you are or become incapacitated, we may disclose relevant medical information to a family member, other relative, domestic partner, a close personal friend of yours, or any other person identified by you as having involvement in your care or payment for your care.
- All medical information transmitted during the delivery of health care via telehealth/telemedicine/virtual care will become a part of your medical records.

## **YOUR RIGHTS**

When it comes to your health information, you have certain rights. This section explains those rights.

Ask to see a copy of your medical record. If you would like to see a copy of your medical records, just let us know. We will grant your written request during business hours within 5 working days of the request. The records can be viewed by you or your personal representative, and either you or the representative may bring one person of your choosing.

### **Get an electronic or paper copy of your medical record.**

- You can ask to see or get an electronic or paper copy of your medical record and other health information we have about you. Ask us how to do this.
- We will provide a copy of your health information, usually within 15 days of your request. We may charge a reasonable, cost-based fee of \$0.25 per page.
- If your request for a copy is for the purpose of supporting a claim or appeal for public benefits, then the fee will be waived and one free copy will be provided within 30 days.
- In lieu of access to the entire record, we may instead provide a summary including your medication list, within 10 working days of your request, unless your record is lengthy, then we may need additional time, not to exceed 30 days. We may charge a reasonable fee for the time it takes to prepare the summary.
- If your medical records include mental health records, we may decline to provide access to these records if we feel there is a substantial risk of significant adverse or detrimental consequences of such access. However, we will release those records to a qualified professional.

### **Ask us to correct your medical record.**

- You can ask us to correct health information about you that you think is incorrect or incomplete. If you wish, you can write an addendum of up to 250 words per incorrect or incomplete item; this addendum will be added to your medical records and will clearly indicate in writing that you request the addendum to be made a part of your records.

**Special rules for minor patients.** Under California law, minor patients have additional rights.

- Parents and other representatives do not have the right to see or get copies of a minor patient's medical records, if those records are related to healthcare services that the minor patient was legally authorized to grant consent to receive.
- We also do not have to provide access or copies of records if we feel that such access would have a detrimental effect on our professional relationship with the minor patient or the minor's physical safety or psychological well-being. Our decision in this regard is protected by state law.

**Request confidential communications.**

- You can ask us to contact you in a specific way (for example, home or office phone), or to send mail to a different address.
- We will agree to reasonable requests.

**Ask us to limit what we use or share.**

- You can ask us not to use or share certain health information for treatment, payment, or our operations. We are not required to agree to your request, and we may say "no" if it could affect your care.
- If you pay for a service or health care item out-of-pocket in full, you can ask us not to share that information for the purpose of payment or our operations with your health insurer. We will say "yes" unless a law requires us to share that information.

**Get a list of those with whom we've shared information.**

- You can ask for a list (an accounting) of the times we've shared your health information for six years prior to the date you ask, who we shared it with, and why.
- We will include all the disclosures except for those about treatment, payment, and health care operations, and certain other disclosures (such as any you asked us to make). We will provide one accounting a year for free but will charge a reasonable, cost-based fee if you ask for another one within 12 months.

**Get a copy of this privacy notice.** You can ask for a paper copy of this notice at any time, even if you have agreed to receive the notice electronically. We will provide you with a paper copy promptly.

**Choose someone to act for you.**

- If you have given someone medical power of attorney or if someone is your legal guardian, that person can exercise your rights and make choices about your health information.
- We will make sure the person has this authority and can act for you before we take any action.

**File a complaint if you feel your rights are violated.**

- Please let us know if you feel we have not upheld our obligations. Contact us using the information on page 1 of this Notice.

- You can file a complaint with the U.S. Department of Health and Human Services Office for Civil Rights by sending a letter to 200 Independence Avenue, S.W., Washington, D.C. 20201, calling 1-877-696-6775, or visiting [www.hhs.gov/ocr/privacy/hipaa/complaints/](http://www.hhs.gov/ocr/privacy/hipaa/complaints/).
- We will not retaliate against you for filing a complaint.

## **YOUR CHOICES**

For certain health information, you can tell us your choices about what we share. If you have a clear preference for how we share your information in the situations described below, talk to us. Tell us what you want us to do, and we will follow your instructions.

In these cases, you have both the right and the choice to tell us to:

- Share information with your family, close friends, or others involved in your care.
- Share information in a disaster relief situation.
- Include your information in a hospital directory.

*If you are not able to tell us your preference, for example if you are unconscious, we may go ahead and share your information if we believe it is in your best interest. We may also share your information when needed to lessen a serious and imminent threat to health or safety.*

In these cases we never share your information unless you give us written permission:

- Marketing purposes.
- Most sharing of psychotherapy notes.

In the case of fundraising, we may contact you for fundraising efforts, but you can tell us not to contact you again.

## **OUR USES AND DISCLOSURES**

We typically use or share your health information in the following ways:

- We never market or sell personal information.
- We can use your health information and share it with other professionals who are treating you.
- We can use and share your health information to run our practice, improve your care, and contact you when necessary.
- We can use and share your health information to bill and get payment from health plans or other entities.

We are allowed or required to share your information in other ways, usually in ways that contribute to the public good. \*We have to meet many legal obligations before we can share your information for these purposes that include:

**Government Requests:** We can use or share health information about you:

- For workers' compensation claims.
- For law enforcement purposes or with a law enforcement official.
- With health oversight agencies for activities authorized by law.

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\* For more information visit: [www.hhs.gov/ocr/privacy/hipaa/understanding/consumers/index.html](http://www.hhs.gov/ocr/privacy/hipaa/understanding/consumers/index.html)

- For special government functions such as military and national security.

**Legal Actions:** We can share health information about you in response to a court or administrative order, or in response to a subpoena.

**Legal Compliance:** We will share information about you if state or federal laws require it, including with the Department of Health and Human Services if it wants to see that we are complying with federal privacy law.

**Medical Examiners & Funeral Directors:** We can share health information with a coroner, medical examiner, or funeral director when an individual dies.

**Organ and Tissue Donation:** We can share health information about you with organ procurement organizations.

**Public Health & Safety:**

- Preventing disease.
- Helping with product recalls.
- Reporting adverse reactions to medications.
- Reporting suspected abuse, neglect, or domestic violence.
- Preventing or reducing a serious threat to anyone's health or safety.

**Research:** We can use or share your information for health research.

**OUR RESPONSIBILITIES**

- We are required by law to maintain the privacy and security of your protected health information.\*\*
- We will let you know promptly if a breach occurs that may have compromised the privacy or security of your information.
- We must follow the duties and privacy practices described in this Notice and give you a copy of it.
- We will not use or share your information other than as described in this Notice, unless you tell us we can in writing. If you tell us we can, you may change your mind at any time. Let us know in writing if you change your mind.
- We can change the terms of this Notice, and the changes will apply to all information we have about you. The new Notice will be available upon request, in our office, and on our website.



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\*\* For more information see: [www.hhs.gov/ocr/privacy/hipaa/understanding/consumers/noticepp.html](http://www.hhs.gov/ocr/privacy/hipaa/understanding/consumers/noticepp.html)