

Medical Center ENT Associates of Houston

HIPAA Notice of Privacy Practices

Effective Date: October 11, 2013

Privacy Officer
Medical Center ENT Associates of Houston, PA
4101 Greenbriar Ste. 320
Houston, TX 77098
(713) 795-0111 phone
(713) 795-8586 fax
info@mcenta.com

About This Notice

Medical Center Ear, Nose, & Throat (ENT) Associates of Houston understands the importance of privacy and are committed to maintaining the confidentiality of your medical information. This notice describes how Medical Center ENT Associates of Houston, including its staff, volunteers and other members of its workforce, may use and disclose your Protected Health Information/electronic Protected Health Information ("PHI/ePHI"). PHI/ePHI is information that may identify you and that describes your physical or mental health condition and your health care services. Please be advised that this office maintains our patient's PHI in an electronic form (electronic health records). All electronic health records maintained by this office, including your PHI, is subject to electronic disclosure. We are required by law to maintain the privacy of our patients' PHI/ePHI and to provide individuals with notice of our legal duties and privacy practices. If you have any questions about this Notice, please contact our Privacy Officer listed above.

A. How We May Use and Disclose Your PHI/ePHI

This medical practice collects health information about you and stores it in a chart, on a computer, and/or in an electronic health record. This is your medical record. The medical record is the property of this medical practice, but the information in the medical record belongs to you. The law permits us to use or disclose your health information for the following purposes:

- **For Treatment:**

We may use and share your PHI/ePHI as necessary to provide, coordinate or manage your health care treatment. We may also share your PHI/ePHI with another healthcare provider who is not associated with us but who provides medical treatment to you. For example, doctors and nurses involved in your care may use your PHI/ePHI to plan a course of treatment for you. We may share your PHI/ePHI with other physicians or other health care providers who will provide services that we do not provide. For example, we may share this information with a pharmacist who needs it to dispense a prescription to you, or a laboratory that performs a test. We may also disclose PHI/ePHI to members of your family or others who can help you when you are sick or injured, or after you die.

- **For Payment:**

We use and disclose your PHI/ePHI to obtain payment for the services we provide. For example, we give your health plan the information it requires before it will pay us. We may also disclose your PHI/ePHI to other health care providers to assist them in obtaining payment for services they have provided to you.

- **For Health Care Operations:**

We may use and disclose your PHI/ePHI to operate this medical practice. For example, we may use and disclose your PHI/ePHI to review and improve the quality of care we provide, or the competence and qualifications of our professional staff. Or we may use and disclose your PHI/ePHI to get your health plan to authorize services or referrals. We may also use and disclose your PHI/ePHI as necessary for medical reviews, legal services and audits, including fraud and abuse detection and compliance programs and business planning and management. We may also share your PHI/ePHI with our "business associates," such as our billing service, that perform administrative services for us. We have a written contract with each of these business associates that contains terms requiring them and their subcontractors to protect the confidentiality and security of your PHI/ePHI. We may also share your PHI/ePHI with other health care providers, health care clearinghouses or health plans that have a relationship with you, when they request this information to help them with their quality assessment and improvement activities, their patient-safety activities, their population-based efforts to improve health or reduce health care costs, their protocol development, case management or care-coordination activities, their review of competence, qualifications and performance of health care professionals, their training programs, their accreditation, certification or licensing activities, or their health care fraud and abuse detection and compliance efforts.

- **Appointment Reminders:**

We may use and disclose your PHI/ePHI to contact and remind you about appointments. If you are not home, we may leave this information on your answering machine or in a message left with the person answering the phone.

- **Minors:**

We may disclose the PHI/ePHI of minor children to their parents or guardians unless such disclosure is otherwise prohibited by law.

- **Sign In Sheet:**

We may use and disclose your PHI/ePHI by having you sign in when you arrive at our office. We may also call out your name when we are ready to see you.

- **Notification and Communication With Family:**

We may disclose your PHI/ePHI to notify or assist in notifying a family member, your personal representative or another person responsible for your care about your location, your general condition or, unless you had instructed us otherwise, in the event of your death. In the event of a disaster, we may disclose PHI/ePHI to a relief organization so that they may coordinate these notification efforts. Unless you object, we may also disclose your PHI/ePHI to someone who is involved with your care or helps pay for your care. If you are able and available to agree or object, we will give you the opportunity to object prior to making these disclosures, although we may disclose your PHI/ePHI in a disaster even over your objection if we believe it

is necessary to respond to the emergency circumstances. If you are unable or unavailable to agree or object, our health professionals will use their best judgment in communication with your family and others.

- **Marketing:**

Provided we do not receive any payment for making these communications, we may contact you to give you information about products or services related to your treatment, case management or care coordination, or to direct or recommend other treatments, therapies, health care providers or settings of care that may be of interest to you. We may similarly describe products or services provided by this practice and tell you which health plans this practice participates in. We may also encourage you to maintain a healthy lifestyle and get recommended tests, participate in a disease management program, provide you with small gifts, tell you about government sponsored health programs or encourage you to purchase a product or service when we see you, for which we may be paid. Finally, we may receive compensation which covers our cost of reminding you to take and refill your medication, or otherwise communicate about a drug or biologic that is currently prescribed for you. We will not otherwise use or disclose your PHI/ePHI for marketing purposes or accept any payment for other marketing communications without your prior written authorization. The authorization will disclose whether we receive any compensation for any marketing activity you authorize, and we will stop any future marketing activity to the extent you revoke that authorization.

- **Sale of PHI/ePHI:**

We will not sell your PHI/ePHI without your prior written authorization. The authorization will disclose that we will receive compensation for your PHI/ePHI if you authorize us to sell it, and we will stop any future sales of your information to the extent that you revoke that authorization.

- **Required by Law:**

As required by law, we will use and disclose your PHI/ePHI, but we will limit our use or disclosure to the relevant requirements of the law. When the law requires us to report abuse, neglect or domestic violence, or respond to judicial or administrative proceedings, or to law enforcement officials, we will further comply with the requirement set forth below concerning those activities.

- **Public Health:**

We may, and are sometimes required by law, to disclose your PHI/ePHI to public health authorities for purposes related to: preventing or controlling disease, injury or disability; reporting child, elder or dependent adult abuse or neglect; reporting domestic violence; reporting to the Food and Drug Administration problems with products and reactions to medications; and reporting disease or infection exposure. When we report suspected elder or dependent adult abuse or domestic violence, we will inform you or your personal representative promptly unless in our best professional judgment, we believe the notification would place you at risk of serious harm or would require informing a personal representative we believe is responsible for the abuse or harm.

- **Health Oversight Activities:**

We may, and are sometimes required by law, to disclose your PHI/ePHI to health oversight agencies during the course of audits, investigations, inspections, licensure and other proceedings, subject to the limitations imposed by law.

- **Judicial and Administrative Proceedings:**

We may, and are sometimes required by law, to disclose your PHI/ePHI in the course of any administrative or judicial proceeding to the extent expressly authorized by a court or administrative order. We may also disclose information about you in response to a subpoena, discovery request or other lawful process if reasonable efforts have been made to notify you of the request and you have not objected, or if your objections have been resolved by a court or administrative order.

- **Law Enforcement:**

We may, and are sometimes required by law, to disclose your PHI/ePHI to a law enforcement official for purposes such as identifying or locating a suspect, fugitive, material witness or missing person, complying with a court order, warrant, grand jury subpoena and other law enforcement purposes.

- **Coroners:** We may, and are often required by law, to disclose your PHI/ePHI to coroners in connection with their investigations of deaths.

- **Organ or Tissue Donation:**

We may disclose your PHI/ePHI to organizations involved in procuring, banking or transplanting organs and tissues.

- **Public Safety:**

We may, and are sometimes required by law, to disclose your PHI/ePHI to appropriate persons in order to prevent or lessen a serious and imminent threat to the health or safety of a particular person or the general public.

- **Specialized Government Functions:**

We may disclose your PHI/ePHI for military or national security purposes or to correctional institution or law enforcement officers that have you in their lawful custody.

- **Workers' Compensation:**

We may disclose your PHI/ePHI as necessary to comply with workers' compensation laws. For example, to the extent your care is covered by workers' compensation, we will make periodic reports to your employer about your condition. We are also required by law to report cases of occupational injury or occupational illness to the employer or workers' compensation insurer.

- **Change of Ownership:**

In the event that this medical practice is sold or merged with another organization, your PHI/ePHI will become the property of the new owner, although you will maintain the right to request that copies of your PHI/ePHI be transferred to another physician or medical group.

- **Breach Notification:**

In the case of a breach of unsecured PHI/ePHI, we will notify you as required by law. If you have provided us with a current e-mail address, we may use e-mail to communicate information related to the breach. In some circumstances our business associate may provide the notification. We may also provide notification by other methods as appropriate.

- **Research:**

We may disclose your PHI/ePHI to researchers conducting research with respect to which your written authorization is not required as approved by an Institutional Review Board or privacy board, in compliance with governing law.

B. When This Medical Practice May Not Use or Disclose Your Health Information

Except as described in this Notice of Privacy Practices, this medical practice will, consistent with its legal obligations, not use or disclose your PHI/ePHI which identifies you without your written authorization. If you do authorize this medical practice to use or disclose your PHI/ePHI for another purpose, you may revoke your authorization in writing at any time.

C. Your Health Information Rights

- **Right to Request Special Privacy Protections:**

You have the right to request restrictions on certain uses and disclosures of your PHI/ePHI by a written request specifying what information you want to limit, and what limitations on our use or disclosure of that information you wish to have imposed. If you tell us not to disclose information to your commercial health plan concerning health care items or services for which you paid for in full out-of-pocket, we will abide by your request, unless we must disclose the information for treatment or legal reasons. We reserve the right to accept or reject any other request, and will notify you of our decision.

- **Right to Request Confidential Communications:**

You have the right to request that you're PHI/ePHI in a specific way or at a specific location. For example, you may ask that we send information to a particular e-mail account or to your work address. We will comply with all reasonable requests submitted in writing which specify how or where you wish to receive these communications.

- **Right to Inspect and Copy:**

You have the right to inspect and copy your PHI/ePHI, with limited exceptions. To access your medical information, you must submit a written request detailing what information you want access to, whether you want to inspect it or get a copy of it, and if you want a copy, your preferred form and format. We will provide copies in your requested form and format if it is readily producible, or we will provide you with an alternative format you find acceptable, or if we can't agree and we maintain the record in an electronic format, your choice of a readable electronic or hardcopy format. We will also send a copy to any other person you designate in writing. We will charge a reasonable fee which covers our costs for labor, supplies, postage, and if requested and agreed to in advance the cost of preparing an explanation or summary. We may deny your request under limited circumstances. If we deny your request to access your child's records or the records of an incapacitated adult you are representing because we believe allowing access would be reasonably likely to cause substantial harm to the patient, you will have a right to appeal our decision. If we deny your request to access your psychotherapy notes, you will have the right to have them transferred to another mental health professional.

- **Right to Amend or Supplement:**

You have a right to request that we amend your PHI/ePHI that you believe is incorrect or incomplete. You must make a request to amend in writing, and include the reasons you believe the information is inaccurate or incomplete. We are not required to change your PHI/ePHI, and will provide you with information about this medical practice's denial and how you can disagree with the denial. We may deny your request if we do not have the information, if we did not create the information

(unless the person or entity that created the information is no longer available to make the amendment), if you are not permitted to inspect or copy the information at issue, or if the information is accurate and complete as is. If we deny your request, you may submit a written statement of your disagreement with that decision, and we may, in turn, prepare a written rebuttal. All information related to any request to amend will be maintained and disclosed in conjunction with any subsequent disclosure of the disputed information.

- **Right to an Accounting of Disclosures:**

You have a right to receive an accounting of disclosures of your PHI/ePHI made by this medical practice, except that this medical practice does not have to account for the disclosures provided to you or pursuant to your written authorization, or as described in paragraphs 1 (treatment), 2 (payment), 3 (health care operations), 7 (notification and communication with family) and 18 (specialized government functions) of Section A of this Notice of Privacy Practices or disclosures for purposes of research or public health which exclude direct patient identifiers, or which are incident to a use or disclosure otherwise permitted or authorized by law, or the disclosures to a health oversight agency or law enforcement official to the extent this medical practice has received notice from that agency or official that providing this accounting would be reasonably likely to impede their activities.

- **Right to a Paper or Electronic Copy of this Notice:**

You have a right to notice of our legal duties and privacy practices with respect to your PHI/ePHI, including a right to a paper copy of this Notice of Privacy Practices, even if you have previously requested its receipt by e-mail. If you would like to have a more detailed explanation of these rights or if you would like to exercise one or more of these rights, contact our Privacy Officer listed at the top of this Notice of Privacy Practices.

D. Changes to this Notice of Privacy Practices

We reserve the right to amend this Notice of Privacy Practices at any time in the future. Until such amendment is made, we are required by law to comply with the terms of this Notice currently in effect. After an amendment is made, the revised Notice of Privacy Practices will apply to all protected PHI/ePHI that we maintain, regardless of when it was created or received. We will keep a copy of the current notice posted in our reception area, and a copy will be available at each appointment. We will also post the current notice on our website at www.medicalcenterent.com.

E. Complaints:

Complaints about this Notice of Privacy Practices or how this medical practice handles your PHI/ePHI should be directed to our Privacy Department listed at the top of this Notice of Privacy Practices. If you are not satisfied with the manner in which this office handles a complaint, you may submit a formal complaint to:

5425 Polk MC 174-7
P.O. BOX 16017 Houston, TX 77222-6017
(713) 767-2382

The complaint form may be found at

www.hhs.gov/ocr/privacy/hipaa/complaints/hipcomplaint.pdf.

You will not be penalized in any way for filing a complaint.