

## **Privacy Notice to Patients**

PLEASE REVIEW THIS NOTICE CAREFULLY. IT DESCRIBES HOW YOUR MEDICAL INFORMATION MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THAT INFORMATION.

### **POLICY STATEMENT**

Optimum Function is committed to maintaining the privacy of your protected health information (PHI), which includes information about your medical condition and the care and treatment you receive from Optimum Function and other health care providers. This Notice details how your PHI may be used and disclosed to third parties for purposes of your care, payment for your care, health care operations of Optimum Function, and for other purposes permitted or required by law. This Notice also details your rights regarding your PHI.

### **USES OR DISCLOSURE OF PHI**

Optimum Function may use and/or disclose your PHI for purposes related to your care, payment for your care, and health care operations of Optimum Function. The following are examples of the types of uses and/or disclosures of your PHI that may occur. These examples are not meant to include all possible types of use and/or disclosure.

- Care - In order to provide care to you, Optimum Function will provide your PHI to those health care professionals, whether on Optimum Function's staff or not, directly involved in your care so that they may understand your medical condition and needs and provide advice or treatment (e.g. your physician). For example, your physician may need to know how your condition is responding to the treatment provided at Optimum Function.
- Payment - In order to get paid for some or all of the health care provided by Optimum Function, Optimum Function may provide your PHI, directly or through a billing service, to appropriate third party payers, pursuant to their billing and payment requirements. For example, Optimum Function may need to provide your health insurance information to provide your health insurance information to the health care services that you received from Optimum Function so that Optimum Function can be properly reimbursed.

- Health Care Operations - In order for Optimum Function to operate in accordance with applicable law and insurance requirements and in order for Optimum Function to provide quality and efficient care, it may be necessary for Optimum Function to compile, use and/or disclose your PHI. For example, Optimum Function may use your PHI in order to evaluate the performance of Optimum Function's personnel in providing care to you.

### **AUTHORIZATION NOT REQUIRED**

Optimum Function may use and/or disclose your PHI, without a written Authorization from you, in the following instances;

1. De-identified Information - Your PHI is altered so that it does not identify you and, even without your name, cannot be used to identify you,
2. Business Associate to a business associate, which is someone who Optimum Function contracts with to provide a service necessary for your treatment, payment for your treatment and health care operations (e.g., billing service or transcription service). Optimum Function will obtain satisfactory written assurance, in accordance with applicable law, that the business associate will appropriately safeguard your PHI.
3. Personal Representative - To a person who, under applicable law, has the authority to represent you in making decisions related to your health care.
4. Public Health Activities - Such activities include, for example, information collected by a public health authority, as authorized by law, to prevent or control disease, injury or disability. This includes reports of child abuse or neglect
5. Federal Drug Administration - If required by the Food and Drug Administration to report adverse events, product defects or problems or biological product deviations, or to track products, or to enable product recalls, repairs or replacements, or to conduct post marketing surveillance.
6. Abuse, Neglect or Domestic Violence - To a government authority if Optimum Function is required by law to make such disclosure. If Optimum Function is authorized by law to make such a disclosure, it will do so if it believes that the disclosure is necessary to prevent serious harm or if Optimum Function believes that you have been the victim of abuse, neglect or domestic violence. Any such disclosure will be made in accordance with the requirements of law, which may also involve notice to you of the disclosure.
7. Health Oversight Activities - Such activities, which must be required by law, involve government agencies involved in oversight activities that relate to the health care system, government benefit programs, government regulatory programs and civil rights law. Those activities include, for example, criminal investigations, audits, disciplinary actions, or general oversight activities relating to the community's health care system.
8. Judicial and Administrative Proceeding - For example, Optimum Function may be required to disclose your PHI in response to a court order or a lawfully issued subpoena.
9. Law Enforcement Purposes - In certain instances, your PHI may have to be disclosed to a law enforcement official for law enforcement purposes. Law enforcement purposes include: (1) complying with a legal process (i.e., subpoena) or as required by law; (2) Information for Identification and location purposes (e.g., suspect or missing person); (3) information regarding a person who is or is suspected to be a crime victim; (4) in situations where the death of an individual may have resulted from criminal conduct; (5) In the event of a crime occurring on the premises of the Optimum Function and (6) a medical emergency (not on Optimum Function's premises) has occurred, and it appears that a crime has occurred.
10. Coroner or Medical Examiner- Optimum Function may disclose your PHI to a coroner or medical examiner for the purpose of identifying you or determining your cause of death, or to a funeral director as permitted by law and as necessary to carry out its duties.
11. Organ, Eye or Tissue Donation - if you are an organ donor, Optimum Function may disclose your PHI to the entity to whom you have agreed to donate your organs.
12. Research - If Optimum Function is involved in research activities, your PHI may be used, but such use is subject to numerous governmental requirements intended to protect the privacy of your PHI such as approval of the research by an Institutional review board and the requirement that protocols must be followed.
13. Avert a Threat to Health or Safety - Optimum Function may disclose your PHI if it believes that such disclosure is necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the public and the disclosure is to an individual who is reasonably able to prevent or lessen the threat.

14. Specialized Government Functions - When the appropriate conditions apply, Optimum Function may use PMI of individuals who are Armed Forces personnel: (1) for activities deemed necessary by appropriate military command authorities; (2) for the purpose of a determination by the Department of veteran Affairs of eligibility for benefits; or (3) to a foreign military authority if you are a member of that foreign military service. Optimum Function may also Disclose your PHI to authorized federal officials for conducting national security and intelligence activities including the provision of protective services to the President or others legally authorized.
15. Inmates - Optimum Function may disclose your PHI to a correctional institution or a law enforcement official If you are an inmate of that correctional facility and your PHI is necessary to provide care and treatment to you or is necessary for the health and safety of other Individuals or inmates.
16. Workers' Compensation - If you are involved in a Workers' Compensation claim, Optimum Function may be required to disclose your PHI to an individual or entity that is part of the Workers' Compensation system.
17. Disaster Relief Efforts - Optimum Function may use or disclose your PHI to a public or private entity authorized to assist in disaster relief efforts.
18. Required by Law - If otherwise required by law, out such use or disclosure will be made in compliance with the law and limited to the requirements of the law.

#### **AUTHORIZATION**

Uses and/or disclosures, other than these described above, will be made only with your written Authorization, which you may revoke at any time.

#### **APPOINTMENT REMINDER**

Optimum Function may, from time to time, contact you to provide appointment reminders, the reminder may be in the form of a letter or postcard. Optimum Function will try to minimize the amount of information contained in the reminder. Optimum Function may also contact you by phone and, if you are not available, Optimum Function will leave a message for you.

#### **TREATMENT ALTERNATIVES/BENEFITS**

Optimum Function may, from time to time, contact you about treatment alternatives, or other health benefits or services that may be of interest to you.

#### **YOUR RIGHTS**

You have the right to:

- Revoke any Authorization, in writing, at any time. To request a revocation, you must submit a written request to Optimum Function's Privacy Officer.
- Request restrictions on certain use and/or disclosure of your PHI as provided by law. However, Optimum Function is not obligated to agree to any requested restrictions. To request restrictions, you must submit a written request to Optimum Function's Privacy Officer. In your written request, you must inform Optimum Function of what information you want to limit, whether you want to limit Optimum Function's use or disclosure, or both, and to whom you want the limits to apply. If Optimum Function agrees to your request, Optimum Function will comply with your request unless the information is needed in order to provide you with emergency treatment.
- Receive confidential communications of PHI by alternative means or at alternative locations. You must make your request in writing to Optimum Function's Privacy Officer. Optimum Function will accommodate all reasonable requests.
- Inspect and copy your PHI as required by law. To inspect and copy your PHI, you must submit a written request to Optimum Function's Privacy Officer (Dr. Tim Irving DC, BS, LMT). In certain situations that are defined by law, Optimum Function may deny your request, but you will have the right to have the denial reviewed. Optimum Function can charge you a fee for the cost of copying, mailing or other supplies associated with your request.
- Amend your PHI as provided by law. To request an amendment, you must submit a written request to Optimum Function's Privacy Officer. You must provide a reason that supports your request Optimum Function may deny your request if it is not in writing, if you do not provide a reason and support of your request if me Information to be amended was not created by Optimum Function (unless the individual or entity that created the information is no longer available), if the information is not part of your PHI maintained by Optimum Function , if the information is not part of the information you would be permitted to Inspect and copy, and/or If the information is accurate and complete. If you disagree with Optimum Function's denial, you have the right to submit a written statement of disagreement.

- Receive an accounting of disclosures of your PHI as provided by law. To request an accounting, you must submit a written request to Optimum Function's Privacy Officer. The request must state a time period which may not be longer than six years and may not include the dates before April 4, 2003. The request should indicate in what form you want the list (such as a paper or electronic copy). The first list you request within a 12 month period will be free, but Optimum Function may charge you for the cost of providing additional lists in that same 12 month period. Optimum Function will notify you of the costs involved and you can decide to withdraw or modify your request before any costs are incurred.
- Receive a paper copy of this Privacy Notice from Optimum Function upon request to Optimum Function's Privacy Officer.
- Complain to Optimum Function, or to the Secretary of Health and Human Services, Office of Civil Rights, Hubert H. Humphrey Building, 200 Independence Avenue, S. W., Room 509F HHH Building, Washington, DC. 20201 Or you may contact a regional office of the Office of CM Rights, which can be found at [www.hhs.gov/oo/regmail.html](http://www.hhs.gov/oo/regmail.html). To file a complaint with Optimum Function, you must contact Optimum Function's Privacy Officer (Dr. Tim Irving DC, BS, LMT), All complaints must be in writing.
- To obtain more information on, or have your questions about your rights answered; you may contact Optimum Function's Privacy Officer.

#### **PRACTICE'S REQUIREMENTS**

Optimum Function:

- Is required by law to maintain the privacy of your PHI and to provide you with this Privacy Notice of Optimum Function's legal duties and privacy practices with respect to your PHI.
- Is required to abide by the terms of this Privacy Notice.
- Reserves the right to change the terms of this Privacy Notice and to make the new Privacy Notice provisions effective for your entire PHI that it maintains.
- Will not retaliate against you for making a complaint.
- Must make a good faith effort to obtain from you an acknowledgement of receipt of this Notice.
- Will post this Privacy Notice on Optimum Function's web site, if Optimum Function maintains a web site.
- Will provide this Privacy Notice to you by e-mail If you so request. However, you also have the right to obtain a paper copy of this Privacy Notice.