



NOTICE OF PRIVACY PRACTICES

THIS NOTICE DESCRIBES HOW HEALTH INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GAIN ACCESS TO THIS INFORMATION.

PLEASE REVIEW THIS NOTICE CAREFULLY.
THE PRIVACY OF YOUR HEALTH INFORMATION IS IMPORTANT TO US.

OUR LEGAL DUTY

We are required by law to maintain the privacy of protected health information, to provide individuals with notice of our legal duties and privacy practices with respect to protected health information and to notify affected individuals following a breach of unsecured protected health information. We must follow the privacy practices that are described in this Notice while it is in effect. This Notice takes effect **03/10/17** and will remain in effect until we replace it.

We reserve the right to change our privacy practices and the terms of this Notice at any time, provided such changes are permitted by applicable law and to make new Notice provisions effective for all protected health information that we maintain. When we make a significant change in our privacy practices, we will change this Notice and post the new Notice clearly and prominently at our practice location, and we will provide copies of the new Notice upon request.

You may request a copy of our Notice at any time. For more information about our privacy practices, or for additional copies of this Notice, please contact us using the information listed at the end of this Notice.

HOW WE MAY USE AND DISCLOSE HEALTH INFORMATION ABOUT YOU

Treatment: We may use and disclose your PHI to personnel in our office, as well as to physicians and other healthcare professionals within or outside our office, who are involved in your medical care and need the information to provide you with medical care and related services. For example, we may use or disclose your PHI in consultations and/or discussions regarding your medical care and related services with healthcare providers who we refer to and receive referrals from. We require authorization to disclose your PHI to healthcare providers not currently involved in your care.

Payment: We may use and disclose your PHI to obtain payment for services we provide to you. Payment activities include billing, collections, claims management and determinations of eligibility and coverage to obtain payment from you, an insurance company or another third party. For example, we may give your health insurance provider information about you so that they will pay for your treatment.

Healthcare Operations: We may use and disclose your PHI in connection with our healthcare operations. Healthcare operations include quality assessment and improvement activities, reviewing the competence or qualifications of healthcare professionals, evaluating practitioner and provider performance, conducting training programs, accreditation, certification, licensing, and credentialing activities. For example, we may disclose PHI to medical students who are performing work with our office or call your name in the reception area.

Appointment Reminders and Other Contacts: We may disclose PHI in the course of leaving phone messages and in providing you with appointment reminders via phone or text messages, e-mails, postcards or letters. We also may use and disclose PHI to tell you about treatment alternatives or health-related benefits and services that may be of interest to you.

Business Associates: We may disclose PHI to our business associates, such as billing services or healthcare professionals providing services as independent contractors, for the purpose of performing specified functions on our behalf and/or providing us with services. PHI will only be used or disclosed if the information is necessary for such functions or services. All of our business associates are obligated to protect the privacy of PHI and are not allowed to use or disclose any PHI other than as specified in our contract with them.

Individuals Involved in Your Care or Payment for Your Care: We may disclose your PHI to your family or friends or any other individual identified by you when they are involved in your care or in the payment for your care. If a person has the authority by law to make health care decisions for you, we will treat that patient representative the same way we would treat you with respect to your PHI.

Disaster Relief: We may use or disclose your PHI to assist in disaster relief efforts.

Required by Law: We may use or disclose your PHI when we are required to do so by law.

Public Health Activities: We may disclose your PHI for public health activities, including disclosures to: prevent or control disease, injury or disability, report child abuse or neglect, report reactions to medications or problems with products or devices, notify a person of a recall, repair or replacement of products or devices, notify a person who may have been exposed to a disease or condition or notify the appropriate government authority if we believe a patient has been the victim of abuse, neglect or domestic violence.

National Security: Under certain circumstances, we may disclose PHI of Armed Forces personnel to military authorities and as required for lawful intelligence, counterintelligence, and other national security activities. We may also disclose PHI to a correctional institution or law enforcement official with whom you are in lawful custody.

Secretary of HHS: We will disclose your PHI to the Secretary of the U.S. Department of Health and Human Services when required to investigate or determine compliance with HIPAA.

Worker's Compensation: We may disclose your PHI to the extent authorized by and to the extent necessary to comply with laws relating to worker's compensation or other similar programs established by law.

Law Enforcement: We may disclose your PHI for law enforcement purposes as permitted by HIPAA, as required by law, or in response to a subpoena or court order.

Judicial and Administrative Proceedings: If you are involved in a lawsuit or dispute, we may disclose your PHI in response to a court or administrative order. We may also disclose PHI about you in response to a subpoena, discovery request or other lawful process instituted by someone else involved in the dispute, but only if efforts have been made, either by the requesting party or us, to tell you about the request or to obtain an order protecting the information requested.

Coroners, Medical Examiners and Funeral Directors: We may release your PHI to coroners or medical examiners as necessary, for such purposes as identifying a deceased person or determining the cause of death. We also may release PHI to funeral directors as necessary for their duties.

Fundraising: We may contact you with information about our sponsored activities, including fundraising programs, however you have the right to opt out of receiving such communications.

Data Breach Notification Purposes: We may use or disclose your PHI to provide legally required notices of unauthorized access to or disclosure of your PHI.

OTHER USES OR DISCLOSURES OF PHI

Your authorization is required, with a few exceptions, for disclosure of psychotherapy notes, use or disclosure of PHI for marketing and for the sale of PHI. We will also obtain your written authorization before using or disclosing your PHI for purposes other than those provided for in this Notice (or as otherwise permitted or required by law). You may revoke an authorization in writing at any time. Upon receipt of a written revocation, we will stop using or disclosing your PHI, except to the extent that we have already taken action in reliance on the authorization.

YOUR HEALTH INFORMATION RIGHTS

Access: You have the right to inspect or receive copies of your PHI with limited exceptions. If we maintain your PHI in electronic format, you may request to view or receive access to your PHI in that format. You must make a request in writing and provide us a reasonable amount of time to respond, generally thirty (30) days. You may send a letter to or request a form from us using the contact information listed at the end of this Notice. We may charge you a reasonable cost-based fee for expenses such as copies, postage, scanning cost, electronic data compilation costs and/or staff time.

Disclosure Accounting: You have the right to receive a list of instances, if any, in which we or our business associates or their subcontractors disclosed your PHI for purposes other than treatment, payment, healthcare operations or other permitted uses as described in this Notice of Privacy Practices. If you request this accounting more than once in a 12-month period, we may charge you a reasonable, cost-based fee for responding to the additional requests.

Restrictions: You have the right to request that we place additional restrictions on our use or disclosure of your PHI by submitting a written request to the address below. Your written request must include (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. We are not required to agree to your request except in the case where the disclosure is to a health plan for purposes of carrying out payment or health care operations and the information pertains solely to a health care item or service for which you, or a person on your behalf (other than the health plan), has paid our practice in full.

Electronic, Alternative or Confidential Communication: You have the right to request, in writing, that we communicate with you about your PHI by alternative means, such as in electronic format, or to alternative locations. Your request must specify the alternative means or location and provide satisfactory explanation regarding how payments will be handled under the alternative means or location you request.

Right to Notification of a Breach: We will notify you in the event of a breach of your unsecured PHI as required by law.

Amendment: You have the right to request, in writing, that we amend your PHI. Your request must be in writing, and it must explain why the information should be amended. We may deny your request under certain circumstances. If we agree to your request, we will amend your record(s) and notify you of such. If we deny your request for an amendment, we will provide you with a written explanation of why we denied it and explain your rights.

Electronic Notice: If you receive this Notice of Privacy Practices on our website or by e-mail, you are entitled to receive a paper copy.

This Addendum amends this Notice to include mandatory information required by federal law regarding Substance Use Disorder (SUD) records and new notice requirements.

- 1. Protections for Substance Use Disorder Records.** If we receive or maintain your records from a federally assisted substance use disorder treatment program (a "Part 2 Program"), these records are subject to stricter federal confidentiality rules (42 CFR Part 2) than other health information. We will only use or disclose these records for treatment, payment, and healthcare operations if you have provided a single, general consent, or as otherwise permitted by federal law.
- 2. Prohibition on Use in Legal Proceedings.** Records protected by 42 CFR Part 2, or any testimony describing such records, shall not be used or disclosed in any civil, criminal, administrative, or legislative proceedings against you by any federal, state, or local authority without your specific written consent or a court order meeting federal requirements.
- 3. Fundraising Rights.** If your SUD records are used for fundraising purposes, you have a clear and conspicuous right to opt-out of receiving any such future communications.
- 4. Notice of Potential Redisclosure.** Any health information disclosed by this office pursuant to our Notice of Privacy Practices or this Addendum may be subject to redisclosure by the recipient and may no longer be protected by federal or state privacy laws.
- 5. Accounting of Disclosures.** You have the right to request an accounting of disclosures made by us of your SUD records through an electronic health record for the purposes of treatment, payment, and healthcare operations.

QUESTIONS AND COMPLAINTS

If you would like more information about our privacy practices or have questions or concerns, please contact us at the address below.

If you are concerned that we may have violated your privacy rights, or if you disagree with a decision we made about access to your PHI or in response to a request you made to amend or restrict the use or disclosure of your PHI or to have us communicate with you by alternative means or at alternative locations, you may contact us using the information listed below. You may also submit a written complaint to the U.S. Department of Health and Human Services. We will provide you with the contact information for filing a complaint upon request. We support your right to the privacy of your PHI. We will not retaliate in any way if you choose to file a complaint with us or with the U.S. Department of Health and Human Services.

Contact Officer: Dr. William R. Newell
Address: 1360 Caduceus Way, Building 900, Suite 105, Watkinsville, GA 30677
Telephone: 706-387-0122
Email: smile@newellorthodontics.com