

Family Foot Clinic, P.C.

Privacy Policy

Right to Notice

All patients of the Family Foot Clinic, PC have a right to receive a notice of the Family Foot Clinic, PC's privacy policies and procedures. The Family Foot Clinic, PC will prepare and post a notice of privacy practices. This notice will be provided to all patients on their first visit to the Family Foot Clinic, PC after April 14, 2003. The notice will be posted in the Practice's lobby or reception area in a location accessible to all patients.

1. Right to Request Restrictions

General Statement. Patients have a right to request that the Family Foot Clinic, PC restrict the uses or disclosures of patient health information to carry out treatment, payment or health care operations, and have a right to request that the Practice restrict disclosures made to family, relatives and close personal friends.

Written Request. Patients who request restrictions on the use or disclosure of their health information will be asked to fill out the Restriction Request Form.

Procedure. If the Family Foot Clinic, PC receives a written request to restrict the uses and disclosures of patient health information, the request will be referred to the privacy officer for handling. The privacy officer will notify the patient in writing within a reasonable time as to whether the Practice will agree to the restriction. If the privacy officer advises the patient that it will not agree to the restriction, no further action is necessary. If the Practice advises the patient that it will abide by the restriction, a notation will be made prominently in the patient's chart, and the Practice will abide by that restriction from that date forward.

Disclosures Required by Law. The Family Foot Clinic, PC will not agree to restrict disclosures of health information that are required by law.

Termination of Restrictions. If the Family Foot Clinic, PC has agreed to a restriction on uses or disclosures of health information, it may terminate that agreement by advising the patient in writing that the termination will only be effective with respect to health information created or received after written notification to the patient. As to health information created or received prior to that date, the restriction must be followed.

Documentation. All patient requests for restrictions, along with the Practice's response thereto, shall be kept for a minimum of six (6) years from the date of the document(s).

2. Right to Confidential Communications

General Statement. Patients have a right to request reasonable accommodations in receiving communications of their health information by alternative means or at alternative locations.

Written Request. Patients who request confidential communications will be asked to fill out the Request for Confidential Communications form.

Procedure. Upon receipt of a request for confidential communications, the privacy officer will evaluate the request. If the request is reasonable, the privacy officer will note the request prominently in the patient's chart and adhere to the request. For example, if the patient requests that all communications be sent to an address different than the patient's home address, the Practice will adhere to that request and note it in the patient's chart. If the request is not reasonable, the privacy officer will notify the patient that the request has been rejected.

Conditions to Providing Confidential Communications. As a condition to providing confidential communications at the patient's request, the Family Foot Clinic, PC may require that the patient provide assurances as to how payment for services will be provided.

No Demand for Explanations. The Family Foot Clinic, PC may not require an explanation from patients as to the reason for requesting confidential communications.

Documentation. All patient requests for confidential communications, along with the Family Foot Clinic, PC's response thereto, shall be kept for a minimum of six (6) years from the date of the document(s).

3. Right to Access

General Statement. Patients have a right to inspect and obtain a copy of their health information except as noted herein.

Procedure. The Family Foot Clinic, PC may require that the patient request in writing to have access to his/her health information. Upon receipt of such a request, the Practice will provide the patient with an opportunity to inspect his or her health information within the following time frames:

- For records that are maintained on site, the Family Foot Clinic, PC will provide access within 30 days from the receipt of the request from the patient;
- For records not maintained on site, the Family Foot Clinic, PC will provide access within 60 days of the date of receipt of the request from the patient.

The Family Foot Clinic, PC will provide the patient with the health information in readable hard copy form. The Practice may provide the patient with a summary of the health information in lieu of providing access to the records themselves if and only if the patient agrees to receiving a summary and the patient agrees in advance to paying the fees imposed, if any, for the Practice providing the summary.

The Family Foot Clinic, PC will provide a convenient time and place for the patient to inspect his/her health information or to obtain a copy of the information. This may include simply mailing a copy of the information to the patient if that is acceptable to the patient.

The Family Foot Clinic, PC may charge a reasonable, cost-based fee for providing the patient with access to his/her health information. That fee may include copying charges, including the

cost of supplies for and labor of copying. The Practice may also charge postage if the patient has requested that the information be mailed. If the patient has agreed to a summary, the Practice may charge the costs of preparing the summary.

All requests by patients for access to health information will be referred to the privacy officer. In those circumstances in which access to health information is denied, the privacy officer will determine if some part of the patient's record may be disclosed without objection. If so, that portion of the record may be disclosed. As to all other parts of the record for which access is denied, the privacy officer will provide a timely, written denial to the patient stating the basis for the denial and, if applicable, the patient's right to have the denial reviewed. The written notice must also explain to the patient that they may complain regarding the denial of access either to the Practice or to the Secretary of HHS. This notice will include the name, title and telephone number of the privacy officer.

All documentation regarding patient requests for access and any denials thereof, or any other documentation maintained under this subsection, must be retained by the Practice for a minimum of six (6) years from the date of the document(s).

Denial of Access.

Unreviewable grounds for denial. The Family Foot Clinic, PC may deny patients access to health information that is created, maintained or is otherwise subject to the Clinical Laboratory Improvements Amendments of 1988 (CLIA) to the extent that providing access would be prohibited by that law, or where such information is made exempt under the CLIA law. In addition, a patient who is part of a research program may have his/her right of access temporarily suspended for as long as the research is in progress, provided that the patient has agreed to the denial of access at the time that he/she consented to participate in the research.

Reviewable grounds for denial of access.

The Family Foot Clinic, PC may deny the patient access to his/her health information if the Practice reasonably believes that such access is likely to endanger the life or physical safety of the patient or another person, or that the information makes reference to another person and the Practice believes that allowing access may cause substantial harm to that person.

The Family Foot Clinic, PC may deny access to a guardian, conservator or parent where the practice believes that such person is likely to cause substantial harm to the patient or another person by having access to the patient's health information.

If access to the patient's health information is denied for the above reasons, the patient has a right to have the denial reviewed by a licensed health care professional designated by the Practice as a reviewing official. This health care professional must be someone who did not participate in the original decision to deny access. The Practice will abide by the decision of that reviewing health care professional, to either grant or deny access to the patient.

4. Right to Amend

General Statement. Patients have a right to request that the Family Foot Clinic, PC amend their health information.

Procedure. The Family Foot Clinic, PC will follow the following procedures when a request to amend is received from a patient.

Written request. Patients who request amendments or corrections to their health information will be asked to fill out the Request for Correction/Amendment of Health Information form. The requests will be referred to the privacy officer.

Response to the patient's request. After a reasonable investigation, the privacy officer will determine whether the practice will grant or deny the request to amend. The privacy officer will respond in writing to the patient's request within 60 days from the date of the request by either granting the amendment, or advising the patient of the denial of the request, as described below.

Acceptance of amendment. If the Family Foot Clinic, PC accepts the patient's request for amendment, it will amend the patient's record and provide an appropriate link or reference to the location of the amendment. The Practice will also make reasonable efforts to provide the amendment within a reasonable time to those persons identified by the patient as having received health information about the patient and who need the amendment, and those persons, including business associates, who the Practice knows may have relied upon the information that is subject to the amendment.

Denial of amendment. If the Family Foot Clinic, PC determines to deny an amendment, it must provide the patient with a timely, written denial stating the basis for the denial, the patient's right to submit a statement disagreeing with the denial and how the patient may file that statement. In addition, the Practice must inform the patient that he/she may request that the Practice provide a copy of the patient's request for amendment and the denial with any future disclosures of health information regarding the patient. The Practice must advise the patient that he/she is entitled to make a complaint and how such complaints may be submitted to the Practice or Secretary of HHS. This notice must include the name or title and telephone number of the Practice's privacy officer. If the patient, upon denial of the request to amend, submits a written statement disagreeing with the denial, the Practice must include such statement with the patient's records and include that statement with any subsequent disclosure of the patient's health information to which the disagreement relates.

The Family Foot Clinic, PC may deny a patient's request for amendment if the privacy officer determines that the health information subject to the request -

- was not created by the Family Foot Clinic, PC;
- is not part of the patient's chart;
- would not be available for inspection under the provisions of this Manual; or
- is accurate and complete.

Documentation. All patient requests to amend their health information, along with the Family Foot Clinic, PC's response thereto, shall be kept for a minimum of six (6) years from the date of the document(s).

5. Right to an Accounting

General Statement. Patients have a right to receive an accounting of disclosures of their health information made by the Practice and its business associates in the six (6) years prior to the date the accounting is requested.

Procedure. Patients requesting an accounting will be asked to make the request in writing. All requests for an accounting will be referred to the privacy officer. In responding to such requests, the privacy officer will follow the following procedures:

The privacy officer will respond to the patient's request no later than 60 days from the receipt of the request by providing the patient with a written accounting.

The Family Foot Clinic, PC will retain a copy of all requests for accountings from patients as well as the accounting provided by the Practice to the patient for a minimum of six (6) years from the date of the document(s).

Suspension of the Right to an Accounting. The Family Foot Clinic, PC may temporarily suspend the patient's right to receive an accounting of disclosures made to a health oversight agency or a law enforcement official for the time specified by that agency or official if giving the accounting would impede the agency's activities.

Exceptions. Patients shall have no right to an accounting as to disclosures -

- To carry out treatment, payment or health care operations;
- To the patient;
- Incident to a use or disclosure otherwise permitted;
- Pursuant to an authorization signed by the patient;
- To correctional institutions or law enforcement officials; or
- That occurred prior to April 14, 2003.

6. Waivers of Patient Rights and Non-Retaliation

No Waivers of Privacy Rights. No patient or prospective patient will be asked to waive their rights under the HIPAA Privacy Rules as a condition to receiving health care services from the Practice.

Non-Retaliation Policy. Family Foot Clinic, PC personnel will not intimidate or retaliate against patients who seek to inquire about, enforce or complain regarding their rights under the HIPAA Privacy Rules.