



## NOTICE OF PRIVACY PRACTICES

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

**Effective Date of Notice:** September 30, 2008

The Foot & Ankle Centers of Northeast Georgia is required by law to take reasonable steps to ensure the privacy of your personally identifiable health information and to inform you about:

- Foot & Ankle Centers of Northeast Georgia's uses and disclosures of Protected Health Information (PHI);
- Your privacy rights with respect to your PHI under law, including the Health Insurance Portability and Accountability Act (HIPAA) and privacy regulations issued under HIPAA;
- Foot & Ankle Centers of Northeast Georgia's duties with respect to your PHI;
- Your right to file a complaint with Foot & Ankle Centers of Northeast Georgia and to the Secretary of the U.S. Department of Health and Human Services; and
- The person or office to contact for further information about Foot & Ankle Centers of Northeast Georgia's privacy practices. The term "Protected Health Information" (PHI) includes all individually identifiable health information transmitted or maintained by Foot & Ankle Centers of Northeast Georgia, regardless of form (oral, written, electronic.) PHI includes information about your past, present, or future health, the provision of health care, and the past, present or future payment for health care.

### **Section 1. Notice of PHI Uses and Disclosures**

#### ***Required PHI Uses and Disclosures***

Upon your request, Foot & Ankle Centers of Northeast Georgia is required to give you access to certain PHI in order to inspect and copy it.

Use and disclosure of your PHI may be required by the Secretary of the Department of Health and Human Services to investigate or determine Foot & Ankle Centers of Northeast Georgia's compliance with the privacy regulations.

#### **Uses and disclosures to carry out treatment, payment and health care operations.**

Foot & Ankle Centers of Northeast Georgia and its business associates will use PHI without your consent, authorization or opportunity to agree or object to carry out

treatment, payment and health care operations. Foot & Ankle Centers of Northeast Georgia also will disclose PHI to your insurance carrier for purposes related to treatment, payment and health care operations; in connection with Plan administration functions that Foot & Ankle Centers of Northeast Georgia Sponsor performs. Foot & Ankle Centers of Northeast Georgia Sponsor has amended its plan documents to protect your PHI as required by federal law.

*Treatment* is the provision, coordination or management of health care and related services. It also includes but is not limited to consultations and referrals between one or more of your providers. Foot & Ankle Centers of Northeast Georgia is not a health care provider and does not render health care; however Foot & Ankle Centers of Northeast Georgia may disclose PHI to a health care provider.

*Payment* includes but is not limited to actions to make coverage determinations and payment (including billing, claims management, subrogation, plan reimbursement, reviews for medical necessity and appropriateness of care and utilization review and preauthorizations.)

*Health care operations include* but are not limited to quality assessment and improvement, reviewing competence or qualifications of health care professionals, underwriting, premium rating and other insurance activities relating to creating or renewing insurance contracts. It also includes disease management, case management, conducting or arranging for medical review, legal services and auditing functions including fraud and abuse compliance programs, business planning and development, business management and general administrative activities.

*For example, Foot & Ankle Centers of Northeast Georgia may use information about your claims to refer you to a disease management program, or audit the accuracy of its claims processing functions. Foot & Ankle Centers of Northeast Georgia may also use PHI to inform you about health-related benefits and services that may be of interest to you.*

### **Uses and disclosures that require that you be given an opportunity to agree or disagree prior to the use or release**

Disclosure of your PHI to family members, other relatives and your close personal friends is allowed if:

- the information is directly relevant to the family or friend's involvement with your care or payment for that care
- you have either agreed to the disclosure or have been given an opportunity to object and have not objected; and
- in an emergency, or if you are not available or able to agree or object, Foot & Ankle Centers of Northeast Georgia will use its best judgment to determine if a disclosure to such a person is in your best interest.

### **Uses and disclosures for which consent, authorization or opportunity to object is not required**

Use and disclosure of your PHI is allowed under the following circumstances:

1. When required by law.
2. When permitted for purposes of public health activities, including when necessary to report product defects, to permit product recalls and to conduct post-marketing surveillance. PHI may also be used or disclosed if you have been exposed to a communicable disease or are at risk of spreading a disease or condition, if authorized by law.
3. When authorized by law to report information about abuse, neglect or domestic violence to public authorities if there exists a reasonable belief that you may be a victim of abuse, neglect or domestic violence. In such case, Foot & Ankle Centers of Northeast Georgia will promptly inform you that such a disclosure has been or will be made unless that notice would cause a risk of serious harm. For the purpose of reporting child abuse or neglect, it is not necessary to inform the minor that such a disclosure has been or will be made. Disclosure may generally be made to the minor's parents or other representatives although there may be circumstances under federal or state law when the parents or other representatives may not be given access to the minor's PHI.
4. Foot & Ankle Centers of Northeast Georgia may disclose your PHI to a public health oversight agency for oversight activities authorized by law. This includes uses or disclosures in civil, administrative or criminal investigations; inspections; licensure or disciplinary actions (for example, to investigate complaints against providers); and other activities necessary for appropriate oversight of government benefit programs (for example, to investigate Medicare or Medicaid fraud.)
5. Foot & Ankle Centers of Northeast Georgia may disclose your PHI when required for judicial or administrative proceedings. For example, your PHI may be disclosed in response to a subpoena or discovery request provided certain conditions are met. One of those conditions is that satisfactory assurances must be given to Foot & Ankle Centers of Northeast Georgia that the requesting party has made a good faith attempt to provide written notice to you, and the notice provided sufficient information about the proceeding to permit you to raise an objection and no objections were raised or were resolved in favor of disclosure by the court or tribunal.
6. When required for law enforcement purposes (for example, to report certain types of wounds.)
7. For law enforcement purposes, including for the purpose of identifying or locating a suspect, fugitive, material witness or missing person. Also, when disclosing information about an individual who is or is suspected to be a victim of a crime but only if the individual agrees to the disclosure or the covered entity is unable to obtain the individual's agreement because of emergency circumstances. Furthermore, the law enforcement official must represent that the information is not

intended to be used against the individual, the immediate law enforcement activity would be materially and adversely affected by waiting to obtain the individual's agreement and disclosure is in the best interest of the individual as determined by the exercise of Foot & Ankle Centers of Northeast Georgia's best judgment.

8. When required to be given to a coroner or medical examiner for the purpose of identifying a deceased person, determining a cause of death or other duties as authorized by law. Also, disclosure is permitted to funeral directors, consistent with applicable law, as necessary to carry out their duties with respect to the decedent.
9. When consistent with applicable law and standards of ethical conduct if Foot & Ankle Centers of Northeast Georgia, in good faith, believes the use or 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 a person reasonably able to prevent or lessen the threat, including the target of the threat.
10. When authorized by and to the extent necessary to comply with workers' compensation or other similar programs established by law.
11. For specialized government functions which include disclosures for national security purposes, intelligence, and protective services for heads of state. Disclosure of PHI may also be made to military command authorities for proper execution of a military mission if you are a member of the Armed Forces.

Except as otherwise indicated in this notice, uses and disclosures will be made only with your written authorization subject to your right to revoke such authorization.

## **Section 2. Rights of Individuals**

### ***Right to Request Restrictions on PHI Uses and Disclosures***

You may request Foot & Ankle Centers of Northeast Georgia to restrict uses and disclosures of your PHI to carry out treatment, payment or health care operations; however, Foot & Ankle Centers of Northeast Georgia is not required to agree to your request. You may also request Foot & Ankle Centers of Northeast Georgia to restrict uses and disclosures to family members, relatives, friends or other persons identified by you who are involved in your care or payment for your care.

Foot & Ankle Centers of Northeast Georgia will accommodate reasonable requests to receive communications of PHI by alternative means or at alternative locations.

You or your personal representative will be required to complete a form to request restrictions on uses and disclosures of your PHI.

Such requests should be made to the following: Estar Acosta, Administrator, Foot & Ankle Centers of Northeast Georgia, 575 Professional Drive, Suite 300, Lawrenceville, GA 30045

### ***Right to Inspect and Copy PHI***

You have a right to inspect and obtain a copy of your PHI contained in a "designated record set," for as long as Foot & Ankle Centers of Northeast Georgia maintains the PHI.

“Protected Health Information” (PHI) includes all individually identifiable health information transmitted or maintained by Foot & Ankle Centers of Northeast Georgia, regardless of form.

“Designated Record Set” includes the medical records and billing records about individuals maintained by or for a covered health care provider; enrollment, payment, billing, claims adjudication and case or medical management record systems maintained by or for a covered health care plan; or other information used in whole or in part by or for the covered entity to make decisions about individuals. Information used for quality control or peer review analyses and not used to make decisions about individuals is not in the designated record set.

The requested information will be provided within 30 days if the information is maintained on site or within 60 days if the information is maintained offsite. A single 30-day extension is allowed if Foot & Ankle Centers of Northeast Georgia is unable to comply with the deadline.

You or your personal representative will be required to complete a form to request access to the PHI in your designated record set. Requests for access to PHI should be made to the following: Estar Acosta, Administrator, Foot & Ankle Centers of Northeast Georgia, 575 Professional Drive, Suite 300, Lawrenceville, GA 30045.

If access is denied, you or your personal representative will be provided with a written denial setting forth the basis for the denial, any review rights you may have, a description of how you may exercise those review rights and a description of how you may complain to the Secretary of the U.S. Department of Health and Human Services.

### ***Right to Amend PHI***

You have the right to request Foot & Ankle Centers of Northeast Georgia to amend your PHI or a record about you in a designated record set for as long as the PHI is maintained in the designated record set.

Foot & Ankle Centers of Northeast Georgia has 60 days after the request is made to act on the request. A single 30-day extension is allowed if Foot & Ankle Centers of Northeast Georgia is unable to comply with the deadline. If the request is denied in whole or part, Foot & Ankle Centers of Northeast Georgia must provide you with a written denial that explains the basis for the denial. You or your personal representative may then submit a written statement disagreeing with the denial and have that statement included with any future disclosures of your PHI.

Requests for amendment of PHI in a designated record set should be made to the following: Estar Acosta, Administrator, Foot & Ankle Centers of Northeast Georgia, 575 Professional Drive, Suite 300, Lawrenceville, GA 30045.

You or your personal representative will be required to complete a form to request amendment of the PHI in your designated record set. Foot & Ankle Centers of Northeast Georgia requires individuals to make requests for amendment in writing and to provide a reason to support a requested amendment, provided that it informs individuals in advance of such requirements.

### ***The Right to Receive an Accounting of PHI Disclosures***

At your request, Foot & Ankle Centers of Northeast Georgia will also provide you with an accounting of disclosures by Foot & Ankle Centers of Northeast Georgia of your PHI during the six years prior to the date of your request. However, the accounting does not cover certain disclosures such as:

1. to carry out treatment, payment or health care operations;
2. to individuals about their own PHI;
3. prior to the compliance date for the HIPAA privacy regulations, April 14, 2003; or
4. based on your written authorization.

If the accounting cannot be provided within 60 days, an additional 30 days is allowed if the individual is given a written statement of the reasons for the delay and the date by which the accounting will be provided.

If you request more than one accounting within a 12-month period, Foot & Ankle Centers of Northeast Georgia will charge a reasonable, cost-based fee for each subsequent accounting.

### ***The Right to Receive a Paper Copy of This Notice Upon Request***

To obtain a paper copy of this Notice contact the following: Estar Acosta, Administrator, Foot & Ankle Centers of Northeast Georgia, 575 Professional Drive, Suite 300, Lawrenceville, GA 30045.

### ***A Note About Personal Representatives***

You may exercise your rights through a personal representative. Your personal representative will be required to produce evidence of his/her authority to act on your behalf before that person will be given access to your PHI or allowed to take any action for you. Proof of such authority may take one of the following forms:

- a power of attorney for health care purposes, notarized by a notary public;
- a court order of appointment of the person as the conservator or guardian of the individual; or
- an individual who is the parent of a minor child.

Foot & Ankle Centers of Northeast Georgia retains discretion to deny access to your PHI to a personal representative to provide protection to those vulnerable people who depend on others to exercise their rights under these rules and who may be subject to abuse or neglect. This also applies to personal representatives of minors.

### **Section 3. Foot & Ankle Centers of Northeast Georgia's Duties**

Foot & Ankle Centers of Northeast Georgia is required by law to maintain the privacy of PHI and to provide individuals who are participants or covered dependents with notice of its legal duties and privacy practices.

This notice is effective beginning April 14, 2003, and Foot & Ankle Centers of Northeast Georgia is required to comply with the terms of this notice. However, Foot & Ankle Centers of Northeast Georgia reserves the right to change its privacy practices and to apply the changes to any PHI received or maintained by Foot & Ankle Centers of Northeast Georgia prior to that date. Any revised version of this notice will be distributed to persons then covered by Foot & Ankle Centers of Northeast Georgia within 60 days of the effective date of any material change to the uses or disclosures, the individual's rights, the duties of Foot & Ankle Centers of Northeast Georgia or other privacy practices stated in this notice. Foot & Ankle Centers of Northeast Georgia will provide notice of any changes by electronic mail or U.S. Mail.

#### ***Minimum Necessary Standard***

When using or disclosing PHI or when requesting PHI from another covered entity, Foot & Ankle Centers of Northeast Georgia will make reasonable efforts not to use, disclose or request more than the minimum amount of PHI necessary to accomplish the intended purpose of the use, disclosure or request, taking into consideration practical and technological limitations.

However, the minimum necessary standard will not apply in the following situations:

- disclosures to or requests by a health care provider for treatment;
- uses or disclosures made to the individual or pursuant to the individual's written authorization;
- disclosures made to the Secretary of the U.S. Department of Health and Human Services;
- uses or disclosures that are required by law; and
- uses or disclosures that are required for Foot & Ankle Centers of Northeast Georgia's compliance with legal regulations.

This notice does not apply to information that has been de-identified. De-identified information is information that does not identify an individual and with respect to which there is no reasonable basis to believe that the information can be used to identify an individual is not individually identifiable health information.

In addition, Foot & Ankle Centers of Northeast Georgia may use or disclose "summary health information" to Foot & Ankle Centers of Northeast Georgia sponsor for obtaining premium bids or modifying, amending or terminating the group health plan, which

summarizes the claims history, claims expenses or type of claims experienced by individuals for whom a plan sponsor has provided health benefits under a group health plan; and from which identifying information has been deleted in accordance with HIPAA.

Foot & Ankle Centers of Northeast Georgia may use or disclose a "limited data set" for purposes limited to research, public health, or health care operations. A "limited data set" is PHI from which specific direct identifiers have been removed. Before disclosing PHI in a limited data set, Foot & Ankle Centers of Northeast Georgia will require the recipient to sign an agreement to protect the confidentiality of the information and limit its use.

Foot & Ankle Centers of Northeast Georgia may disclose to the Sponsor information about an individual's present or former enrollment in Foot & Ankle Centers of Northeast Georgia.

#### **Section 4. Your Right to File a Complaint With Foot & Ankle Centers of Northeast Georgia or the HHS Secretary**

If you believe that your privacy rights have been violated, you may complain to Foot & Ankle Centers of Northeast Georgia in care of the following: Estar Acosta, Administrator, Foot & Ankle Centers of Northeast Georgia, 575 Professional Drive, Suite 300, Lawrenceville, GA 30045.

You may file a complaint with: U.S. Department of Health and Human Services

Foot & Ankle Centers of Northeast Georgia will not retaliate against you for filing a complaint.

#### **Section 5. Whom to Contact at Foot & Ankle Centers of Northeast Georgia for More Information**

If you have any questions regarding this notice or the subjects addressed in it, you may contact the following: Estar Acosta, Administrator, Foot & Ankle Centers of Northeast Georgia, 575 Professional Drive, Suite 300, Lawrenceville, GA 30045, (770) 963-5161 x224.