

THE CHILDREN'S CLINIC OF CONWAY AND GREENBRIER

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.

This Notice provides you with information on the steps this clinic has taken to protect the privacy of your protected health information. It also describes some of the privacy rights you have and how you can exercise those rights. If you have any questions, please ask the receptionist if you can speak with Amy Irby or Teresa Kelley at (501)327-6000 or (501)679-6796, who are our Privacy Officials.

Your Protected Health Information is the information that is created or received by this clinic, transmitted by electronic form, or maintained in any medium, that identifies you or could reasonably identify you, and relates to your past, present, or future: (1) physical or mental health or condition; (2) your health care treatment; or (3) the payment of your health care services.

I. USES AND DISCLOSURES

- A) The following are examples of some of the ways the Clinic may use and disclose your Protected Health (PHI) based on your signing our Clinic's consent form:
- Treatment:

In order to adequately provide for your health care needs, your PHI will be used and disclosed within the Clinic by the Clinic's employees and independent contractors as necessary to treat, evaluate and provide you with health care services. This may also include the need for us to obtain PHI from your previous health care providers for us to treat you properly.
 - Payment:

To receive payment for our services, the Clinic will have to disclose certain PHI to your Health Plan or Insurer. This could require disclosure prior to treatment to obtain pre-certification from your Insurer to perform a procedure or it could be a post-treatment disclosure to obtain payment for the services provided.

Your insurer also has a right to demand access to your records to determine eligibility for making pre-existing condition determinations or for conducting quality control inspections. PHI may also be disclosed to comply with workers compensation laws and similar programs.
 - Clinic Operations:

To ensure the proper functioning of our clinic, it may be necessary that certain PHI be used and disclosed. For example, we may use a sign-in sheet at the front desk to keep track of which patients have arrived. We may call out your name when it is time for you to come back to an exam room. Our employees and independent contractors may have access to our medical records for certain business operations. Our clinic may allow high school, college, or medical school "shadow" students, who may be exposed to certain PHI.
 - Referrals:

In order to effectively refer you to another physician, we will have to release certain PHI to that physician to assist that physician in your treatment and to make the necessary appointment.
 - Consultations:

There may be occasions when the Clinic may desire to consult another professional about your treatment to get a second opinion. In those situations, the Clinic will always attempt to maintain your privacy to the extent possible, recognizing that it may not always be an option.
 - Business Associates:

As part of our business operations, we must enter into agreements with third parties to assist us. These third parties can be accountants, computer consultants, transcriptionists, etc. These third parties may have to access certain PHI. Prior to any Business Associates having access to PHI, they will sign an agreement that requires them to have procedures in place to protect the privacy of your PHI.
- B) The following are examples of some of the ways the Clinic may use and disclose your PHI based on your opportunity to orally assent or object:
- Family Members Involved In Your Care:

This clinic may use and disclose PHI to your family members or individuals who are involved in your care when the clinic believes it is necessary. You may inform our Privacy Official in writing if you choose to object to this use or disclosure.
- C) The following are examples of some ways the Clinic may use and disclose your PHI without your consent, authorization, or opportunity to assent or object.
- Legal Obligations:

This clinic will use and disclose PHI when legally required. If this situation occurs, we will notify you and we will limit the PHI to the minimum necessary to comply with the law. Some examples are court orders, subpoenas, reporting suspected abuses or neglect, reporting adverse results to the FDA, reporting exposures to communicable diseases, certain criminal activity and military activity.
 - Inmates:

If you are an inmate, this clinic may use or disclose PHI to the facility and correctional officers when appropriate.
 - Emergencies:

In an emergency treatment situation, our Clinic may use or disclose PHI. Our Clinic's health care professionals will obtain your consent as soon as practicable following the emergency.
 - Communication Barrier:

If a substantial communication barrier exists, the Clinic may use or disclose PHI for treatment, payment, or health care operations under circumstances where consent can be reasonably inferred. For example:

- When a patient is unconscious and requires emergency medical care.
- When the patient's primary language is not spoken by Clinic staff, but a family member or translator conveys implied consent for immediate treatment.

In all such cases, the Clinic will limit the disclosure of PHI to the minimum necessary to address the situation and will document the rationale for the decision to proceed without explicit consent.

- D) The following are examples of some of the ways the Clinic may use and disclose your PHI based on your signing our Clinic's Authorization form:
1. Other uses and disclosures of your PHI that do not fit into one of the above categories shall only be allowed upon your signing one of our Clinic's specific authorization forms. An example would be if you wanted our Clinic to release your medical records to your employer. You have the right to revoke any authorization, however, the revocation will not be effective to the extent the Clinic has relied upon it. Contact the Clinic's Privacy Official in writing if you want an authorization revoked.

II. RIGHTS

- A) Right to Request a Restriction of Users and Disclosures:
You have the right to notify our Privacy Official in writing that you request a restriction on our use and disclosure of your PHI. Our clinic does not have to grant your request and we can condition treatment on your willingness to consent to our uses and disclosures of your PHI. We will notify you in writing whether we will grant or deny your request. If your request is granted, we may choose, later, to deny continuing the restriction and if so, we will notify you in writing of that decision. If you pay for a service or health care item out-of-pocket in full, you can ask us not to share that information for the purpose of payment or our operations with your health insurer. We will say "yes" unless a law requires us to share that information.
- B) Right to Request Confidential Communications:
You have the right to submit in writing a request that all our communications with you concerning your PHI be confidential. These requests must be reasonable, and you must provide reasonable accommodations for us to contact you for payment along with some reasonable method for us to contact you. We cannot ask you the reason for such a request.
- C) Right to Inspect and Copy:
You have the right to request in writing to inspect and copy your PHI. There are a few exceptions to this rule. We must approve or deny your request within 30 days and in the case of a denial, provide you an explanation for the reason. We will charge a fee for copying, preparation and postage (if mailed to you), which must be prepaid.
- D) Right to Amend:
You have the right to request in writing that we amend your PHI that we created unless the information is accurate and complete. If you make such a written request, we will act on your request and respond in writing within 60 days.
- E) Right to Receive an Accounting:
You have the right to request in writing that we provide you with an accounting of our disclosures of your PHI. Standard disclosures are not included in the accounting. Examples of standard disclosures would be disclosures to you, for treatment payment and health care operations. The first accounting in a 12-month period is free. There is a \$25.00 charge for the second accounting in the same 12-month period.
- F) Right to Receive Copy of Notice:
You have the right to receive a paper copy of our Notice of Privacy Practices. You may pick one up in our front office.
- G) Right to File a Complaint:
The law requires us to comply with HIPAA and our Notice of Privacy Practices. If you feel we are not in compliance, you have the right to file an anonymous complaint with our office. We have an anonymous drop box in our waiting room. You also can file a complaint by notifying our Privacy Official in writing. We will not retaliate in any manner due to a complaint. You also have a right to file a complaint with the Secretary of the Department of Health and Human Services, who is charged with enforcement of this regulation.

III. DISCLOSURE STATEMENTS

- A) This clinic intends to use and disclose PHI in the additional following ways, on which treatment is conditioned.
1. To have you sign-in on a sign-in sheet
 2. To send out reminders of appointments by phone, mail, or email (this includes postcards)
 3. To send out financial statements and bills
 4. To provide alternative treatment information
 5. To leave messages on answering machines with appointment reminders; and
 6. To contact you at the phone numbers you provide and leave messages to reschedule appointments or to leave lab results
- B) The law requires this Clinic has privacy protections for PHI and to give you Notice of its legal responsibilities to individuals.
- C) This Clinic must follow the terms and conditions contained in its Notice of Privacy Practices.
- D) The Clinic retains the right to make retroactive changes to its Notice of Privacy Practices. This means that if the Clinic changes its Notice of Privacy Practices and thus changes its Privacy Practices and Procedures it can and will apply those changes to PHI it received, obtained, and created prior to those changes if it chooses and states so in the Notice and if it complies with all applicable laws and regulations.
- E) We will let you know promptly if a data breach occurs that may have compromised the privacy or security of your information.
- F) Any individual who would like a copy of any revised Notices of Privacy Practices shall submit such a request in writing to the Privacy Official whose name is listed on the first page of this Notice.
- G) This Notice is effective the 18th day of September 2002.

H) Records relating to the diagnosis, treatment, or referral for treatment of a Substance Use Disorder (SUD) are afforded special confidentiality protections under federal law (42 CFR Part 2), in addition to HIPAA.

SUD records may not be disclosed without your written consent unless otherwise permitted or required by law. Your written authorization must meet specific federal requirements before such information can be shared.

Federal law generally prohibits the disclosure of SUD records for the purpose of investigation or prosecuting a patient with a SUD, except as authorized by a court order or otherwise permitted under 42 CFR Part 2.

I) We are required by law to protect the privacy of your reproductive health care information. We will not use or disclose your protected health information for the purpose of investigating or imposing liability on you, a health care provider, or any other person for the lawful provision of reproductive health care.

This includes, but is not limited to, information related to contraception, pregnancy, pregnancy loss, fertility treatment, and abortion, when such care is provided lawfully.

Patient Names this applies to: _____

Personal Representative

Date