



Effective Date of this Notice: April 14, 2003

NOTICE OF PRIVACY PRACTICES

As Required by the Privacy Standards of the Health Insurance Portability and Accountability Act of 1996 (HIPAA)

THIS PRIVACY NOTICE DESCRIBES HOW MEDICAL INFORMATION ABOUT YOU (AS A PATIENT OF THIS PRACTICE) MAY BE USED AND DISCLOSED, AND HOW YOU CAN GET ACCESS TO THIS INFORMATION.

PLEASE REVIEW THIS PRIVACY NOTICE CAREFULLY

IF YOU HAVE QUESTIONS, PLEASE CONTACT THE PERSON LISTED AT THE BOTTOM OF THIS NOTICE

I. OUR COMMITMENT TO YOUR PRIVACY

ATLANTA BRAIN & SPINE CARE (the Practice) is committed to maintaining the privacy of your protected health information (PHI). As we provide treatment and services to you, we create records that contain your medical and personal information, referred to as protected health information, or PHI. We need these records to provide you with quality care and to comply with various legal requirements. The terms of this Privacy Notice apply to all records containing your PHI that are created or retained by our Practice. We are required by federal and state law to maintain the privacy of your PHI maintained in such records. We also are required by law to provide you with this Privacy Notice of our legal duties and the privacy practices that we maintain in our Practice concerning your PHI. We must follow the terms of the Privacy Notice that we have in effect at the time.

This Privacy Notice provides you with the following important information:

- How we may use and disclose your PHI.
- Your privacy rights with respect to your PHI.
- Our obligations concerning the use and disclosure of your PHI.
- Important contact information.

II. CHANGES TO THIS PRIVACY NOTICE

We reserve the right to revise or amend this Privacy Notice. Any revision or amendment to this Privacy Notice will be effective for all of your records that our Practice has created or maintained in the past, and for any of your records that we may create or maintain in the future. We will post a copy of our current Notice in our offices in a visible location at all times, and you may request a copy of our most current Notice at any time.

III. WE MAY USE AND DISCLOSE YOUR PROTECTED HEALTH INFORMATION (PHI) IN THE FOLLOWING WAYS

The following categories describe and give some examples of the different ways in which we may use and disclose your PHI. Not every use or disclosure in a category will be listed. However, all of the ways we are permitted to use and disclosed PHI will fall within one of the categories listed below.

1. Treatment. We may use your PHI to treat you. For example, we may suggest that you to have x-rays or diagnostic tests, and we may use the results to help us reach a diagnosis. Your PHI may be disclosed to the facility at which you have your diagnostic tests in order for the healthcare providers at such diagnostic facility to provide services to you. We might disclose your PHI to a pharmacy when we order a prescription for you.

2. Payment. We may use and disclose your PHI in order to bill and collect payment from you, an insurance company, or other designated third party payer, for the treatment and services we provide to you. For example, we may contact your health plan to certify that you are eligible for benefits, and we may provide your plan with details regarding your treatment to determine if the plan will cover, or pay for, your treatment.

3. Healthcare Operations. We may use and disclose your PHI to operate our business. For example, our Practice may use your PHI to conduct quality assessment and improvement activities, review the performance of our healthcare professionals, or for general management or business planning for our Practice. We may also remove identifying information from your health information so that it might be used by others to study healthcare without learning who specific patients are.

4. Appointment Reminders. We may use and disclose your PHI to contact you and remind you of an appointment.

5. Treatment Options. We may use and disclose your PHI to provide information to you about treatment options or alternatives.

6. Health-Related Benefits and Services. We may use and disclose your PHI to inform you of health-related benefits or services that may be of interest to you.

Release of Information to Family/Friends. We may release your PHI to a friend or family member who is involved in your care, or who assists in taking care of you. We may also give information to someone who pays, or helps pay, for your medical care. As stated in Section V below, you have the right to request restrictions on who receives your medical information. Therefore, if there are specific family members or other persons to whom you do not want your PHI disclosed, please let us know in the manner required by Section V.

IV. USE AND DISCLOSURE OF YOUR PHI IN CERTAIN SPECIAL CIRCUMSTANCES

The following categories describe special situations in which we may use or disclose your PHI:

1. As Required By Law. We will disclose PHI when required to do so by federal, state or local law.

2. Public Health Risks. We will disclose your PHI to public health or government authorities that are authorized by law to collect information for purposes such as, but not limited to, the following:

- Maintaining vital records, such as births and deaths.
- Reporting child abuse or neglect.
- Preventing or controlling disease, injury or disability.
- Notifying a person regarding potential exposure to a communicable disease.
- Notifying a person regarding a potential risk for spreading or contracting a disease or condition.
- Reporting reactions to drugs or problems with products or devices.
- Notifying individuals if a product or device they may be using has been recalled.
- Notifying appropriate government agency(ies) and authority(ies) regarding the potential abuse or neglect of an adult patient (including domestic violence); however, we will only disclose this information if the patient agrees or we are required or authorized by law to disclose this information.
- Notifying your employer under limited circumstances required by law primarily relating to workplace injury or illness or medical surveillance.

3. Health Oversight Activities. We may disclose your PHI to a health oversight agency for oversight activities authorized by law. Oversight activities can include, for example, investigations, inspections, audits, surveys, licensure and disciplinary actions, or other activities necessary for the government to monitor government programs, compliance with civil rights laws and the healthcare system in general.

4. Lawsuits and Similar Proceedings. We may use and disclose your PHI in response to a court or administrative order, if you are involved in a lawsuit or similar proceeding. We also may disclose your PHI in response to a discovery request, subpoena, or other lawful process by another party involved in the dispute, but only if the requesting party has made an effort to inform you of the request or to obtain a qualified protection order protecting the information the party has requested.

5. Law Enforcement. We may release PHI if asked to do so by law enforcement. For example:

- Reporting certain types of wounds and physical injuries, as required by law.
- Regarding a person believed to be a crime victim in certain situations.
- Concerning a death the healthcare professional suspects has resulted from criminal conduct.
- Regarding reasonably suspected criminal conduct at our offices.

- In response to a warrant, summons, court order, subpoena or similar legal process.
- To identify/locate a suspect, material witness, fugitive or missing person.
- In an emergency, to report a crime (including the location or victim(s) of the crime, or the description, identity or location of the perpetrator).

6. Coroners, Medical Examiners, and Funeral Directors. We may release PHI to a medical examiner or coroner to identify a deceased individual or to identify the cause of death. If necessary, we also may release information in order for funeral directors to perform their services.

7. Organ and Tissue Donation. If you are an organ donor, we may release PHI to organizations that handle organ or tissue procurement or transplantation, including organ donation banks, as necessary to facilitate organ or tissue donation and transplantation.

8. Serious Threats to Health or Safety. We may use and disclose your PHI when necessary to reduce or prevent a serious threat to your health and safety or the health and safety of another individual or the public. Under these circumstances, we will only make disclosures to a person or organization able to help prevent the threat.

10. Military. If you are a member (or veteran) of U.S. or foreign military forces, we may release your PHI as required by the appropriate authorities.

11. National Security. We may disclose your PHI to federal officials for intelligence and national security activities authorized by law. We also may disclose your PHI to federal officials in order to protect the President, other officials or foreign heads of state, or to conduct investigations.

12. Inmates. If you are an inmate of a correctional institution, or under the custody of law enforcement officials, we may disclose your PHI to such correctional institutions or law enforcement officials. Disclosure for these purposes would be necessary: (a) for the institution to provide healthcare services to you, (b) for the safety and security of the institution, and/or (c) to protect your health and safety or the health and safety of other individuals.

13. Workers' Compensation. We may disclose your PHI for workers' compensation and similar programs, as required by applicable laws.

V. YOUR RIGHTS REGARDING YOUR PHI

You have the following rights regarding the PHI that we maintain about you:

1. Requesting Restrictions. You have the right to request a restriction on our use or disclosure of your PHI for treatment, payment or health care operations. Additionally, you have the right to request that we restrict our disclosure of your PHI to only certain individuals involved in your care or the payment for your care, such as family members and friends. *We are not required to agree to your request.* However, if we do agree, we are bound by our agreement, except when otherwise required or permitted by law, or when the restricted information is necessary to treat you in an emergency. In order to request a restriction on our use or disclosure of your PHI, you must make your request in writing to Compliance Officer, 2001 Peachtree Road, N.E., Suite 575, Atlanta, GA 30309 in accordance with our practice's policies. Your request must be in writing and describe in a clear and concise fashion:

- (a) The information you wish restricted and how you want it restricted;
- (b) Whether you are requesting to limit our Practice's use, disclosure or both; and
- (c) To whom you want the limits to apply.

2. Confidential Communications. You have the right to request that our Practice communicate with you about your health and related issues in a particular manner or at a certain location. For instance, you may ask that we contact you at home, rather than work, or by mail, rather than telephone. We will accommodate reasonable requests, but we are *not* required to accommodate all requests. In order to request a type of confidential communication, you must make a written request to Compliance Officer, 2001 Peachtree Road, N.E., Suite 575, Atlanta, GA 30309 specifying the requested method of contact, or the location where you wish to be contacted. You do not need to give a reason for your request.

3. Access and Copies. You have the right to inspect and obtain a copy of the PHI that we maintain about you, including patient medical records and billing records, but not including psychotherapy notes or certain other information that may be restricted by law or pursuant to a legal or administrative process or proceeding. You must submit your request in writing to Compliance Officer, 2001 Peachtree Road, N.E., Suite 575 Atlanta, GA 30309 in order to inspect and/or obtain a copy of your PHI. Our Practice may charge a fee for the costs of copying, mailing, labor and supplies associated with your request in accordance with Georgia law. Please contact the person named above for information about such fees.

We may deny your request to inspect and/or copy some or all of your PHI in certain limited circumstances; however, you may request a review of our denial. A licensed healthcare professional, who was not involved in the denial, will be chosen by us to conduct reviews of denials. We will comply with the outcome of the review.

4. Right to Amend. If you feel that PHI we have about you is incorrect or incomplete, you may ask us to amend the information. You have the right to request an amendment for as long as the information is kept by or for this Practice.

To request an amendment, your request must be made in writing and submitted to Compliance Officer, 2001 Peachtree Road, N.E., Atlanta, GA 30309. In addition, you must provide a reason that supports your request for the amendment.

We may deny your request for an amendment if it is not in writing or if it does not include a reason to support the request. In addition, we may deny your request if you ask us to amend information that:

Was not created by us, unless the person or entity that created the information is no longer available to make the amendment;

- Is not part of the medical information kept by or for the practice;
- Is not part of the information you would be permitted to inspect and copy; or
- Is accurate and complete.

5. Accounting of Disclosures. You have the right to request an "accounting of disclosures." An "accounting of disclosures" is a list of certain non-routine disclosures our Practice has made of your PHI for non-treatment or operations purposes. We are not required to provide you with an accounting of the following disclosures:

- (i) Disclosures for treatment, payment or the healthcare operations of our Practice;
- (ii) Disclosures to you;
- (iii) Disclosures incident to uses or disclosures of your information for permitted purposes;
- (iv) Disclosures that you have authorized us to make;
- (v) Disclosures [from our facility's directory;] to others involved in your care; or for notifying your family member or personal representative about your general condition, location, or death when you have had the opportunity to agree to such disclosures (or they were otherwise permitted);
- (vi) Disclosures for national security or law enforcement;
- (vii) Disclosures that were part of a "Limited Data Set" (which is a set of information containing only limited amounts of identifiable information, as permitted by the HIPAA Privacy Rules); or
- (viii) Disclosures that occurred prior to April 14, 2003.

In order to obtain an accounting of disclosures, you must submit your request in writing to Compliance Officer, 2001 Peachtree Road, N.E., Suite 575 GA 30309. All requests for an "accounting of disclosures" must state a time period, which may not be longer than six (6) years from the date of disclosure and may not include dates before April 14, 2003. The first list you request within a 12-month period is free of charge, but our Practice may charge you for additional lists within the same 12-month period. Our Practice will notify you of the costs involved with additional requests, and you may withdraw or modify your request before you incur any costs.

6. Right to a Paper Copy of This Notice. You are entitled to receive a paper copy of our notice of privacy practices. You may ask us to give you a copy of this notice at any time. To obtain a paper copy of this notice, contact Compliance Officer, 2001 Peachtree Road, N.E., Suite 575, Atlanta, GA 30269.

7. Right to File a Complaint. If you believe your privacy rights have been violated by our Practice or an employee of our Practice, you may file a complaint with our Practice or with the Secretary of the Department of Health and Human Services. Because we are always interested in improving the quality of services provided to you, we would encourage you to contact Compliance Officer, 2001 Peachtree Road, N.E., Suite 575, Atlanta, GA 30309, with our Practice first. All complaints must be submitted in writing. **You will not be penalized for filing a complaint.**

8. Right to Provide an Authorization for Other Uses and Disclosures. We will obtain your written authorization for uses and disclosures that are not identified by this Notice or permitted or required by applicable law. Any authorization you provide to us regarding the use and disclosure of your PHI may be revoked at any time in writing. After you revoke your authorization, we will no longer use or disclose your PHI for the reasons described in the authorization.

IF YOU HAVE QUESTIONS ABOUT THIS NOTICE, PLEASE CONTACT:

ATLANTA BRAIN & SPINE CARE
Compliance Officer
2001 Peachtree Rd., N.E., Ste 575
Atlanta, GA 30309
(404) 350-0106