

**This Notice Describes How Medical Information About You May Be Used and Disclosed And How You Can Gain Access To This Information. Please Read Carefully.**

Notice Of Privacy Policy, Effective April 14, 2003

The following is the privacy policy ("Privacy Policy") of Eastmoreland Ear, Nose and Throat; Mt Scott Sleep Medicine; Mt Scott Audiology and Hearing Aids; Dr. James Chan; Dr. Valerie Ing; Dr. Haena Kim; Dr. Aleen Lee, Dr. John Richards; Kathleen Theilacker, ("Covered Entities") as described in the Health Insurance Portability and Accountability Act of 1996 and regulations promulgated thereunder, commonly known as HIPAA. HIPAA requires Covered Entity by law to maintain the privacy of your personal health information and to provide you with notice of Covered Entity's legal duties and privacy policies with respect to your personal health information. We are required by law to abide by the terms of this Privacy Notice.

**Your Personal Health Information**

We collect personal health information from you through treatment, payment and related healthcare operations, the application and enrollment process, and/or healthcare providers or health plans, or through other means, as applicable. Your personal health information that is protected by law broadly includes any information oral, written or recorded that is created or received by certain health care entities. Including healthcare providers such as physicians and hospitals, as well as, health insurance companies or plans. The law specifically protects health information that contains data such as your name, address, social security number and others that could be used to identify you as the individual patient who is associated with that health information.

**Use or Disclosures of Your Personal Health Information**

Generally, we may not use or disclose your personal health information without your permission. Further, once your permission has been obtained, we must use or disclose your personal health information in accordance with the specific terms of that permission. The following are the circumstances under which we are permitted by law to use or disclose your personal health information.

**Without Your Consent**

Without your consent, we may use or disclose your personal health information in order to provide you with services, add the treatment you require or request, or collect payment for those services, and to conduct other related health care operations otherwise permitted or required by law. Also, we are permitted to disclose your personal health information within and among our workforce in order to accomplish these same purposes. However, even with your permission, we are still required to limit such uses or disclosures to the minimal amount of personal health information that is reasonably required to provide those services or complete those activities. Examples of treatment activities include: (a) the Purposes under certain conditions; (b) to avert a serious complication; (c) the referral of a patient for health care from one health care provider to another.

Examples of payment activities include: (a) billing and collection activities and related data processing; (b) actions by a health plan or insurer to obtain premiums or to determine or fulfill its responsibilities for coverage and provision of benefits under its health plan or insurance agreement, determinations, or eligibility or coverage, adjudication or subrogation of health benefit claims; (c) medical necessity and appropriateness of care reviews, utilization review activities; and (d) disclosure to consumer reporting agencies of information relating to collection of premiums or reimbursement.

Examples of healthcare operations include: (a) development of clinical guidelines; (b) contacting patients with information about treatment alternatives or communications in connection with case management or care coordination; (c) reviewing the qualifications of and training healthcare professionals; (d) underwriting and premium rating; (e) medical review, legal services, and auditing functions; and (f) general administrative activities such as customer service and data analysis.

### **As Required by Law**

We may disclose your personal health information to the extent that such use or disclosure is required by law and the use or disclosure complies with and is limited to the relevant requirements of the law. Examples of such instances in which we are required to disclose your personal health information include: (a) public health activities including preventing or controlling disease of other injury, public health surveillance or investigations, reporting adverse events with respect to food or dietary supplements or product defects or problems to the Food and Drug Administration, medical surveillance of the workplace or to evaluate whether the individual has a work-related illness or injury in order to comply with Federal or State law; (b) disclosures regarding victims of abuse, neglect, or domestic violence including, reporting to social services or protective services agencies; (c) health oversight activities including, audits, civil, administrative, or criminal investigations, inspections, licensure or disciplinary actions, or other activities necessary for appropriate oversight of government benefits programs; (d) judicial and administrative proceedings in response to an order of a court or administrative tribunal, warrant, subpoena, discover request, or other lawful purposes; (e) law enforcement purposes of the purpose of identifying or locating a suspect, fugitive, material witness, missing person, or reporting crimes in emergencies, or reporting a death; (f) disclosures about decedents for purposes of cadaveric donation of organs, eyes, or tissue; (g) for research threat to health or safety; (i) military and veterans activities; (j) national security and intelligence activities, protective services of the President and others; (k) medical suitability determinations by entities that are components of the Department of State; (l) correctional institutions and other law enforcement custodial situations; (m) covered entities that are government programs providing public benefits, and for workers' compensation.

### **All Other Situations with Your Specific Authorization**

Except as otherwise permitted or required, as described above, we may not use your personal health information without your written authorization. Further, we are required to use or disclose your personal health information consistent with the terms of your authorization. You may revoke your authorization to use or disclose any personal health information at any time, except to the extent that we have taken action in reliance on such authorization or if you provided the authorization as a condition of obtaining insurance coverage, other law provides the insurer with the right to contest a claim under the policy.

### **Miscellaneous Activities Notice**

We may contact you to provide appointment reminders or information about treatment alternatives or other health related benefits and services that may be of interest to you. If we are a group health plan or health insurance issuer or HMO with respect to a group health plan, we may disclose your personal health information to be a sponsor of the plan.

### **Your Rights with Respect to Your Personal Health Information**

Under HIPAA, you have certain rights with respect to your personal health information. The following is a brief overview of your rights and our duties with respect to enforcing those rights.

### **Right to Request Restrictions on Use or Disclosure**

You have the right to request restrictions on certain uses of your personal health information about yourself. You may request restrictions on the following uses of disclosures; (a) to carry out treatment, payment or healthcare operations; (b) disclosures of family members, relatives or close personal friends of personal health information directly relevant to your care, or your location, general condition, or death; (c) instances in which you are not present or your permission cannot practicably be obtained due to your incapability or an emergency circumstance; (d) permitting other persons to act on your behalf to pick up filed prescriptions, medical supplies, X-rays, or other similar forms of personal health information; or (e) disclosure to a public or private entity authorized by law or by its charter to assist in disaster relief effort. While we are not required to agree to any requested restrictions, if we agree to a restriction, we are bound not to use or disclose your personal healthcare information in violations of such restriction, information after excluding the information as to which except in certain emergency situations. We will not accept a request to restrict uses or disclosures that are otherwise required by Oregon or Federal law.

### **Right to Receive Confidential Communications**

You have the right to receive confidential communications of your personal health information. We require a written request to exercise that right. We may condition the provision of confidential communication on you providing us with information as to how payment will be handled and specification of an alternative address or

other method of contact. We may require that a request contain a statement that disclosure if all or part of the information to which the request pertains could endanger you. We may not require you to provide an explanation of the basis for your request as a condition of providing communications to you on a confidential basis. We must permit you to request as a condition of providing communications to you on a confidential basis. We must permit you to request and must accommodate reasonable requests by you to receive communications of personal health information from us by alternative means or alternate locations if you clearly state that the disclosure of all or part of that information could endanger you.

#### **Right to Inspect and Copy Your Personal Health Information**

Your designated record set is a group of records we maintain that includes medical records and billing records about you or enrollment, payment, claims adjudication, and case or medical management records systems, as applicable. You have the right of access in order to inspect and obtain a copy of your personal health information contained in your designated record set except for (a) psychotherapy notes; (b) information compiled in reasonable anticipation of or for use in a civil, or administrative action or proceeding, and (c) health information maintained by us to the extent to which the provision of access to you would be prohibited by law. We require a written request to exercise this right. We must provide you with access to your personal health information in the form or format requested by you, if it is readily producible in such form or format, or, if not, in a readable hard copy form or such other form or format. We may provide you with a summary of the personal health information requested, in lieu of providing access to the personal health information or may provide and explanation of the personal health information to which access has been provided, if you agree in advance to such a summary or explanation or agree to the fees imposed for such summary or explanation. We will provide you with access in a timely manner including arranging with you a convenient time and place to inspect or obtain copies of your personal health information we may charge a reasonable cost-based fee for copying, postage, if you request a mailing, and the costs of preparing an explanation summary as agreed upon in advance. We reserve the right to deny access to and copies of certain personal health information as permitted or required by law. We will reasonably attempt to accommodate any request for personal health information by, to the extent possible, giving you access to other personal health we have a ground to deny access. Upon denial of a request for information we will provide you with a written denial specifying the legal basis for denial, a statement of your rights, and a description of how you may file a complaint with us. If we do not maintain the information that is the subject of your request for access but we know where the requested information is maintained we will

inform you of where to direct your request for access.

#### **Right to Amend Your Personal Health Information**

You have the right to request that we amend your personal health information or a record about you contained in your designated record set, for as long as the designated record set is maintained by us. We have the right to deny your request for amendment if (a) we determine that the information or record that is subject of the request was not created by us, unless you provide a reasonable basis to believe that the originator of the information is no longer available to act on the requested amendment; (b) the information is not part of your designated record set maintained by us; (c) the information is prohibited from inspection by law or; (d) the information is accurate and complete. We require that you submit a written request and provide a reason to support the requested amendment. If we deny your request we will provide you with a written denial stating the basis of the denial, your right to submit a written statement disagreeing with the denial, and a description of how you may file a complaint with us or the Secretary of the U.S. Department of Health and Human Services (“DHHS”). This denial will also include a notice that if you do not submit a statement of disagreement you may request that we include your request for the amendment and the denial with any future disclosures or your personal health information that is the subject of the requested amendment. Copies of all requests, denials, and statements of disagreement will be included in your designated record set. If we accept your request for amendment we will make reasonable efforts to inform and provide the amendment and the person that we know has the personal health information that is the subject of the amendment and that may have relied, or could foreseeable reply on such information to your detriment. All requests for amendment shall be sent to Privacy Officer, Eastmoreland Ear, Nose and Throat Clinic, LLP; Mt Scott Ear, Nose, and Throat; Mt Scott Sleep Medicine; Mt Scott Audiology and Hearing Aids; Reviance Portland; 9280 Sunnybrook #300, Clackamas, OR 97015.

#### **Right to Receive an Accounting of Disclosures of Your Personal Health Information**

Beginning April 14<sup>th</sup>, 2003 you have the right to receive a written accounting of all disclosures of your personal health information that we have made within the six (6) year period immediately preceding the date on which the accounting is requested. You may request an accounting of disclosures for a period of time less than six (6) years from the date of the request. Such disclosures will include the date of each disclosure, the name and, if know, the address of the entity or person who received the information, a brief description of the information disclosed and a brief statement of the purpose and basis of

the disclosure or, in lieu of such statement a copy of your written authorization or written request of disclosure pertaining to such information. We are not required to provide accountings of such disclosures for the following purposes: (a) treatment, payment and healthcare operations; (b) disclosures pursuant to your authorization; (c) disclosures to you; (d) for facility directory or to persons involved in your care; (e) for national security or intelligence purposes; (f) to correctional institutions; and (g) with respect to disclosures occurring prior to 4/14/2003. We reserve our right to temporarily suspend your right to receive an accounting of disclosures to health oversight agencies or law enforcement officials, as required by law. We will provide the first account to you in a twelve (12) month period. All requests for an accounting shall be sent to Privacy Officer, Eastmoreland Ear, Nose and Throat Clinic, LLP; Mt Scott Ear, Nose, and Throat; Mt Scott Sleep Medicine; Mt Scott Audiology and Hearing Aids; Reviance Portland; 9280 SE Sunnybrook #300 Clackamas, OR 97015.

written request sent to Kelsie Roche at Eastmoreland Ear, Nose, and Throat Clinic, LLP, 9280 SE Sunnybrook Blvd. Suite 300, Clackamas, OR 97015; or at 503.233.5548 or at [www.mtscottent.com](http://www.mtscottent.com). For any other requests or further information regarding the privacy of your personal health information, and for the information regarding the filing of a complaint with us, please, contact our privacy officer Kelsie Roche at the address and telephone number, or email address listed above.

### **Complaints**

You may file a complaint with us and the the Secretary of DHHS if you believe that your privacy rights have been violated; you may submit your complaint in writing by mail to our to Privacy Officer, Kelsie Roche, Eastmoreland Ear, Nose and Throat Clinic, LLP; 9280 SE Sunnybrook Blvd #300 Clackamas, OR 97015. A complaint must name the entity that is the subject of the complaint and describe the acts or omissions believed to be in violation of the applicable requirements of HIPAA or this Privacy Policy. A complaint must be received by us or filed with the Secretary of DHHS within 180 days of when you knew or should have known that the act or omission complained of occurred. You will not be retaliated against for filing a complaint.

### **Amendments to This Privacy Policy**

We reserve the right to revise or amend this Privacy Policy at any time. These revisions or amendments may be made effective for all personal health information we maintain even if created or received prior to the effective date of the revision or amendment. We will provide you with notice of any revisions or amendments to this Privacy Policy, or changes in the law enforcing this Privacy Notice, by mail or electronically within 60 days of the effective date of such revision, amendment or change.

### **On-Going Access to Privacy Policy**

We will provide you with a copy of the most recent version of this Privacy Policy at any time upon your