

## NOTICE OF PRIVACY PRACTICES

Peak Orthopedic & Sports Medicine, P.C.

Effective Date: April, 2003

**THIS NOTICE DESCRIBES HOW MEDICAL INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN ACCESS THIS INFORMATION. PLEASE REVIEW IT CAREFULLY.** If you have any questions about this notice, please contact: Privacy Officer; Peak Orthopedic & Sports Medicine, P.C.; P.O. Box 2053; Whitefish, MT 59937; 406-863-9340.

**WHO WILL FOLLOW THIS NOTICE:** This Notice of Privacy Practices applies to Peak Orthopedic & Sports Medicine, P.C. and describes our practices and that of: 1) Any health care professional authorized to enter information into your chart; 2) All departments and units of the organization covered by this notice; 3) Any member of a volunteer group we allow to help you; 4) Any organization that we retain to support operation of this practice that has executed an agreement regarding uses and disclosures of your protected health information.

**OUR PLEDGE REGARDING MEDICAL INFORMATION:** We may share medical information for treatment, payment or operational purposes described in this notice. We understand that medical information about you and your health is personal. We are committed to protecting medical information about you. We create a record of the care and services you receive. We need this record to provide you with quality care and to comply with certain legal requirements. This notice applies to all of protected health information created by any of the organizations listed in this notice. Your doctor may also create information at the hospital or other medical facility. These facilities may have different policies or notices regarding their use and disclosure of your medical information created by your doctor while at that facility. This notice will tell you about the ways in which we may use and disclose medical information about you. We also describe your rights and certain obligations we have regarding the use and disclosure of medical information. We are required by law to: Make sure that medical information that identifies you is kept private; give you this notice of our legal duties and privacy practices with respect to medical information about you.; and follow terms of the current notice.

**HOW WE MAY USE AND DISCLOSE MEDICAL INFORMATION ABOUT YOU:** The following categories describe different ways that we use and disclose medical information. For each category of uses or disclosures, we will explain what we mean and try to give some examples. Not every use or disclosure in a category will be listed. However, all of the ways we are permitted to use and disclose information will fall within one of the categories.

### **USES OR DISCLOSURES THAT CAN BE MADE WITHOUT YOUR AUTHORIZATION OR AN OPPORTUNITY FOR YOU TO OBJECT**

1. **For Treatment.** We may use medical information about you to provide you with medical treatment or services. We may disclose medical information about you to doctors, nurses, technicians, medical students, or personnel who are involved in taking care of you. For example, a doctor treating you for a broken leg may need to know if you have diabetes because diabetes may slow the healing process. We may share medical information about you in order to coordinate the different things you need, such as prescriptions, lab work and x-rays that are provided by other healthcare organizations. We may use and disclose medical information to tell you about or recommend possible treatment options or alternatives that may be of interest to you.
2. **For Payment.** We may use and disclose medical information about you so that the treatment and services you receive here may be billed to and payment may be collected from you, an insurance company or a third party. For example, we may need to give your health information about surgery you received so your health plan will pay us or reimburse you for the surgery. We may also tell your health plan about a treatment you are going to receive to obtain prior approval or to determine whether your plan will cover the treatment. We may also share information about you and any insurance information with other healthcare providers to assist them in getting payment for a service they have provided you. For example, we can share this information with a laboratory service that evaluates your laboratory specimen.
3. **For Health Care Operations.** We may use and disclose medical information about you for operation of the organization listed in this notice. These uses and disclosures are necessary to run our organization and to make sure that all of our patients receive quality care. For example, we may use medical information to review our treatment and services and to evaluate the performance of our staff in caring for you. We may also combine medical information about many patients to decide what additional services we should offer, what services are not needed, and whether certain new treatments are effective. We may also disclose information to doctors, nurses, technicians, medical students, and other organization personnel for review and learning purposes. We may also combine the medical information we have with medical information from other organizations to compare how we are doing and see where we can make improvements in the care and services we offer. We may use your medical information to send questionnaires to you about your experience so that we can identify ways to improve your satisfaction with the services we provide. We may remove information that identifies you from this set of medical information so others may use it to study healthcare and healthcare delivery without learning who specific patients are. We may also produce limited data sets that are partially de-identified and that must be used under restrictive agreements for purposes of research, public health, and other healthcare operations described above. We may use or disclose your medical information to other health providers who also have a relationship with you for activities related to evaluating the quality of care, for coordinating your care, evaluating the competence of healthcare providers, conducting training, or for fraud or abuse investigation.
4. **Research.** Under certain circumstances, we may use and disclose medical information about you for research purposes. For example, a research project may involve comparing the health and recovery of all patients who received one medication to those who received another for the same condition. All research projects are subject to a special approval process. This process evaluates a proposed research project and its use of medical information, trying to balance the research needs with patients' need for privacy of their medical information. Before we use or disclose medical information for research, the project will have been approved through this research approval process. However, we may disclose medical information about you to people preparing to conduct a research project; for example, to help them look for patients with specific medical needs, so long as the medical information they review does not leave the organization. We will almost always ask for your specific permission if the researcher will have access to your name, address or other information that reveals who you are, or will be involved in your care.
5. **As Required By Law.** We will disclose medical information about you when required to do so by federal, state or local law.
6. **To Avert a Serious Threat to Health/Safety.** We may use and disclose medical information about you when necessary to prevent a serious threat to your health and safety or the health and safety of the public or another person. Any disclosure, however, would only be to someone able to help prevent the threat.
7. **Organ and Tissue Donation.** We may release medical information to organizations that handle organ procurement or organ, eye or tissue transplantation or to an organ donation bank, as necessary to facilitate organ or tissue donation and transplantation.
8. **Military and Veterans.** If you are a member of the armed forces, we may, release medical information about you as required by military command authorities. We may also release medical information about foreign military personnel to the appropriate foreign military authority.
9. **Workers' Compensation.** We may release medical information about you for workers' compensation or similar programs. These programs provide benefits for work-related injuries or illnesses.
10. **Public Health Risks.** We may disclose medical information about you for public health activities. These activities generally include the following: To prevent or control disease, injury or disability; to report births and deaths; to report child abuse or neglect; to report reactions to medications or problems with products; to notify people of recalls of products they may be using; to notify a person who may have been exposed to a disease or may be at risk for contracting or spreading a disease or condition; and to notify the appropriate government authority if we believe a patient has been the victim of abuse, neglect or domestic violence. We will only make this disclosure if you agree or when required or authorized by law.
11. **Health Oversight Activities.** We may disclose medical information authorized by law to a health oversight agency to conduct activities such as audits, investigations, inspections, and licensure. These activities are necessary for the government to monitor the healthcare system, government programs, and compliance with civil rights laws.

**12. Lawsuits and Disputes.** If you are involved in a lawsuit or a dispute, we may disclose medical information about you in response to a court or administrative order. We may also disclose medical information about you in response to a subpoena, discovery request, or other lawful process by someone else involved in the dispute, but only if efforts have been made to tell you about the request or to obtain an order protecting the information requested.

**13. Law Enforcement.** We may release medical information if asked to do so by a law enforcement official: In response to a court order, subpoena, warrant, summons or similar process; to identify or locate a suspect, fugitive, material witness, or missing person; about the victim of a crime if, under certain limited circumstances, we are unable to obtain the person's agreement; about a death we believe may be the result of criminal conduct; about criminal conduct in the office of Peak Orthopedic & Sports Medicine, P.C. and in emergency circumstances report a crime, location of crime or victims; or identity, description or location of person who committed the crime.

**14. Coroners, Medical Examiners, and Funeral Directors.** As necessary, we may release medical information to a coroner or medical examiner, for example, to identify a deceased person or determine the cause of death, and may release medical information about patients to funeral directors.

**15. National Security and Intelligence Activities.** We may release medical information about you to authorized federal officials for intelligence, counter-intelligence, and other national security activities authorized by law.

**16. Protective Services for the President and Others.** We may disclose medical information about you to authorized federal officials so they may provide protection to the President, other authorized persons or foreign heads of state or conduct special investigations.

**17. Inmates.** If you are an inmate of a correctional institution or under the custody of a law enforcement official, we may release medical information about you to the correctional institution or law enforcement official. This release would be necessary (1) for the institution to provide you with health care; (2) to protect your health and safety or the health and safety of others; or (3) for the safety and security of the correctional institution.

**USES OR DISCLOSURES WHEN YOU HAVE AN OPPORTUNITY TO OBJECT**

**1. Facility Directories and Religious Preferences.** Unless you object, we may include your name in any facility directory and we may list any religious preference you tell us in a directory provided to clergy.

**2. Individuals Involved in Your Care or Payment for Your Care.** Unless you object, we may release medical information about you to a friend or family member who is involved in your medical care. We may also give information to someone who helps pay for your care. We may also tell your family or friends your general condition and that you are in the hospital. In addition, we may disclose medical information about you to an entity assisting in a disaster relief effort so that your family can be notified about your condition, status and location.

**USES OR DISCLOSURES THAT CAN ONLY BE MADE WITH YOUR AUTHORIZATION:** Uses and disclosures of medical information not covered by this notice or laws that apply to us will be made only with your written authorization. If you provide us permission to use or disclose medical information about you, you may revoke that permission, in writing, at any time. If you revoke your permission, we will no longer use or disclose medical information about you for the reasons covered by your written authorization. You understand that we are unable to take back any disclosures we have already made with your permission, and that we are required to retain our records of care we have provided to you.

**YOUR RIGHTS REGARDING MEDICAL INFORMATION ABOUT YOU:** You have the following rights regarding medical information we keep about you:

**1. Right to Inspect and Copy.** You have the right to inspect and copy medical information that may be used to make decisions about your care. Usually, this includes medical and billing records, but does not include psychotherapy notes. To inspect and copy medical information that may be used to make decisions about you, you must submit your request in writing to: Privacy Officer, Peak Orthopedic & Sports Medicine, P.C.; P.O. Box 2053; Whitefish, MT 59937; 406-863-9340. If you request a copy of the information, we may charge a fee for the costs of copying, mailing or other supplies associated with your request. We may deny your request to inspect and copy in certain very limited circumstances if we judge that disclosing information could be detrimental to you or to another party. You have the right to appeal any such denial.

**2. Right to Amend.** If you feel medical information we have about you is incorrect or incomplete, you may ask us to amend the information. You have the right to request an amendment as long as your information is kept by the organization. To request an amendment, your request must be made in writing and submitted to: Privacy Officer; Peak Orthopedic & Sports Medicine, P.C.; P.O. Box 2053; Whitefish, MT 59937; 406-863-9340. In addition, you must provide a reason that supports your request. We may deny your request for an amendment if it is not in writing or 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 organization; is not part of the information which you would be permitted to inspect and copy; or is accurate and complete.

**3. Right to an Accounting of Disclosures.** You have the right to request an "accounting of disclosures." This is a list of the disclosures we made of medical information about you. To request this list or accounting of disclosures, you must submit your request in writing to: Privacy Officer, Peak Orthopedic & Sports Medicine, P.C.; P.O. Box 2053; Whitefish, MT 59937; 406-863-9340. Your request must state a time period that may not be longer than six years and may not include dates before April 2003. Your request should indicate in what form you want the list (for example, on paper or electronically). The first list you request within a 12-month period will be free. For additional lists, we may charge you for the costs of providing the list. We will notify you of the cost involved and you may choose to withdraw or modify your request at that time before any costs are incurred.

**4. Right to Request Restrictions.** You have the right to request a restriction or limitation on medical information we use or disclose about you for treatment, payment or health care operations. You also have the right to request a limit on medical information we disclose about you to someone who is involved in your care or the payment for your care, like a family member or friend. For example, you could ask that we not use or disclose information about a surgery you had. *We are not required to agree with your request.* If we do agree, we will comply with your request unless the information is needed to provide you emergency treatment. To request restrictions, you must make your request in writing to: Privacy Officer; Peak Orthopedic & Sports Medicine, P.C.; P.O. Box 2053; Whitefish, MT 59937. In your request, you must tell us (1) what information you want to limit; (2) whether you want to limit our use, disclosure or both; and (3) to whom you want the limits to apply, for example, disclosures to your spouse. A restriction is not granted until you receive written notice of its approval.

**5. Right to Request Confidential Communications.** You have the right to request that we communicate with you about medical matters in a certain way or at a certain location. For example, you can ask that we only contact you at work or by mail. To request confidential communications, you must make your request in writing to: Privacy Officer; Peak Orthopedic & Sports Medicine, P.C.; P.O. Box 2053; Whitefish, MT 59937. We will not ask you the reason for your request. We will accommodate all reasonable requests. Your request must specify how or where you wish to be contacted.

**6. Right to a Paper Copy of This Notice.** You have the right to a paper copy of this notice. You may ask us to give you a copy of this notice at any time. Even if you have agreed to receive this notice electronically, you are still entitled to a paper copy of this notice. To obtain a paper copy of this notice, contact: Privacy Officer; Peak Orthopedic & Sports Medicine, P.C.; P.O. Box 2053; Whitefish, MT 59937; 406-863-9340.

**COMPLAINTS:** If you believe your privacy rights have been violated, you may file a complaint with us or with the Secretary of the Department of Health and Human Services. To file a complaint with Peak Orthopedic & Sports Medicine, P.C., contact: Privacy Officer; Peak Orthopedic & Sports Medicine, P.C.; P.O. Box 2053; Whitefish, MT 59937. All complaints must be submitted in writing. **You will not be penalized for filing a complaint.**

**CHANGES TO THIS NOTICE:** We reserve the right to change this notice. We reserve the right to make the revised or changed notice effective for medical information we already have about you as well as any information we receive in the future. We will post a copy of the current notice at the organization covered by this notice. The notice will contain on the first page, in the top right-hand corner, the effective date.