



HIPAA NOTICE OF PRIVACY PRACTICES

Our Promise. The privacy of your Protected Health Information (“PHI”) is important to us. We understand that your PHI is personal and we are committed to protecting it. This notice describes how we may use and disclose your PHI to carry out treatment, payment or health care operations and for other purposes that are permitted or required by law. It also describes your rights to access and control your PHI. PHI is information about you, including demographic information, that may identify you and that relates to your past, present or future physical or mental health or condition and related health care services.

Our Legal Duty. We are required by law to maintain the privacy of your PHI; give you this notice of our legal duties and privacy practices with respect to your PHI and follow the terms of our notice that are currently in effect. We may change the terms of our notice at any time. The new notice will be effective for all PHI that we maintain at the time as well as any information we receive in the future. You can obtain any revised HIPAA Notice of Privacy Practices by contacting our Compliance Officer.

How We May Use and Disclose Your PHI. We are permitted to use and disclose your PHI for the following purposes. However, our office may never have reason to make some of these disclosures. The following examples describe different ways that we may use and disclose your PHI.

- **For Treatment.** We will use and disclose your PHI to provide, coordinate, or manage your health care treatment and any related services. We may also disclose PHI to other physicians who may be treating you. For example, your PHI may be provided to a physician to whom you have been referred to ensure that the physician has the necessary information to diagnose and treat you. In addition, we may disclose your PHI to another physician or health care provider (e.g., a specialist or laboratory) who, at the request of your physician, becomes involved in your care by providing assistance with your health care diagnosis or treatment.
- **Patient Record Sharing.** Our EHR uses CommonWell and CareQuality, a secure record sharing system, that allows your providers to gather your patient information from outside care sites, agnostic of what EHR system another provider may be using. As a result, approximately 75 percent of eligible Epic sites and 30 percent of eligible Cerner sites via CommonWell and Carequality are able to share their information with Boston Orthopaedic & Spine, LLC.
- **For Medication History Download.** Our EHR uses Surescripts, Inc., a prescription system that allows prescriptions and related information to be exchanged between your providers and the pharmacy. The information sent between these systems may include details of any and all prescription drugs you are currently taking and/or have taken in the past. This information will be utilized to Boston Orthopaedic & Spine, LLC. This information may include disclosure of prescription information related to alcohol and drug abuse, mental health treatment, and/or confidential HIV related information by Surescripts, Inc. to Boston Orthopaedic & Spine, LLC.
- **For Payment.** Your PHI will be used, as needed, to obtain payment for your health care services. This may include certain activities that your health insurance plan or a third party may undertake before it approves or pays for health care services we recommend for you, such as making a determination of eligibility or coverage for insurance benefits, reviewing services provided to you for medical necessity, and undertaking utilization review activities.
- **For Health Care Operations.** We may use and disclose your PHI for health care operation purposes. These uses and disclosures are necessary to make sure that all of our patients receive quality care and for our operation and management purposes. For example, we may use our PHI to internally review the treatment and services you receive to check on the performance of our staff in caring for you. We may also disclose information to doctors, nurses, technicians, medical students, and other personnel for educational purposes.
- **Appointment Reminders/Treatment Alternatives/Health-Related Benefits and Services.** We may use and disclose your PHI to contact you to remind you that you have an appointment for treatment or medical care, or to contact you to tell you about possible treatment options or alternatives or health related benefits and services that may be of interest to you.
- **Fundraising Activities.** We may use or disclose your demographic information and the dates that you received treatment from your physician, as necessary, in order to contact you for fundraising activities supported by our office. If you do not want to receive these materials, please contact our office and request that these fundraising materials not be sent to you.
- **Plan Sponsors.** If your coverage is through an employer sponsored group health plan, we may share PHI with your plan sponsor.
- **Facility Directories.** Unless you object, we may use and disclose in our facility directory your name, the location at which you are receiving care, your condition (in general terms), and your religious affiliation. All of this information, except religious affiliation, will be disclosed to people that ask for you by name. Members of the clergy will be told your religious affiliation. You have the opportunity to agree or object to the use or disclosure of all or part of your PHI. If you are not present or able to agree or object to the use of disclosure of the PHI, then your physician may, using professional judgement, determine whether the disclosure is in your best interest. In this case, only the PHI that is relevant to your health care will be disclosed.
- **Others Involved in Your Health Care.** Unless you object, we may disclose to a member of your family, a relative, a close friend or any other person you identify, your PHI that directly relates to that person’s involvement in your health care. If you are unable to agree or object to such a disclosure, we may disclose such information as necessary if we determine that it is in your best interest

based on our professional judgement. We may use or disclose PHI to notify or assist in notifying a family member, personal representative or any other person that is responsible for your care of your location, general condition or death. Finally, we may use or disclose your PHI to an authorized public or private entity to assist in disaster relief efforts and to coordinate uses and disclosures to family or other individuals involved in your health care.

- **Required by Law.** We may use or disclose your PHI to the extent that the use or disclosure is required by law. The use or disclosure will be made in compliance with the law and will be limited to the relevant requirements of the law. You will be notified, as required by law, of any such uses or disclosures.
- **Public Health.** We may disclose your PHI for public health activities and purposes to a public health authority that is permitted by law to collect or receive the information. The disclosure will be made for the purpose of controlling disease, injury or disability. We may also disclose your PHI, if directed by the public health authority, to a foreign government agency that is collaborating with the public health authority.
- **Business Associates.** We may disclose your PHI to our business associates that perform functions on our behalf or provide us with services if the information is necessary for such functions or services. For example, we may use another company to perform billing services on our behalf or to provide consulting services for us. All of our business associates are obligated, under contract with us, to protect the privacy of your information and are not allowed to use or disclose any information other than as specified in our contract.
- **Communicable Diseases.** We may disclose your PHI, if authorized by law, to a person who may have been exposed to a communicable disease or may otherwise be at risk of contracting or spreading the disease or condition.
- **Health Oversight.** We may disclose your PHI to a health oversight agency for activities authorized by law, such as audits, investigations, and inspections. Oversight agencies seeking this information include government agencies that oversee the health care system, government benefit programs, other government regulatory programs and civil rights laws.
- **Food and Drug Administration.** We may disclose your PHI to a person or company required by the Food and Drug Administration to report adverse events, product defects or problems, biologic product deviations, track products to enable product recalls, to make repairs or replacements, or to conduct post marketing surveillance, as required by law.
- **Coroners, Funeral Directors, and Organ Donation.** We may disclose your PHI to a coroner or medical examiner for identification purposes, determining cause of death or for the coroner or medical examiner to perform other duties authorized by law. We may also disclose your PHI to a funeral director, as authorized by law, in order to permit the funeral director to carry out their duties. We may disclose such information in reasonable anticipation of death. PHI may be used and disclosed for cadaveric organ, eye, or tissue donation purposes.
- **Research.** We may disclose your PHI to researchers when their research has been approved by an institutional review board that has reviewed the research proposal and established protocols to ensure the privacy of your PHI.
- **Criminal Activity.** Consistent with applicable federal and state laws, we may disclose your PHI, if we believe that 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. We may also disclose your PHI if it is necessary for law enforcement authorities to identify or apprehend an individual.
- **Military Activity and National Security.** When the appropriate conditions apply, we may use or disclose PHI of individuals who are Armed Forces personnel (1) for activities deemed necessary by appropriate military command authorities; (2) for the purpose of a determination by the Department of Veterans Affairs of your eligibility for benefits, or (3) to foreign military authority if you are a member of that foreign military services. We may also disclose your PHI to authorized federal officials for conducting nation security and intelligence activities, including for the provision of protective services to the President or others legally authorized.
- **Workers' Compensation.** Your PHI may be disclosed by us as authorized to comply with workers' compensation laws and other similar legally established programs.
- **Inmates.** We may use or disclose your PHI if you are an inmate of a correctional facility and your physician created or received your PHI in the course of providing care to you.
- **For Data Breach Notification Purposes.** We may use or disclose your PHI to provide legally required notices of unauthorized acquisitions, access, or disclosure of your health information. We may send notice directly to you or provide notice to the sponsor of your plan, if applicable, through which you receive coverage.

Special Protections for HIV, Alcohol and Substance Abuse, Mental Health and Genetic Information. Certain federal and state laws may require special privacy protections that restrict the use and disclosure of certain health information, including HIV-related information, alcohol and substance abuse information, mental health information, and genetic information. For example, a health plan is not permitted to use or disclose genetic information for underwriting purposes. Some parts of this HIPAA Notice of Privacy Practices may not apply to these types of information. If your treatment involves this information, you may contact our Compliance Officer for more information about these protections.

Uses and Disclosure of PHI Based Upon Your Written Authorization. Use and disclosures of your PHI that involve the release of psychotherapy notes (if any), marketing, sale or your PHI, or other uses or disclosures not described in this notice will be made only with your written authorization, unless otherwise permitted or required by law. You may revoke this authorization at any time, in writing, except to the extent that this office has taken action in reliance on the use or disclosure indicated in the authorization. Additionally, if a use or disclosure of PHI described above in this notice is prohibited or materially limited by other laws that apply to use, it is our intent to meet the requirements of the more stringent law.

Your Rights Regarding Health Information About You. The following is a statement of your rights with respect to your PHI and a brief description of how you may exercise these rights.

- **You have the right to inspect and copy your PHI.** This means you may inspect and obtain a copy of your PHI that is contained in your designated file for as long as we maintain the PHI. A “designated file” contains medical and billing records and any other records that your physician and the office use for making decisions about you. Under federal law, however, you may not inspect or copy the following records: psychotherapy notes, information compiled in reasonable anticipation of, or use in, a civil, criminal, or administrative action or proceeding, and PHI that is subject to law that prohibits access to PHI. You must make a written request to inspect and copy your designated file. Additionally, if we maintain an electronic health record of your designated file, you have the right to request that we send a copy of your PHI in an electronic format to you or to a third party that you identify. We have up to thirty (30) days to make your PHI available to you and we may charge you a reasonable fee for any copies. Depending on the circumstances, we may deny your request to inspect and/or copy your PHI. A decision to deny access may be reviewable. Please contact our Compliance Officer if you have questions about access to your medical record.
- **You have the right to request a restriction of your PHI.** This means you may ask us not to use or disclose any part of your PHI for the purposes of treatment, payment or healthcare operations. You may also request that any part of your PHI not be disclosed to family members or friends who may be involved in your care or for notification purposes as described in this HIPAA Notice of Privacy Practices. Your request must state the specific restriction requested and to whom you want the restriction to apply. This office is not required to agree to a restriction unless you are asking us to restrict the use and disclosure of your PHI to a health plan for payment or health care operation purposes and such information you wish to restrict pertains solely to a health care item or service for which you paid us out-of-pocket in full. If this office believes it is in your best interest to permit the use and disclosure of PHI, your PHI will not be restricted. If this office does agree to the requested restriction, we may not use or disclose your PHI in violation of that restriction unless it is needed to provide emergency treatment. With this in mind, please discuss any restriction you wish to request with your physician. You may request a restriction by contacting our Compliance Officer.
- **You have the right to restrict information given to your third-party payer if you fully pay for the services out of your pocket.** If you pay in full for services out of your own pocket, you can request that the information regarding the services not be disclosed to your third-party payer because no claim is being made against the third-party payer.
- **You have the right to request to receive confidential communications from us by alternative means or at an alternative location.** We will accommodate reasonable requests. We may also condition this accommodation by asking you for information as to how payment will be handled or specification of an alternative address or other method of contact. We will not request an explanation from you as to the basis for the request. Please make this request in writing to our Compliance Officer.
- **You may have the right to have your physician amend your PHI.** This means you may request an amendment of PHI about you in your designated file for as long as we maintain this information. In certain cases, we may deny your request for an amendment. If we deny your request for amendment, you have the right to file a statement of disagreement with us and we may prepare a rebuttal to your statement and will provide you with a copy of any such rebuttal. Please contact our Compliance Officer if you have questions about amending your medical record. Your request must be in writing and provide the reasons for the requested amendment.
- **You have the right to receive an accounting of certain disclosures we have made, if any, of your PHI.** This right applies to disclosures for purposes other than treatment, payment or health care operations as described in this HIPAA Notice of Privacy Practices. It excludes disclosures we may have made to you, for a facility directory, to family members, or friends involved in your care, or for notification purposes. The right to receive this information is subject to certain exceptions, restrictions and limitations. Additionally, limitations are different for electronic health records.
- **You have the right to obtain a paper copy of this notice from us,** upon request, even if you have agreed to accept this notice electronically.
- **You have the right to receive notice of a security breach.** We are required to notify you if your PHI has been breached. The notification will occur by first-class mail within 60 days of the event. A breach occurs when there has been an unauthorized use or disclosure under HIPAA that compromises the privacy or security of your PHI. The notice will contain the following information: (1) a brief description of what happened, including the date of the breach and the date of the discovery of the breach; (2) the steps you should take to protect yourself from potential harm resulting from the breach; and (3) a brief description of what we are doing to investigate the breach, mitigate losses, and to protect against further breaches.

Complaints. If you have any questions or complaints about this notice, please contact our Compliance Officer at 617-588-3057 or in writing to Boston Orthopaedic and Spine, LLC, Attn: Compliance Officer, 20 Guest Street, Suite 225, Brighton, MA 02135. If you think we may have violated your privacy rights, please contact our Compliance Officer. You may also file a complaint with the U.S. Department of Health and Human Services. We will provide you with the address to file your complaint with the U.S. Department of Health and Human Services. We will not retaliate against you for filing a complaint.