



SportsMed-Wheaton Orthopaedics, Ltd.

www.sportsmedltd.com

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.

The practice (SportsMed-Wheaton Orthopaedics) acts to maintain the privacy of protected health information (PHI) and provide individuals with notice of the practice's legal duties and privacy practices with respect to protected health information as described in this Notice and abide by the terms of the Notice currently in effect.

Provision of Notice: The practice provides its Notice of Privacy Practices to every patient with whom it has a direct treatment relationship. The Notice is provided no later than the date of the first treatment to the patient after April 11, 2003.

The practice makes its Notice available to any member of the public to enable prospective patients to evaluate the practice's privacy practices when making his/her decision regarding whether to seek treatment from the practice.

The practice posts its Notice in the reception/waiting room area at the practice location(s).

Documentation of Provision of Notice: When a direct treatment patient receives the Notice from the practice, the practice asks the patient to sign its "Receipt of Privacy Practices" form. The form is filed with the patient's medical record. If the patient refuses to sign the form, it is noted in the medical record that the patient was given the Notice and refused to sign the form.

Effective Date and Changes to the Notice: This notice is effective April 11, 2003. The practice reserves the right to revise this Notice whenever there is a material change to the uses or disclosures, the individual's rights, the covered entity's legal duties, or other privacy practices stated in the Notice. Except when required by law, a material change to any term of the Notice will not be implemented prior to the effective date of the notice in which such material change is reflected.

If the Notice is revised, the practice makes the revised Notice available upon request beginning on the revision's effective date. The revised notice is posted in the practice's reception/waiting room area and made available to all patients, including those who have received a previous Notice. Upon receipt of a revised Notice, a patient is asked to acknowledge receipt of the Notice.

Complaints: The practice allows all patients and their agents to file complaints with the practice and with the Secretary of the federal Department of Health and Human Services (DHHS). A patient or his/her agent may file a complaint with the practice whenever he/she believes that the practice has violated his/her rights.

Complaints to the practice must be in writing, must describe the acts or omissions that are the subject of the complaint, and must be filed within 180 days of the time the patient became aware or should have become aware of the violation. Complaints must be addressed to the attention of the practice's privacy officer at the practice's address.

Contact information is listed at the end of this Notice. The practice investigates each complaint and may, at its discretion, reply to the patient or the patient's agent.

Complaints to the Secretary of the Department of Health and Human services must be in writing, must name the practice, must describe the acts or omissions that are the subject of the complaint, and must be filed within 180 days of the time the patient became aware or should have become aware of the violation. Information on where to file such a complaint is listed at the end of this Notice.

The practice does not take any adverse action against any patient who files a complaint (either directly or through an agent) against the practice.

Contact Person: The practice has a privacy officer that serves as the contact person for all issues related to the Privacy Rule. Information on contacting the privacy officer is listed at the end of this Notice.

Uses and Disclosures of Protected Health Information

The practice reasonably ensures that the protected health information (PHI) it requests, uses, and discloses for any purpose is the minimum amount of PHI necessary for that purpose.

The practice treats all qualified individuals as personal representatives of patients. The practice generally allows individuals to act as personal representatives of patients. The two general exceptions to allowing individuals to act as personal representatives relate to unemancipated minors and abuse, neglect, or endangerment situations.

The practice makes reasonable efforts to ensure that PHI is only used by and disclosed to individuals that have a right to the PHI. Toward that end, the practice makes reasonable effort to verify the identity of those using or receiving PHI.

Uses and Disclosures - Treatment, Payment and Healthcare Operations

The practice uses and discloses PHI for payment, treatment, and healthcare operations. *Treatment* includes those activities related to providing services to the patient, including releasing information to other healthcare providers involved in the patient's care. *Payment* relates to all activities associated with receiving reimbursement for services provided, including submission to insurance companies and any additional information requested by the insurance company so they can determine if they should pay the claim. *Healthcare operations* includes a number of areas, including quality assurance and peer review activities.

Uses and Disclosures - Not Requiring Authorization

Disclosures to Those Involved in Individual's Care: The practice discloses PHI to those involved in a patient's care when the patient approves or, when the patient is not present or not able to approve, when such disclosure is deemed appropriate in the professional judgment of the practice.

When the patient is not present, the practice determines whether the disclosure of the patient's PHI is authorized by law and if so, discloses only the information directly relevant to the person's involvement with the patient's healthcare.

The practice does not disclose protected health information to a suspected abuser, if, in its professional judgment, there is reason to believe that such a disclosure could cause the patient serious harm. Further, the practice uses and discloses information as required by law.

Uses and Disclosures Required by Law: The practice uses and discloses PHI to appropriate individuals as required by law.

As required by law the practice discloses PHI to public health officials. This includes reporting of communicable diseases and other conditions, sexually transmitted diseases, lead poisoning, Reyes Syndrome,

and mandated reports of injury, medical conditions or procedures, or food-borne illnesses including but not limited to adverse reactions to immunizations, and adverse pregnancy outcomes, death, and birth.

The practice discloses PHI regarding victims of abuse, neglect, or domestic violence. The practice discloses information about a minor, disabled adult, nursing home resident, or person over 60 years of age whom the practice reasonably believes to be a victim of abuse or neglect to the appropriate authorities as required by law or, if not required by law, if the individual agrees to the disclosure. This includes child abuse and neglect, elder abuse and exploitation, abused and neglected nursing home residents, or disabled adults abuse.

The practice informs the individual of the reporting unless the practice, in the exercise of professional judgment, believes informing the individual would place the individual at risk of serious harm or the practice would be informing a personal representative, and the practice believes the personal representative is responsible for the abuse, neglect, or other injury, and that informing such person would not be in the best interests of the individual as determined by the professional judgment of the practice.

Uses and Disclosures related to Workers' Compensation: The practice may disclose PHI to the extent authorized by laws relating to workers' compensation or similar programs.

Uses and Disclosures for Health Oversight Activities: The practice uses and discloses PHI as required by law for health oversight activities. The information may be used and released for audits, investigations, licensure issues, and other health oversight activities, including, but not limited to internal audits and reviews, hospital peer review, managed care peer review, or Medicaid or Medicare peer review.

Disclosures for Judicial and Administrative Proceedings: In general, the practice discloses information for judicial and administrative proceedings in response to an order of a court or an administrative tribunal; or a subpoena, discovery request or other lawful process, not accompanied by a court order or an ordered administrative tribunal.

Disclosures for Law Enforcement Purposes: The practice discloses PHI for law enforcement purposes to law enforcement officials.

Uses and Disclosures Related to Decedents: The practice uses and discloses PHI as required to a coroner or medical examiner and funeral directors as required by law. The attending physician is required to sign the death certificate and provide the coroner with a copy of the decedent's PHI.

Uses and Disclosures Related to Cadaveric Organ, Eye or Tissue Donations: The practice uses and discloses PHI to facilitate organ, eye or tissue donations.

Uses and Disclosures to Avert a Serious Threat to Health or Safety: The practice uses and discloses PHI to public health and other authorities as required by law to avert a serious threat to health or safety.

Uses and Disclosures for Specialized Government Functions: The practice uses and discloses PHI for military and veteran's activities, national security, and intelligence activities, and other activities as required by law.

Uses and Disclosures in Emergency Situations: The practice uses and discloses PHI as appropriate to provide treatment in emergency situations. In those instances where the practice has not previously provided its Notice of Privacy Practices to a patient who received direct treatment in an emergency situation, the practice provides the Notice to the individual as soon as practicable following the provision of the emergency treatment.

Marketing Purposes: The practice does not use or disclose any PHI for marketing purposes. The practice does engage in communications about products and services that encourages recipients of the communication to purchase or use the product or service for treatment, to direct or recommend alternative treatments, therapies,

healthcare providers, or settings of care to the individual. These activities are not considered marketing. The practice does not provide PHI to other organizations for marketing activities.

In addition, the practice may contact the individual with appointment reminders or information about treatment alternatives or other health-related benefits and services that may be of interest to the individual

Research: The practice may use or disclose a limited data set of PHI (from which identifying information has been removed) for purposes of research. Any recipient of that information must agree to appropriately safeguard that information.

Other Uses and Disclosures: The practice does not use or disclose PHI to an employer or to an insurance company, agent or broker, for underwriting and related purposes, or for fund-raising purposes.

If an individual wants the practice to release his/her PHI to employers or insurance companies, agents or brokers for underwriting and related purposes, then he/she can contact the practice and complete an appropriate written authorization.

Individual Rights

Individual Rights - Accounting for Disclosures of Protected Health Information

The practice tracks all disclosures of a patient's PHI that occur for other than the purposes of treatment, payment, and healthcare operations, that are not made to the individual or to a person involved in the patient's care, that are not made as a result of a patient authorization, and that are not made for national security or intelligence purposes or to correctional institutions or law enforcement officials.

The practice allows an individual to request one accounting within a 12-month period free of charge. The practice charges a reasonable fee for more frequent accounting requests. The charge will be \$25.00. An individual can request an accounting of disclosures for a period of up to six years prior to the date of the request. Requests for shorter accounting periods will be accepted. However, patients may only request an accounting of disclosures made on or after April 11, 2003.

The practice responds to all requests for an accounting of disclosures within 60 days of receipt of the request. If the practice intends to provide the accounting for disclosures and cannot do so within 60 days, the practice will inform the requestor of such and provide a reason for the delay and the date the request is expected to be fulfilled. Only one 30-day extension is permitted.

A request for an accounting for disclosures must be made on the form provided by the practice for this purpose. Contact the Privacy Officer to obtain such a form and for additional information on making the request.

Individual Rights - Inspect and Copy Protected Health Information

The practice allows individuals to inspect and copy their PHI, documents all requests, responds to those requests in a timely fashion, informs individuals of their appeal rights when a request is rejected in whole or in part, and charges a reasonable fee for the copying of records.

The practice reviews the request in a timely fashion and acts on the request for access generally within 30 days. The practice may have a single extension of 30 days, if needed, to act on the request. Each request will be accepted or denied and the requestor notified in writing. If a request is denied, the requestor is informed if the denial is "reviewable" or not. The requestor has the right to have any denied request reviewed by a licensed healthcare professional who is designated by the practice as a reviewing official and who did not participate in the original decision to deny. The practice informs the requestor of the decision of the reviewing official and adheres to the decision.

The practice charges reasonable fees based on actual cost of fulfilling the request. The practice will determine the appropriate charge for providing the requested records and inform the requestor in advance of providing the

records. The practice limits charges for records to the amounts allowed under Illinois law. If the requestor agrees to pay the fee in advance, the records will be provided. Otherwise, the records will not be provided, unless the Privacy Officer determines that the charge is burdensome to the requestor.

Requests for the inspection and copying of records must be made on the form provided by the practice for this purpose. Contact the Privacy Officer to obtain such a form and for additional information on making the request.

Individual Rights - Request Amendment to Protected Health Information

The practice allows an individual to request that the practice amend the PHI maintained in the patient's medical record or the patient's billing record. The practice documents all requests, responds to those requests in a timely fashion, and informs individuals of their appeal rights when a request is denied in whole or in part.

Generally the practice will act on a request for amendment no later than 60-days after receipt of such a request. If the practice cannot act on the amendment within 60 days, the practice extends the time for such action by 30 days and, within the 60-day time limit, provides the requestor with a written statement of the reasons for the delay and the date by which the practice will complete action on the request. Only one such extension is allowed.

If the practice denies the request, in whole or in part, the practice provides the requestor with a written denial in a timely fashion. The practice allows a requestor to submit a written statement disagreeing with the denial of all or part of the initial request. The statement must include the basis of the disagreement. The practice limits the length of a statement of disagreement to one page.

The practice accepts requests to amend the PHI maintained by the practice. The requests must be made on the form provided by the practice for this purpose. Contact the Privacy Officer to obtain such a form and for additional information on making the request.

Individual Rights - Request Confidential Communications

The practice accommodates all reasonable requests to keep communications confidential. The practice determines the reasonableness based on the administrative difficulty of complying with the request.

A request for confidential communications must be in writing and on the practice's Request for Confidential Communications form, must specify an alternative address or other method of contact, and must provide information about how payment will be handled. The request must be addressed to the practice's Privacy Officer. No reason for the request needs to be stated.

The practice accommodates all reasonable requests. The reasonableness of a request is determined solely on the basis of the administrative difficulty of complying with the request. The practice will reject a request due to administrative difficulty: if no independently verifiable method of communication such as a mailing address or published telephone number is provided for communications, including billing; or if the requestor has not provided information as to how payment will be handled.

The practice will not refuse a request: if the requestor indicates that the communication will cause endangerment; or based on any perception of the merits of the requestor's request.

Individual Rights - Request Restriction of Disclosure

The practice accepts all requests for restrictions of disclosures of PHI. The practice does not agree to any restrictions in the use or disclosure of PHI.

All requests for restrictions of disclosures must be made on the form provided by the practice for such a purpose. The privacy officer will notify the requestor that the practice does not accept restrictions of disclosure.

Individual Rights - Authorizations

The practice obtains a written authorization from a patient or the patient’s representative for the use or disclosure of PHI for other than treatment, payment, or healthcare operations; however, the practice is not required to get an authorization for the use or disclosure of PHI specifically allowed under the Privacy Rule in the absence of an authorization. The practice will provide a patient upon request a copy of any authorization initiated by the practice (as opposed to requested by the patient) and signed by the patient.

The practice does not condition treatment of a patient on the significance of an authorization, except disclosure necessary to determine payment of claim; or provision of healthcare solely for purpose of creating PHI for disclosure to a third party (i.e., pre-employment or life insurance physicals).

In Illinois, a specific written authorization is required to disclose or release mental health treatment, alcoholism treatment, drug abuse treatment or HIV/AIDS information.

The practice allows an individual to revoke an authorization at any time. The revocation must be in writing and must be sent to the attention of the practice’s Privacy Officer; however, in any case the practice will be able to use or disclose the PHI to the extent the practice has taken action in reliance on the authorization.

Individual Rights - Waiver of Rights

The practice never requires an individual to waive any of his/her individual rights as a condition for the provision of treatment, except under very limited circumstances allowed under law.

For further information or to file a complaint:

Practice Contact:
Gary Sellergren, Privacy Officer
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