

HEARTPLACE

NOTICE OF PRIVACY PRACTICES

THIS NOTICE DESCRIBES HOW MEDICAL INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU MAY OBTAIN ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY.

The Notice of Privacy Practices (this "Notice") of HeartPlace P.A. ("HeartPlace") is being provided to you in accordance with the requirements of the Standards for Privacy of Individually Identifiable Health Information of the Health Insurance Portability and Accountability Act (the "HIPAA Privacy Rules") and by the amendments to the HIPAA Privacy Rules made by the Health Information Technology for Economic and Clinical Health Act of 2009 (the "HITECH Act"). The HIPAA Privacy Rules (including the HITECH Act) are federal laws that seek to ensure the privacy and confidentiality of your health information. The HIPAA Privacy Rules require HeartPlace to take certain actions to protect the privacy of your health information. This Notice has been prepared to advise you of the uses and disclosures of your Protected Health Information (as defined below) that may be made by HeartPlace and to advise you of your rights and HeartPlace's legal duties relating to the privacy of your Protected Health Information.

If you would like any additional information, please contact HeartPlace's Privacy Officer (referenced on the last page of this Notice).

What is Protected Health Information? Protected Health Information ("PHI") means information created or received by HeartPlace and transmitted or maintained in written, electronic, or any other form that (A) relates to (i) your past, present or future health condition, (ii) the provision of health care to you, or (iii) your past, present, or future payment for the provision of health care; and (B) individually identifies you or could reasonably be used to identify you. PHI also includes "genetic information" as that term is defined in the HIPAA Privacy Rules.

Will HeartPlace have access to my PHI?

Yes. Your PHI will be obtained by your HeartPlace physician, HeartPlace's office staff and others outside of HeartPlace that are involved in your care and treatment for the purpose of providing health care services to you.

When may HeartPlace use or disclose my PHI?

The law permits HeartPlace to use or disclose PHI to carry out "treatment," "payment" and other "health care operations." HeartPlace is not required to obtain an authorization from you or to notify you each time it uses or discloses your PHI for treatment, payment or health care operations purposes. The following are examples of the types of uses and disclosures of your PHI that HeartPlace is permitted to make, but the examples are not meant to be exhaustive.

Treatment: "Treatment" means the provision, coordination, or management of health care and related services by health care providers, including the coordination or management of health care by a provider with a third party, consultation between providers with respect to a patient, and the referral of a patient for health care from one provider to another. For example, (i) HeartPlace may disclose your PHI, as necessary, to a home health agency that provides care to you, (ii) HeartPlace may disclose PHI to other physicians who may be treating you, or (iii) your PHI may be provided to a physician to whom you have been referred. In addition, HeartPlace may disclose your PHI from time-to-time to another physician or health care provider (e.g., a specialist or laboratory) in connection with your treatment. Another example is that HeartPlace might disclose certain PHI to facilitate a pharmacy's filling of your prescription. Your PHI and results of your diagnostic testing will be available in your medical record to all health care professionals who may provide treatment or who may be consulted by staff members.

Payment: Your PHI will be used, as needed, to obtain "payment" for your health care services provided by HeartPlace. This may include certain activities that your health insurance plan may undertake before it approves or pays for the health care services HeartPlace recommends 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. Another example is obtaining approval for a hospital stay, which may require that your relevant PHI be disclosed to the health plan to obtain approval for the hospital admission.

Health Care Operations:“Health Care Operations” means those other functions and activities that HeartPlace performs in connection with providing health care. These activities include, but are not limited to, quality assessment activities, employee review activities, training of medical students, licensing, credentialing, underwriting, auditing functions, budgeting and financial reporting, and conducting or arranging for other business and administrative activities. For example, HeartPlace may disclose your PHI to medical school students that are in training and seeing patients at our offices. In addition, HeartPlace may use a sign-in sheet at the registration desk where you will be asked to sign your name and indicate your physician. HeartPlace may also call you by name in the waiting room when your physician is ready to see you. HeartPlace will share your PHI with third party “business associates” that perform various activities (e.g., billing and transcription services) for HeartPlace.

Additional Uses of Information:

HeartPlace may use or disclose your PHI to provide you with appointment reminders or information about your treatment alternatives or other health-related benefits and services that may be of interest to you.

Other Uses and Disclosures:

For uses or disclosures of PHI that are not made for treatment, payment, or health care operations purposes and for which no exception applies, the law requires HeartPlace to obtain your written approval for HeartPlace’s disclosure of your PHI to a particular person or entity for a particular purpose (“Authorization”). You may revoke an Authorization at any time, but a revocation is not effective if HeartPlace has already reasonably relied on your Authorization to make a particular use or disclosure. Additionally, if you request that HeartPlace make a use or disclosure of your PHI to a third party, HeartPlace may require that you sign an Authorization that permits HeartPlace to honor your request.

While HeartPlace does not anticipate using or disclosing your PHI for marketing purposes, under the HIPAA Privacy Rules, HeartPlace may make such uses or disclosures with your Authorization, unless HeartPlace communicates with you in person or provides you with some promotional gift of nominal value, in which case your Authorization would not be required.

When might HeartPlace use or disclose my PHI without my Authorization?

As discussed above, HeartPlace is not required to obtain your Authorization to use or disclose your PHI for treatment, payment or health care operations purposes. Additionally, there are some limited exceptions in which the law allows HeartPlace to use or disclose your PHI for purposes other than treatment, payment, or health care operations and without your Authorization. Most of these uses or disclosures are permitted to promote the Government’s need to ensure a safe and healthy society. In some cases, you may be given an opportunity to agree or object before the use or disclosure is made; in other cases, you may not be given this opportunity. Whenever HeartPlace makes these types of uses and disclosures, HeartPlace will make every effort to ensure that it meets any necessary prerequisites and will not use or disclose your PHI more than is otherwise permitted under the law. The types of uses or disclosures of PHI that may be made without your Authorization and without giving you the opportunity to object include those: required by law; for public health activities; for FDA-related purposes; to avert communicable or spreading diseases; to an employer to conduct medical surveillance evaluations, to address work-related illness/workplace injuries and for workers’ compensation purposes; for health oversight purposes (such as when the Government requests certain information from HeartPlace to determine its compliance with applicable laws); when a judge or administrative tribunal orders the release of such PHI; to properly assist law enforcement agencies to carry out their duties; as required by law for reporting certain types of wounds or other physical injuries; pursuant to a request from a law enforcement official if the individual is a victim of a crime; for purposes of identifying or locating a suspect, fugitive, material witness, or missing person; to a coroner or medical examiner for purposes of identifying a deceased person; to a funeral director as necessary to carry out services; for cadaveric organ, eye and tissue donations (where appropriate); to carry out clinical research that involves treatment where the proper authority has determined the importance for doing so and compliance with the research authorization requirements are followed; to prevent serious and imminent threats to the health or safety of

a person; for reporting to correctional institutions/law enforcement officials acting in a custodial capacity; and for certain military/security purposes.

There are also several types of uses or disclosures of PHI that HeartPlace may make without your Authorization as long as, whenever possible, you are given an opportunity to agree or object before HeartPlace makes the use or disclosure. These exceptions are very limited and generally involve the release of a limited amount of PHI, and include, but are not limited to, the following purposes: to maintain a HeartPlace directory of individuals; to disclose for directory purposes your information to members of the clergy or others who ask for you by name; to aid your family members, close personal friends, or persons identified by you to assist in your care, payment of care, or to aid them in locating you and notifying them of your condition; or disclosures to disaster relief personnel in order to locate you in the event of an emergency. If you are not available to agree or object to the use or disclosure of PHI due to your incapacity or an emergency circumstance, then HeartPlace may, in the exercise of its professional judgment, determine whether the disclosure is in your best interests and, if so, disclose only the PHI that is relevant to your health care.

Does HeartPlace participate in a Health Information Exchange (HIE)?

HeartPlace participates in an HIE; a regional arrangement of health care organizations, the *Healthcare Access San Antonio (HASA)*. The [HASA](#) is an organization of regional healthcare providers who have agreed to work with each other to facilitate access to health care information that may be relevant to your care. For example, if you are admitted to a facility on an emergency basis and cannot provide important information about your health condition, the HIE will allow participating providers access to your pertinent health information shared from your other providers so that they may provide you with appropriate treatment. When it is needed, ready access to your health information means better care for you.

We retain health care information about our patients in a shared electronic medical record with other health care providers who participate in the regional HIE arrangement. The current list of the participants who retain health care information in [HASA](#) can be reviewed by accessing the website at www.HASATX.org.

HeartPlace is committed to ensuring that your health information is used responsibly by our organization as well as the organizations we are affiliated with. Your health information will be available through the HIE to participating health care providers who have a treatment relationship with you in accordance with the Notice of Privacy Practices and the law. Data is encrypted and stored within a secure network. When transmitted, it is done over a private secure network, with administrative, physical and technical safeguards.

Can I 'Opt-Out' of the Health Information Exchange (HIE)?

You have the right to opt-out of the HIE. You may submit a completed 'Opt-Out' form during your visit to your HeartPlace clinic or to the Privacy Officer, or, you may submit an Opt-Out form directly to the HASA. Opt-out forms can be completed by contacting your physicians office..

If you opt-out of the HIE, your health information will continue to be used in accordance with this Notice and the law, but will NOT be made available through the HIE, even in medical emergencies.

What are my rights under the privacy standards?

You have the right to request additional restrictions relating to HeartPlace's use or disclosure of your PHI beyond those otherwise required under the HIPAA Privacy Rules. It is your right to make such a request; however, HeartPlace is not legally required to grant your requests unless your requested restrictions involve a disclosure to a health plan for purposes of carrying out payment or health care operations and you have paid HeartPlace out-of-pocket in full for the item or service to which the disclosure relates. For additional information or to obtain the proper form for making such a request, please contact HeartPlace's Privacy Officer.

HeartPlace may communicate your PHI to you in a variety of ways, including by mail or telephone. If you believe that HeartPlace's communications to you by the usual means will endanger you or your health

care and you would like HeartPlace to make its communications that involve PHI to you at an alternate location, you may contact HeartPlace's Privacy Officer to obtain the appropriate request form. HeartPlace will only accommodate reasonable requests and may require information as to how payment, if any, will be handled.

Subject to certain limitations, you have the right to request and obtain access to inspect and copy your PHI maintained by HeartPlace unless the information is not required to be accessible under the HIPAA Privacy Rules or other applicable law.

HeartPlace may charge you a reasonable, cost-based fee for copying (including the cost of supplies and labor) any PHI required to be copied to adequately respond to your access request, as well as any postage costs and costs associated with preparing an explanation or summary of the PHI necessary to adequately respond to your access request (unless otherwise precluded by applicable State or other law). If you would like to request access to your PHI, please notify HeartPlace's Privacy Officer so that you can complete the appropriate forms.

You have the right to request that HeartPlace amend your PHI. HeartPlace reserves the right to deny or partially deny requests for amendments that are not required to be granted under the HIPAA Privacy Rules. For example, HeartPlace may deny a request for amendment when the PHI at issue is accurate and complete. If you would like to request an amendment of your PHI, please notify HeartPlace's Privacy Officer so that you can complete the appropriate forms.

You have the right to request and obtain a proper accounting of disclosures HeartPlace has made of your PHI in the six (6) years prior to the date on which the accounting is requested. HeartPlace is not required, however, to account for all uses and disclosures of PHI that HeartPlace makes. For example, HeartPlace is not required to provide an accounting for disclosures made for treatment, payment, or health care operations purposes or for disclosures made with your Authorization. Additionally, HeartPlace reserves the right to limit its accountings to disclosures made after the compliance date of the HIPAA Privacy Rules. Under the HITECH Act, beginning January 1, 2014 (with respect to records maintained by HeartPlace as of January 1, 2009), and January 1, 2011 (with respect to records acquired by HeartPlace on or after January 1, 2009), you also have the right to request an accounting of disclosures of your PHI made from electronic health records used or maintained by HeartPlace on or after such dates. Any such accounting will be delivered in an electronic format, and will be limited to disclosures made from your electronic health record (including disclosures for treatment, payment, or health care operations) on or after the applicable effective date, and within three (3) years of your request.

HeartPlace will provide you with your first accounting at no charge to you. If you request any additional accountings within a 12-month period, HeartPlace may charge you a reasonable, cost-based fee. At the time that you request a subsequent accounting, HeartPlace will provide you with information regarding the fees, and you will have the opportunity to withdraw or modify your request if you wish to do so. If you would like to request an accounting of your PHI, please notify HeartPlace's Privacy Officer so that you can complete the appropriate forms.

You have the right to request and receive a paper copy of this Notice. If you received this Notice via the Internet or e-mail and would like to receive a paper copy, please contact HeartPlace's Privacy Officer.

If I have an objection to the way my PHI is being handled, may I file a complaint?

Yes. HeartPlace has procedures in place for receiving and resolving complaints. If you believe that HeartPlace has violated your privacy rights or has acted inconsistently with its obligations under the HIPAA Privacy Rules, you may file a complaint by contacting HeartPlace's Privacy Officer by writing a letter addressed to HeartPlace, Attention: Privacy Officer, 16980 Dallas Parkway, Suite 200, Dallas, TX 75248, or by calling 972.391.1900 to request a complaint form.

HeartPlace requests that you attempt to resolve your complaint with HeartPlace using these complaint procedures since HeartPlace is in the best position to respond to your complaint. However, if you believe

HeartPlace has violated your privacy rights, you may also file a complaint with the Office of Civil Rights (“OCR”) at the United States Department of Health and Human Services (“HHS”). Detailed information and an explanation of how you can file a complaint with HHS (including the OCR Health Information Privacy Complaint Form Package) are available may be accessed at <http://www.hhs.gov/ocr/privacy/hipaa/complaints/index.html>. You may also contact your regional OCR office. A list of addresses and telephone numbers can be found at: <http://www.hhs.gov/ocr/office/about/rgn-hqaddresses.html>. If you need help, you can email OCRMail@hhs.gov.

It is against the policies and procedures of HeartPlace to retaliate against any person who has filed a privacy complaint, either with HeartPlace or with OCR.

May HeartPlace amend this Notice?

Yes. HeartPlace is required to abide by the terms of this Notice currently in effect. However, HeartPlace may change the terms of this Notice, at any time. The new notice will be effective for all PHI that HeartPlace maintains at that time. Upon your request, HeartPlace will provide you with any revised Notice of Privacy Practices. You may request a revised Notice of Privacy Practices by logging into your patient portal at HeartPlace.com, calling the office and requesting that a revised copy be sent to you in the mail or asking for one at the time of your next appointment.

What if I have additional questions that are not answered in this Notice?

If you have any questions, concerns or issues relating to the privacy of your PHI that is not covered in this Notice, please contact HeartPlace’s Privacy Officer.

How do I contact the HeartPlace Privacy Officer?

You may contact HeartPlace’s Privacy Officer by writing to Privacy Officer, 16980 Dallas Parkway, Suite 200, Dallas, TX 75248, by calling 972.391.1900 or by facsimile 972.341.3474.

What is the effective date of this Notice?

This Notice was originally effective as of April 14, 2003, and it has been revised several times. The most recent version of this Notice is effective January 1, 2019.