

South Bay Surgery Center

Notice of Privacy Practice

- I. THIS NOTICE DESCRIBES HOW MEDICAL INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE READ IT CAREFULLY.
- II. SOUTH BAY SURGERY CENTER (SBSC) HAS A LEGAL DUTY TO SAFEGUARD YOUR PROTECTED HEALTH INFORMATION (PHI).

SBSC is legally required to protect the privacy of your health information. This information is called “protected health information” (PHI). It includes information in SBSC’s records that can be used to identify you. This is information about your past, present, or future health or condition, the provision of health care to you, or the payment of this health care. SBSC must provide you with this notice about our privacy practices that explains how, when and why we use and disclose your PHI. With some exceptions, SBSC may not use or disclose any more of your PHI than is necessary to accomplish the purpose of the use or disclosure. SBSC is legally required to follow the privacy practices that are described in this notice.

SBSC reserves the right to change the terms of this notice and our privacy policies at any time. Any changes will apply to the PHI records. Before an important change is made to policies, this notice will be promptly changed and we will post a new notice in the lobby of the facility. You may also request a copy of this notice from SBSC during regular business hours.

- III. HOW SBSC MAY USE AND DISCLOSE YOUR PROTECTED HEALTH INFORMATION.

SBSC uses and discloses health information for many different reasons. For some of these uses or disclosures, your prior consent or specific authorization is required. The different categories of disclosures with examples of each category follows:

A. Uses and Disclosures Relating to Treatment, Payment of Health Care Operations That Require Your Prior Written Consent

1. For Treatment. SBSC may disclose your PHI to physicians, nurses, medical students, and other health care personnel who provide you with health care services or are involved in your care. For example, if you’re being treated for a knee injury, your PHI may be disclosed to a physical therapist in order to coordinate your care.

2. To obtain payment for treatment. Your PHI may be used and disclosed in order to bill and collect payment for the treatment and services provided to you. For example, SBSC may provide portions of your PHI to the billing department and your health plan to get paid for the health care services provided to you. SBSC may also provide your PHI to its business associates, such as billing companies, claim processing companies, and others that process the medical group’s health care claims.

3. For health care operations. Your PHI may be used and disclosed in order to operate the medical group. For example, your PHI may be used and disclosed in order to evaluate the performance of the health care professionals who provided the health care services to you. Your PHI may also be provided to accountants, attorneys, consultants, and others in order to exercise compliance with the law.

B. Certain Uses and Disclosures Do Not Require Consent.

1. Exceptions to the consent requirement for treatment, payment, and health care options. Although your consent is required for items 1-3 above, SBSC may disclose your PHI to others without your consent in certain situations. For example, your consent is not required if you need emergency treatment, as long as we attempt to get your consent after treatment or we try to get your consent, but you are unable to communicate with us (for example, if you are unconscious or in severe pain) and we think you would consent if you were able to do so.

2. We may also use and disclose your PHI without your consent or authorization for the following reasons:

- a. When a disclosure is required by federal, state or local law, judicial or administrative proceedings, or law enforcement. For example, when a law requires that information be reported to government agencies and law enforcement personnel about victims of abuse, neglect, or domestic violence; when dealing with gunshot and other wounds; or when ordered in a judicial or administrative proceeding.
- b. For public health activities. For example, information about births, deaths, and various diseases reported to government officials and to coroners, medical examiners, and funeral directors necessary information relating to an individual's death.
- c. For health oversight activities. For example, information to assist the government when it conducts an investigation or inspection of a health care provider or organization.
- d. For purpose of organ donation. Notification to organ procurement organizations to assist them with organ, eye, or tissue donation and transplants.
- e. For research purposes. In certain circumstances, PHI is provided in order to conduct medical research.
- f. To avoid harm. To avoid a serious threat to the health or safety of a person or the public, PHI may be provided to law enforcement personnel or persons able to prevent or lessen such harm.
- g. For specific government functions. PHI of military personnel and veterans may be disclosed in certain situations. PHI for national security purposes, such as protecting the President of the United States or conducting intelligence operations may be disclosed.
- h. For worker's compensation purposes. PHI is provided in order to comply with worker's compensation laws.
- i. Appointment reminders and health related benefits or service. PHI may be used to provide appointment reminders or give you information about treatment alternatives, or other health care services or benefits that SBSC offers.
- j. Abuse or neglect. We may disclose PHI to a public health authority that is authorized by law to receive reports of child abuse or neglect. In addition, we may disclose your PHI if we believe that you have been a victim of abuse, neglect, or domestic violence to the governmental entity or agency authorized to receive such information. In this case, the disclosure will be made consistent with the requirements of applicable federal and state laws.
- k. Legal proceedings. We may disclose PHI in the course of any judicial or administrative proceeding, in response to an order of a court or administrative tribunal (to an extent such disclosure is expressly authorized), in certain conditions in response to a subpoena, discovery request, or other lawful purposes.

1. Law enforcement. We may also disclose PHI, so long as applicable legal documents are met, for law enforcement purposes. These law enforcement purposes include (1) legal processes otherwise required by law, (2) limited information requests for identification and location purposes, (3) pertaining to victims of a crime, (4) suspicion that death has occurred as a result of criminal conduct, (5) in the event that a crime occurs on the premises of the practice, and (6) medical emergency (not on the practice's premises) and it is likely that a crime has occurred.
- m. 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 situation or for law enforcement authorities to identify or apprehend an individual.

C. Disclosures You Do Have an Opportunity to Object

Disclosure to Family, Friends, or Others. SBSC may provide your PHI to a family member, friend or other person that you indicate is involved in your care or the payment for your healthcare, unless you object in whole or in part. The opportunity to consent may be obtained retroactively in emergency situations.

D. All Other Uses and Disclosures Require Your Prior Written Authorization.

In any other situation not described in sections III. A, B and C above, your written authorization will be obtained before using or disclosing any of your PHI. If you choose to sign an authorization to disclose your PHI, you can later revoke that authorization in writing to stop any further uses and disclosures (to the extent that we have not taken any action relying on the authorization).

IV. THE RIGHTS YOU HAVE REGARDING YOUR PHI

- A. **The Right to Request Limits on Uses and Disclosures of Your PHI.** You have the right to ask that SBSC limits how it uses and discloses your PHI. Your request will be reviewed, but SBSC is not legally required to accept it. If SBSC accepts your request, it will put any limits in writing and abide by them except in emergency situations. You may not limit the uses and disclosures that SBSC is legally required or allowed to make.
- B. **The Right to Choose How SBSC Sends PHI to You.** You have the right to ask that SBSC send information to you to an alternative address (for example, e-mail instead of regular mail). SBSC must agree to your requests so long as it can easily provide it in the format you requested.
- C. **The Right to See and Get Copies of Your PHI.** In most cases, you have the right to look at or get copies of your PHI, but you must make the request in writing. If SBSC doesn't have your PHI, but knows who does, you will get instructions on how to get it. SBSC will respond to you within 30 days after receiving your written request. In certain situations, your request may be denied. You will be charged for each page of copies of requested documents. Instead of providing the PHI requested, you may be offered a summary or explanation of the PHI if you agree to that and to decrease the cost.
- D. **The Right to Get a List of the Disclosures We Have Made.** You have the right to get a list of any documents SBSC has disclosed. The list will not include uses and disclosures that you already consented to, such as those made for treatment, payment or health care operations, directly to you, to your family, or in our family directory. The list also will not include uses and disclosures made for national security purposes, to corrections or law enforcement personnel, or before (organization effective date of this policy). SBSC will respond within 60 days of receiving your request. The list SBSC

will give you will include disclosures made in the last six years unless you request a shorter period. The list will include the date of disclosure, to whom PHI was disclosed (including address, if known), a description of the information disclosed, and the reason for disclosure. The list will be provided to you at no charge. If you make more than one request in the same year, there will be a charge for each additional request.

- E. **The Right to Update Your PHI.** If you believe that there is a mistake in your PHI or that a piece of important information is missing, you have the right to request corrections to existing information or add the missing information. You must make a request and your reason for the request in writing. SBSC will respond within 60 days of receiving your request. Your request may be denied in writing if PHI is (i) correct and complete, (ii) not created by us, (iii) not allowed to be disclosed, or (iv) not part of our records. The written denial will state the reasons for the denial and explain your right to file a written statement of disagreement with the denial. If you don't file one, you have the right to ask that your request and SBSC's denial be attached to all future disclosures of your PHI. If your request is approved, the change to your PHI will be made and you will be informed that we have done it and will tell others who need to know about the change to your PHI.
- F. **The Right to Get This Notice by E-mail.** You have the right to get a copy of this notice by e-mail. Even if you have agreed to receive notice via E-mail, you also have the right to request a paper copy of this notice.

V. HOW TO SUBMIT A COMPLAINT ABOUT OUR PRIVACY PRACTICES

If you think that SBSC may have violated your privacy rights or you disagree with a decision made about access to your PHI, you may file a complaint with SBSC. You may also send a written complaint to the the Department of Health at 408-277-1784, 100 Paseo De San Antonio, Suite 235, San Jose, CA 95113; or the office of the Medicare Beneficiary Ombudsman at 1-800-633-4227 or use www.medicare.gov/ombudsman/resources.asp. SBSC will take no retaliatory action against you if you file a complaint about its privacy practices.

VI. PERSON TO CONTACT FOR INFORMATION ABOUT THIS NOTICE OR TO COMPLAIN ABOUT OUR PRIVACY PRACTICES

If you have any questions about this notice, any complaints about SBSC's privacy practices, or would like to know how to file a complaint with the Secretary of the Department of Health and Human Services, please contact: South Bay Surgery Center, 16130 Juan Hernandez Drive, Suite 102, Morgan Hill, California, 95037, (408) 782-6026.

VII. EFFECTIVE DATE OF THIS NOTICE

This notice is effective as of 2005.