



A DIVISION OF

MAXhealth

NOTICE OF PRIVACY PRACTICES

Health Insurance Portability and Accountability Act of 1996 (HIPAA)

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.

Purpose of this Notice

In the course of doing business, MAXhealth gathers and retains personal information about our patients. MAXhealth respects the privacy of your personal information and understands the importance of keeping this information confidential and secure. This notice describes how MAXhealth protects the confidentiality of your personal information that we receive. MAXhealth has implemented policies and procedures in accordance with Federal and State confidentiality and privacy laws to protect your privacy. MAXhealth is obligated to maintain the privacy and confidentiality of your personal information and to provide you notice of its legal obligation to maintain the privacy of your personal information and to provide you notice of its policies and procedures about privacy and confidentiality. These policies and procedures apply to past, present and future MAXhealth patients, past, present and future personal information.

What is "Personal Information"?

Personal information is information that identifies who you are and relates to your past, present, or future physical or mental health or condition, the provision of health care to you. Personal information does not include information about you that is publicly available or reported in summary form, but it does identify who you are.

Types of Uses and Disclosures of Personal Information Made by MAXhealth

Federal law allows MAXhealth to use and disclose your personal information in order to provide health care services to you as well as to bill and collect payments for the health care services provided to you by participating providers. Federal law also allows MAXhealth to use and disclose your personal health information as necessary in connection with the health care operations of MAXhealth. For example, MAXhealth may forward your personal information to another healthcare provider or health plan for their health care operations. MAXhealth may disclose your personal information to health plans or to other responsible parties to receive payment for the services provided to you by your participating providers and/or MAXhealth. MAXhealth might also use your personal information in connection with any grievance or appeal that you file if you are unhappy with the care that you have received. Certain governmental agencies may request access to your personal information in order to monitor the activities of certain physicians or providers, or even to monitor your health plan or insurance company. MAXhealth may disclose your personal information in connection with court orders or subpoenas.

While Federal law allows MAXhealth and health care providers to use and disclose your personal information for treatment, payment, and health care operations, the law requires these providers to obtain your written consent to do so. Therefore, the first time you see a MAXhealth Provider the federal rules take effect, the participating provider will ask you to sign a consent form allowing the provider to use and disclose your personal information in connection with your treatment, the payment for your treatment, and the provider's health care operations.

MAXhealth providers are allowed by law to use and disclose your personal information without your consent or authorization for the following purposes:

1. When required by law;
2. For public health activities, such as reports about communicable diseases or work-related health issues;
3. In reports about child abuse, domestic violence, or neglect;
4. For health oversight activities, such as reports to governmental agencies, such as Medicare or Medicaid that are responsible for licensing physicians or other health care providers;
5. In connection with court proceedings or proceedings before administrative agencies;
6. For law enforcement purposes, such as responding to a court order or subpoena;
7. In reports to coroners, medical examiners, or funeral directors;

8. For tissue or organ donation;
9. For research, with the approval of certain oversight entities; otherwise, use and disclosure
10. To avert a serious threat to the health or safety of a person or the public;
11. For national security and intelligence activities, including the protection of the President;
12. In connection with service provided under worker's compensation laws;
13. For limited marketing purposes when related to your treatment

MAXhealth providers may disclose your personal information to your family members and close friend, etc. who are involved in your care without either your consent or your authorization. However, you must be provided with an opportunity to object prior to the disclosure. This disclosure may be made by (1) obtaining your written agreement; (2) providing you the opportunity to object to the disclosure, or (3) reasonably inferring that you do not object to the disclosure. In the case of a minor, permission will be obtained from the parent(s) or legal guardian.

All other uses and disclosures of your personal information will be made only with your written authorization.

Uses and Disclosure Requiring Your Written Authorization

- A. **Use or Disclosure with Your authorization.** For any purpose other than the ones listed, we may only use or disclose your Personal Health Information when you grant us written authorization on our authorization form (Your Authorization). For instance, you will need to execute an authorization form before we can send your PHI, (Personal Health Information) to your life insurance company or to the attorney representing the other party in litigation in which you are involved.
- B. **Uses and Disclosures of Your Highly confidential Information**
In addition, federal and state law requires special privacy protection for certain highly confidential information about you, (Highly Confidential Information) including the portion of your PHI that : (1) is maintained in psychotherapy notes; (2) is about mental health and developmental disabilities services; (3) is about alcohol and drug abuse prevention, treatment, and referral; (4) is about HIV/AIDS testing, diagnosis or treatment; (5) is about venereal disease(s); (6) is about genetic testing; (7) is about child abuse and neglect; (8) is about domestic abuse of an adult with a disability; (9) is about sexual assault; (10) is about cancer; (11) is about head or spinal cord injuries. In order for us to disclose your Highly Confidential Information for a purpose other than permitted by law, we must obtain your written authorization.

How We Protect Personal Information

MAXhealth restricts access to your personal information to those employees who need access in order to provide services to our members. We have established and maintain appropriate physical, electronic, and procedural safeguards to protect your personal information against unauthorized use or disclosure. We have established a training that MAXhealth employees must complete and update annually. We have also established a Privacy Office, which has overall responsibility for developing, training, and overseeing the implementation and enforcement of policies and procedures to safeguard your personal information against inappropriate access, use and disclosure, consistent with applicable state and federal law.

Your Individual Rights

Access to Personal Information

As a matter of federal and state law, you have the right to review and copy your personal information received and retained by MAXhealth. If you desire to access your personal information, you must notify MAXhealth in writing. We will respond to your request and provide a time and place, within normal business operating hours for your inspection of personal information that MAXhealth has in its possession. If you request a copy of the information held by MAXhealth, a copy can be provided. We reserve the right to charge a reasonable fee for copying your personal information, as allowed by applicable law.

Right to Amend Personal Information

State and federal law allows you the right to amend your personal information held by MAXhealth. A request to amend your personal information must be submitted to MAXhealth in writing, and the amendment must be no longer than 300 words in length. MAXhealth will attach your amendment to the record(s) of your personal information. Your amended personal information will be made available for your review upon your request.

Right to Receive an Accounting of Disclosures

State and federal law provide you the right to request an accounting of all disclosures of your personal information made by MAXhealth that are related to your treatment, payment of your treatment, or MAXhealth health care operations as outlined above. You may request an accounting in writing. MAXhealth will provide this accounting to you within a reasonable period of time after your request and in accordance with the policies and procedures established by MAXhealth.

Right to Receive This Notice

You have the right to request and receive a copy of this Notice in written or electronic form. You may contact MAXhealth main office for a copy and one will be provided to you.

Right to Request Restriction on Disclosure of Personal Information

State and federal law permits you to request restrictions on the use and disclosure of your personal information by MAXhealth. MAXhealth reserves the right to accept or reject your request for restriction. All requests must be made in writing. Upon receipt, MAXhealth will review the request and notify you of the decision to either accept or reject the request. Even if MAXhealth agrees to honor your request to restrict MAXhealth uses and disclosures of your personal information, MAXhealth may cease to honor that restriction without your consent upon notice to you. In that event, MAXhealth will continue to honor the request for a restriction in connection with all personal information, which MAXhealth received or created prior to termination of the restriction. However, MAXhealth will not be obligated to honor the restriction after it provides you notice that it will cease to do so. If you agree to terminate, then MAXhealth may use and disclose all of your personal information in its possession in accordance with applicable law. All requests for restrictions which are agreed to by MAXhealth will be made part of your personal information and be made available for your review upon proper request.

Right to Confidential Communication

You have the right request that MAXhealth provide your personal information to you in a confidential manner. For example, you may request that MAXhealth send your personal information by alternate means or to an alternate address, such as by telephone to different telephone number or to an office address rather than your home address. Also, you may, for example, request that your personal information be sent in a sealed envelope rather than a postcard.

Right to Complain

MAXhealth is obligated to comply with the privacy practices set forth in this Notice. If you believe that MAXhealth has violated this privacy policy, you have the right to file a complaint with The United States Department of Health and Human Services Office of Civil Rights.

Contacting MAXhealth Regarding Your Rights

If you should have any questions regarding your rights or wish to make any of the above requests or complaints, you should direct your inquiries to the Privacy Officer at:

Inita Bedi
Director of Operations – MAXhealth
PO Box 25487
Sarasota, FL 34277
ibedi@mymaxdoc.com

Effective Date and Duration of this Notice

This notice is effective on **April 14, 2003**

Rights to Change Terms of this Notice:

We may change the terms of this Notice with respect to new state or federal regulations. If we change this Notice, we may make the new Notice terms effective for all PHI that we maintain, including any information created or received prior to issuing the new Notice. If we change this Notice, we will post the new notice in patient waiting areas and on our internet site. You may also obtain any new Notice by contacting our Privacy Officer.