

DENTAL RESOURCE MANAGEMENT'S OVERVIEW OF THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996 (HIPAA)

As of April 14, 2003, health care providers of all types will need to comply with new federal regulations known as "HIPAA", and is under the authority of The Department of Health and Human Services. This is a program designed to protect the medical information of patients. Every health care entity, including dental offices, regardless of size, must comply with these new federal regulations. Some offices will engage in the minimum and others will take more elaborate measures. Be sure you are familiar with whatever measures each practice has implemented. However, certain items should be found constant from practice to practice.

Items you should know are:

Expect to receive a "**Notice of Privacy Practices**" each time you report to a new office. It is important that you read and become familiar with its content. You will be expected to adhere to these statements not only while you are working at that office but also after you leave. You should expect to be asked to sign an acknowledgement of receipt of this statement and to receive a copy of same.

Should your assignment be front office, you may be required to make sure each patient receives a copy of the "Notice of Privacy Practices" and to sign an acknowledgement. Upon receipt of their signature page, this form becomes part of the patient's permanent file.

Should a patient refuse to sign, simply write "Refused to Sign" and put the statement and the un-signed page into their file.

Contents of this privacy practice statement are not a secret, but may be slightly different from one office to another. A copy of this statement should also be posted in some area for all patients to review.

In addition to the above mentioned form, you may also be asked to sign an "**Employee Agreement**". This agreement simply says that you will follow the privacy practice statement for that office. Again, this form may be slightly different from one office to another. However, the general idea behind it is always patient confidentiality.

HIPAA DOS AND DON'TS:

1. When working in an open setting, keep your voice low and try not to discuss the patient's personal information where others could hear. Neither would you discuss treatment or health information with a patient in the reception area.
2. Do not have personal conversations about a particular patient, unless it is vital to treatment
3. Do not leave patient files laying around where other patients could see them
4. Do not discuss any patient with any other patient
5. Do not allow any information or file to leave the office.
6. When discussing treatment examples with patients, never identify any previous patient.
7. When working front office, be sure to get required signatures of Notice of Privacy Practice.
8. In phone conversations, take special care to know absolutely who you are talking to when discussing a patient. (i.e. children)
9. Do not allow any patient or non-employee access to files, computers, or information about patient records or treatment.
10. Do not fax or copy any patient information without the patient's and doctor's or designated privacy officer/ contact person's consent.

When in doubt, STOP! Refer any situation you are not clear on to either the office manager, designated privacy officer/ contact person, or doctor. Remember, it is your responsibility to keep the patient's medical records confidential

at all times. Any breach of this confidentiality could result in termination and/or law suit. HIPAA carries severe civil and criminal penalties for noncompliance and/or violations. Fines can be up to \$25,000 per violation of the standard and for multiple violations in a calendar year. Fines of up to \$250,000 and 10 years in jail for knowingly violating or misusing individual identifiable health information.

I have read and acknowledge receipt of this information that I have received a sample "Notice of Privacy Practices"

Name:

Date:

NOTICE OF PRIVACY PRACTICES

This notice describes how health information about you may be used and disclosed and how you can get access to this information. Please review it carefully. If you have any questions about this Notice, please contact our Privacy Officer.

This notice of Privacy Practices describes how we may use and disclose your protected health information 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 protected health information. We are required by Federal law to give you this Notice and to maintain the privacy of your health information. We must also abide by the terms of this Notice while it is in effect. We reserve the right to change our privacy practices and the terms of this Notice at any time. Before we make significant changes in our privacy practices, we will change this Notice and make the new Notice available upon request.

Uses and Disclosures of Protected Health Information

You will be asked to sign an Acknowledgement of Receipt of Notice of Privacy Practices. Once you have received our Notice of Privacy Practices, disclosure of your protected health information will be used for treatment, payment and health care operations. Your protected health information may be used and disclosed by our office staff and others outside of our office that are involved in your care and treatment for the purposes of providing health care services to you. Your protected health information may also be used and disclosed to pay your health care bills and to support the operation of our practice. Following are examples of the types of uses and disclosures of your protected health care information that our office is permitted to make.

Treatment: We will use and disclose your protected health care information to other dentists and physicians to provide, coordinate, or manage your health care. For example, your protected health information may be provided to another dentist to whom you have been referred to ensure that the necessary information is available to diagnose or treat you. In addition, we may disclose your health information at times to a dental laboratory or specialist.

Payment: Your protected health information will be used to obtain payment for services we provide to you. This may include certain activities that your insurance plan may undertake before it approves or pays for the services we recommend.

Healthcare Operations: We may use or disclose your protected health information in order to support the business activities of our practice. These activities include, but are not limited to, quality assessment activities, employee review activities, licensing, credentialing activities, conducting training and conducting other business activities. For example, we may use a sign-in sheet at the registration desk where you will be asked to sign your name and indicate your doctor. We may also call you by name in the waiting room when your doctor is ready to see you. We may use or disclose your protected health information, as necessary, to contact you to remind you of your appointment.

Business Associates: We will share your protected health information with third party Business Associates that perform various activities (billing or laboratory services) for the practice. Whenever an arrangement between our offices and a business associate involves the use or disclosure of your protected health information, we will have a written contract that contains terms that will protect the privacy of your protected health information.

We may use or disclose your protected health information, as necessary, to provide you with information about treatment alternatives or other health-related benefits and services that may be of interest to you. We may also use and disclose your protected health information for other marketing activities. For example, your name and address may be used to send you a newsletter about our practice and the services we offer. We may also send you the information about products or services that we believe may be beneficial to you. You may contact our Privacy Officer to request that these materials not be sent to you.

Uses and Disclosures of Protected Health Information Based upon Your Written Authorization

Other uses and disclosures of your protected health information will be made only with your written authorization, unless otherwise permitted or required by law as described below. You may revoke this authorization, at any time, in writing, except to the extent that our practice has already taken an action as provided for in the authorization

Other Permitted and Required Uses and Disclosures That May Be Made With Your Consent, Authorization, or Opportunity to Object

We may use and disclose your protected health information in the following instances. You have the opportunity to agree or object to the use or disclosure of all or part of your protected health information. If you are not present or able to agree or object to the use or disclosure of the protected health information, then we may, using professional judgment, determine whether the disclosure is in your best interest. In this case, only the protected health information that is relevant to your health care will be disclosed.

Family and Friends: Unless you object, we may disclose to a member of your family, a relative, or close friend or any other person you identify, your protected health information to the extent necessary to help with your healthcare or with payment for your healthcare. We will also use your professional judgment to make reasonable decisions in your best interest in allowing a person to pick up filled prescriptions, dental supplies, x-rays, or other similar forms of health information.

Other permitted and Required Uses and Disclosures That May Be Made Without Your Consent

Required by Law: We may use or disclose your protected health information when we are required to do so by law.

Emergencies: We may use or disclose your protected health information in an emergency treatment situation. If this happens, we will try to obtain your Acknowledgement Of Receipt Of Notice Of Privacy Practices as soon as reasonably practicable after the delivery of treatment. In the event of your incapacity or an emergency, we will disclose health information based on a determination using our professional judgment disclosing only health information that is directly relevant to the person's involvement in your health care.

Abuse or Neglect: We may disclose your health information to appropriate authorities if we reasonably believe that you are a possible victim of abuse, neglect or domestic violence or the possible victim of other crimes. We may disclose your health information to the extent necessary to avert a serious threat to your health or safety or the health and safety of others.

Military Activity and National Security: We may disclose to military authorities the health information of Armed Forces personnel under certain circumstances. We may disclose to authorized federal officials health information required for lawful intelligence, counterintelligence and other

national security activities. We may disclose to correctional institutions or law enforcement officials having lawful custody, the protected health information of inmates or patients under certain circumstances.

Required Uses and Disclosures: Under the law, we must make disclosures to you and when required by the Secretary of the Department of Health and Human Services to investigate or determine our compliance.

Your Rights:

You have the right to inspect and copy your protected health information: You have the right to look at or get copies of your health information, with limited exceptions. You may request that we provide copies in a format other than photocopies. We will use the format you request unless we cannot practically do so. You must make the request in writing to obtain access to your health information. You may obtain a form to request access by using the contact information listed at the end of this Notice. We will charge you a reasonable cost-based fee for expenses such as copies and staff time. You may also request access by sending us a letter to the address at the end of this Notice. If you prefer, we will prepare a summary or an explanation of your health information for a fee.

You have the right to request a restriction of your protected health information: You have the right to request that we place additional restriction on our use or disclosure of your health information. We are not required to agree to these additional restrictions, but if we do, we will abide by our agreement, except in an emergency.

You have the right to request alternative communication from us: You have the right to request that we communicate with you about your health information by alternative means or to alternative locations. You must make your request in writing. Your request must specify the alternative means or location, and provide satisfactory explanation how payments will be handled under the alternative means or location you request.

You have the right to request an amendment to your health information: You have the right to request that we amend your health information. Your request must be in writing. The request must explain why the information should be amended. We may deny your request under certain circumstances.

You have the right to receive an accounting of disclosures we have made of your health information: This right applies to disclosures for purposes other than treatment, payment or healthcare operations as described in this Notice. It excludes disclosures we may have made to you, to family members or friends involved in your care, or for notification purposes. You have the right to receive specific information regarding these disclosures that occurred after April 14, 2003. The right to receive this information is subject to certain exceptions, restrictions and limitations. If you request this accounting more than once in a 12 month period, we may charge you a reasonable, cost based fee for responding to these additional requests.

You have the right to make a complaint about our privacy policies: If you are concerned that we have violated your privacy rights, you may file a complaint with our Privacy Officer using the contact information listed at the bottom of this page. You may also file a written complaint with the Department of Health and Human Services. We will provide you with their address upon request. We will not retaliate against you for making a complaint to either our office or the Department of Health and Human Services.

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.

Effective Date: _____

Privacy Officer: _____ Telephone: _____ Fax: _____

Address: _____