



Notice of Privacy Practices

This notice describes how medical information about you or your child may be used and disclosed and how you can get access to your information. Please review it carefully.

From here forward, the terms “you” and “your” will be used to refer to the health information pertaining to either you or your child.

Protecting patient privacy is an important element of the trust between me and my clients, as well as an important legal and ethical obligation. I am deeply committed to protecting patient’s rights to privacy, and to safeguarding patient information.

My Responsibilities:

I, David Penner MD., am required to maintain the privacy of your *Protected Health Information (PHI)*. This includes medical information about you that is collected during the course of your treatment with me, such as your symptoms, examination and test results, diagnoses, treatment, and a plan for future care. Information about care that you have received from other providers may also be included in your medical record in my files. Health Information also includes demographic information and payment information.

I am required by law to provide you with this *Notice of Privacy Practices*. This Notice describes how I use your Health Information, and disclose (share) it with others. I must abide by the terms of the Notice currently in effect. I reserve the right to change the terms of my Notice and to make the new Notice provisions effective for all Health Information that it maintains.

I. Uses and Disclosures of your Health Information:

The following are examples of the types of uses and disclosures of your Health Information that I am legally permitted to make.

A. Uses and Disclosures of Health Information for Treatment, Payment and Operations

Your PHI may be used and disclosed by me, David Penner MD. This PHI may also be used and disclosed as necessary for me to obtain reimbursement for care provided to you, and to support the operation of my practice.

1. Treatment:

I, David Penner MD, may use your Health Information to provide and manage your health care. If I refer you for other treatment—for example to another clinician or hospital --I will provide that health care provider with the necessary information to diagnose or treat you. In addition, I may share your PHI with other health care providers who may consult with me about your care. I believe this is critical to provide you the very best in health care and is necessary given the complexities of various illnesses and health conditions.

2. Payment:

I, David Penner MD., may use and disclose your PHI, as needed, to obtain payment for health care services. I may disclose information to your insurance company or third party payer in order to make sure your treatment is approved, to verify eligibility or coverage for insurance benefits, and to permit the payer to review services provided to you for medical necessity. For example, I may need to share relevant PHI to your health plan to obtain approval for continuing authorizations.

3. Healthcare Operations:

I, David Penner MD, may use or disclose your PHI in order to conduct the business of providing health care. These health care operations may include quality assessment, training of students, credentialing and various other activities that are necessary to run my practice and to improve the quality and cost effectiveness of the care that I deliver to you. Some of these business operations may be performed by outside parties (Business



Associates) on my behalf. My Business Associates must agree to maintain the confidentiality of your Health Information.

In addition, I may also provide you with information about treatment alternatives or other health-related benefits, products and services that may be beneficial to you, again with the hopes of improving your health and welfare.

B. Other Permitted and Required Uses and Disclosures of Your Health Information:

In addition to treatment, payment and healthcare operations, there are other circumstances in which I am either permitted or required to disclose your Health Information, in accordance with applicable law.

1. Involvement of Others in Your Health Care:

I will make an effort to ask you if I may share relevant Health Information about you with family members or any other person you identify. If you are not present, unable to communicate, or in an emergency situation, I may exercise my professional judgment to determine whether to share this information. In addition, I may need to disclose your PHI to notify a family member or any other person responsible for your care of your location, general condition or death. Finally, I may disclose your PHI to an authorized public or private entity to assist in disaster relief efforts, and to coordinate efforts to notify someone on your behalf. Please be assured I will only do so if absolutely necessary and in the event of an emergency or disaster.

2. Public Health:

I may disclose your PHI for public health activities, including the following:

- > to report Health Information (e.g., infectious diseases, such as chickenpox) to prevent or control disease, injury, or disability
- > to report births and deaths
- > to report reactions to medications or problems with products
- > to notify a person who may have been exposed to a communicable disease, or may be at risk for contracting or spreading the disease

3. Victims of Abuse, Neglect or Domestic Violence:

If I reasonably believe you or your child is a victim of abuse, neglect or domestic violence, I may disclose your PHI to an appropriate agency authorized by law to receive such reports. If I have reasonable cause to believe that a minor child with whom you are associated is suffering physical, sexual, and/or emotional injury resulting (a) from abuse inflicted upon him/her which causes harm or substantial risk of harm to the child's health or welfare or (b) from neglect including malnutrition, I must immediately report this to the appropriate agency. Further, if I have reasonable cause to believe that an adult or elderly person with whom you are associated is suffering from or has died as a result of abuse, I must immediately make a report to the appropriate agency.

4. Health Oversight:

I may be required to disclose PHI to a health oversight agency for audits, investigations, inspections, and other health oversight activities. Oversight agencies include government agencies that oversee the health care system, government benefit programs, other government regulatory programs and civil rights laws. For example, the Department of Health has power when necessary to subpoena relevant patient records should I become the focus of an inquiry.

5. Legal Proceedings:

I may be required to disclose Health Information in the course of any judicial or administrative proceeding in response to a legal order or other lawful process, including a subpoena.

6. Law Enforcement:



I may be required to disclose your PHI for law enforcement purposes.

7. Coroners, Funeral Directors, and Organ Donation:

I may be required to disclose PHI to a coroner or medical examiner to identify a deceased person or to determine the cause of death. I may also disclose PHI to a funeral director or their designee, as necessary to carry out their duties. Your PHI may also be disclosed to organizations that facilitate organ, eye or tissue donation and transplantation.

8. Research:

I may use or disclose PHI for research that is approved by an Institutional Review Board when written permission is not required by Federal or State law. This may include preparing for research or telling you about research studies in which you might be interested.

9. To Avert a Serious Threat to Health or Safety:

I may be required to use and disclose your PHI to prevent or lessen a serious threat to a person's or the public's health or safety.

If you present a clear and present danger to yourself and refuse to accept further appropriate treatment, and I have a reasonable basis that you can be committed to a hospital, I must seek said commitment and may contact members of your family or other individuals if it would assist in protecting you.

If you communicate to me an explicit threat to kill or inflict serious bodily injury upon an identified person and you have the apparent intent and ability to carry out the threat, I must take reasonable precautions. Reasonable precautions may include warning the potential victim, notifying law enforcement, or arranging for your hospitalization. I must also do so if I know you have a history of physical violence and I believe there is a clear and present danger that you will attempt to kill or inflict bodily injury upon this person.

10. Specialized Government Functions:

Under certain circumstances, I may be required to disclose PHI to units of the government with special functions, such as the U.S. military or the U.S. Department of State.

11. Workers Compensation:

I may use and disclose your PHI as required to comply with workers compensation laws, and other programs that provide benefits for work-related injuries or illnesses.

12. Required By Law:

I may be required to use or disclose your PHI to the extent that the use or disclosure is required by federal, state or local law. This includes any other law not already referred to in the preceding categories. The use or disclosure will be made in compliance with the law and will be limited to the relevant requirements of the law.

C. Uses and Disclosures of Health Information Based upon Your Written Authorization

Uses and disclosures of your PHI, other than those described above, will be made only with your written authorization. For example, you will need to sign an authorization form before I can send your Health Information to your life insurance company. I will also obtain your written authorization prior to using your Health Information to send you any marketing materials. You may revoke your authorization at any time, in writing, except to the extent that I have taken any action in reliance on the authorization.

In addition, federal and Washington State laws require that I obtain your specific written authorization for the use or disclosure of certain information about you: This information includes psychotherapy process notes as defined by federal law; communications with certain behavioral health professionals; communications between domestic violence victims and domestic violence counselors, and between sexual assault victims and sexual



assault counselors; and information related to substance abuse treatment, HIV testing or test results, treatment of sexually transmitted diseases, and genetic testing or test results.

II. Your Individual Rights

Although your medical record at my office is my property, your PHI it contains belongs to you. The following is a statement of your rights with respect to your PHI, and a brief description of how you may exercise these rights.

A. You have the right to inspect and copy your Health Information.

At any time, you may inspect and obtain a copy of Health Information about you, including your medical and billing record, which may be used to make decisions about your care. Under limited circumstances I may limit your access to all or certain portions of your record. This includes, but is not limited to, psychotherapy process notes, or information compiled in reasonable anticipation of, or use in, a civil, criminal, or administrative action or proceeding. If you are denied access to portions of your record, in some circumstances you may have a right to have this decision revised. All requests to access your record must be made in writing to David Penner MD, and will be processed within 30 days. If you request a copy of your records, I may charge you a fee to cover the copying and mailing costs.

B. You have the right to request an amendment of your Health Information.

You may request I amend your treatment and billing information if you think the information is incorrect or incomplete, for as long as I maintain the information. If for some reason I deny your request, I must give you a written statement with the reasons for the denial, and what other steps are available to you. Please do not hesitate to contact me if you have questions about amending your medical record, or to discuss amendments to your billing records.

C. You have the right to request a restriction of your Health Information.

You have the right to ask for restrictions on the use and sharing of your health information for treatment, payment, or health care operations. I am not required to agree to your request. If I do, I must put the restriction in writing and abide by it, except if you need to be treated in an emergency. You may not ask us to restrict uses and sharing of information that I am legally required to make. All requests must be in writing to me, David Penner MD, at my office.

D. You have the right to request to receive communications from me by alternative means or at an alternative location.

I will make every effort to accommodate requests, provided you supply a valid alternative address or other method of contact. In certain cases I may need to contact you and may do so at the original address or phone number if attempts to contact you at the alternative locations are not successful.

E. You have the right to receive an accounting of certain disclosures I have made, if any, of your Health Information.

This right applies to disclosures for purposes other than treatment, payment or healthcare operations as described in this Notice. It does not apply to disclosures I may have made to you, that are authorized by you, information provided to family members or friends about your care, or for notification purposes. You have the right to receive specific information regarding disclosures made by me that occurred after April 14, 2003. You can request an accounting of disclosures for a period up to six years, but only for disclosures made after April 14, 2003. The right to receive this information is subject to certain exceptions, restrictions and limitations. Requests must be made to my office in writing, and I will respond to your request within 60 days.

F. You have the right to obtain a paper copy of this notice.

I will provide a paper copy of this Notice to you, upon request, even if you have agreed to accept this notice electronically.

III. Effective Date: This Notice is effective on April 14, 2003.

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IV. Complaint Process:

If you believe that I, David Penner MD, have violated your privacy rights, please communicate your concerns to me by contacting me at my office. You may also send a written complaint to the Director, Office for Civil Rights of the U.S. Department of Health and Human Services. I will not retaliate against you if you file a complaint about my privacy practices, nor will it affect your rights or status as a patient with me. I will make every effort to respond to your concerns immediately and professionally.

You may contact me, David Penner MD, for further information about the complaint process or my privacy practices. The mailing address is:

David Penner MD
PO Box 23
Olympia, WA 98507-0023