

Dr. Kenneth Tusha DDS

Notice of Privacy Practices

As Required by the Privacy Regulations Created as a Result of the 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 CAREFULLY.**

A. OUR COMMITMENT TO YOUR PRIVACY

Our office is dedicated to maintaining the privacy of your **protected health information (PHI)**. PHI is information about you, including demographic information, that may identify you and that relates to your past, present or future physical or mental health or condition and related health care services. In conducting our business, we will create records regarding you and the treatment and services we provide to you. Our privacy policies and procedures have long been in practice to maintain our patients' confidentiality. These policies and procedures have long been in practice to maintain our patients' confidentiality. These policies and procedures, as outlined in this Notice, will continue to be monitored and may change when appropriate.

The United States Congress has passed the Health Insurance Portability and Accountability Act. We are required by law to provide you with this Notice of our legal duties and the privacy practices we maintain in our office concerning your PHI. We are required by law to maintain the confidentiality of health information that identifies you. By law, we must follow the terms of the Notice that we have in effect at the time. We realize that these laws are complicated, but we must provide you with the following important information:

- *How we may use and disclose your PHI
- *Your privacy rights in regard to your PHI
- *Our obligations concerning the use and disclosure of your PHI

We may change the terms of our Notice, at any time. The new Notice will be effective for all PHI that we maintain at that time. You may request a copy of your most current Notice at any time. We will post a copy of our current Notice in our offices in a visible location at all times and on our website at www.drtusha.com

B. IF YOU HAVE QUESTIONS ABOUT THIS NOTICE, PLEASE CONTACT:

PRIVACY OFFICER

(Address and phone listed on page six of this document)

C. WE MAY USE AND DISCLOSE YOUR PHI IN THE FOLLOWING WAYS

The following are examples of the types of uses and disclosures of your PHI that our office may make under this Notice. These examples are not meant to be exhaustive, but to describe the types of uses and disclosures that may be made by our office.

1. **Treatment.** Our office will use and disclose your PHI to treat you. For Examples, we may ask you to have a biopsy (to check for oral cancer), and we may use the results to help us reach a diagnosis. We might use your PHI in order to write a prescription for you. Many of the people who work for our office - including, but not limited to, our doctor, hygienist or assistant - may use to disclose your PHI in order to treat you or to assist others such as specialists or primary care physicians in your treatment. Additionally, we may disclose your PHI to others who may assist in your care, such as your spouse, children, or parents.

- a. **Appointment Reminders/Returning Your Phone Call/Treatment**

- Options/Health Related Benefits.** Our office will try to disclose only the minimum necessary PHI for our patients while completing these tasks.

- b. **Release of Information to Family/Friends.** Our office may release your PHI to your spouse, friends and/or family members that are involved in your care unless your request in writing, as described below, that such disclosures not be made.

2. **Payment.** Your PHI will be used, as needed, to obtain payment for your health care services. This may include certain activities that your health insurance plan may undertake before it approves or pays for the health care services we recommend 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. For example, obtaining approval for a crown prep may require that your relevant PHI be disclosed to your dental plan to obtain approval for the crown prep treatment. We may also use and disclose your PHI to obtain payment from third parties that may be responsible for such costs as family members. Also, we may use your PHI to bill you directly for services and items.

3. **Health Care Operations.** Our office may use and disclose your PHI to operate our business. As examples of the ways in which we may use and disclose your information for our operations, our office may use your PHI to evaluate the quality of care you received from us, or to conduct cost-management and business planning activities for our office.

- a. **Disclosures Required by Law.** Our office will use and disclose your PHI when we are required to do so by federal, state, or local law.

- b. **Mailings.** Our office may use your name and address for mailings regarding services offered by our office. If you do not want to receive these materials, please contact our Privacy Officer (see page six of this document for contact information) and request that these mailings not be sent to you.
- c. **Business Associates.** We will share our PHI with third party “business associates” that perform various activities (*e.g., billing, reminder services*) for the office. Whenever an arrangement between our office and a business association involves the use or disclosure of your PHI, we will have a written contract that contains terms that will protect the privacy of your PHI.

D. USE AND DISCLOSURE OF YOUR PHI IN CERTAIN SPECIAL CIRCUMSTANCES

The following categories describe unique scenarios in which we may use or disclose your identifiable health information without your consent, authorization or opportunity to object:

1. **Public Health Risks/Serious Threats to Health and Safety.** Our office may disclose your PHI to public health authorities that are authorized by law to collect such information. We may use and disclose you PHI when necessary to reduce or prevent a serious threat to your health and safety or the health and safety of another individual or the public. Under these circumstances, we will only make disclosures to a person or organization able to help prevent the threat. Examples: Centers for Disease Control, Food and Drug Administration, Special Service Organizations.
2. **Health Oversight Activities.** Our office may disclose your PHI to health oversight agencies for quality accreditation or other activities authorized by law. Examples: Tumor Registries, licensure, investigations, inspections, audits, surveys, or disciplinary actions (such as civil, administrative, and criminal procedures or actions), or other activities necessary for the government to monitor government programs, compliance with civil rights laws and the health care system in general.
3. **Legal Proceedings.** Our office may disclose your PHI in the course of any judicial or administrative proceeding, in response to an order of a court or administrative tribunal (to the extent that such a disclosure is expressly authorized), in certain conditions in response to subpoena, discovery request or other lawful process.
4. **Law Enforcement.** Our office may also disclose your PHI, so long as applicable legal requirements are met, for law enforcement purposes. These law enforcement purposes include, but are not limited to, (1) legal processes and other proceedings required by law, (2) limited information requests for identification and location purposes, (3) requests 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 our premises, and (6) medical emergency (not on our premises) and it is likely that a crime has occurred.

5. **Abuse or Neglect.** Our office may disclose your 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.
6. **Deceased Patients.** Our office may release PHI to a medical examiner or coroner to identify a deceased individual or to identify the cause of death. We may also disclose PHI to a funeral director, as authorized by law, in order to permit the funeral director to carry out his/her duties.
7. **Research.** Our office may use and disclose your PHI for research purposes in certain limited circumstances. We will obtain your written authorization to use your PHI for research purposes except when: (a) our use or disclosure was approved by an Institutional Review Board or a Privacy Board; (b) we obtain the oral or written agreement of a researcher that (i) the information being sought is necessary for the research study; (ii) the use or disclosure of your PHI is being used only for the research and (iii) the researcher will not remove any of your PHI from our office; or © the PHI sought by the researcher only related to decedents and the researcher agrees either orally or in writing that the use or disclosure is necessary for the research and, if we request it, to provide us with proof of death prior to access to the PHI of the decedents.
8. **Military.** Our office may disclose your PHI if you are a member of the U.S. or foreign military forces (including veterans) and if required by the appropriate authorities.
9. **National Security.** Our office may disclose your PHI to federal officials for intelligence and national security activities authorized by law. We also may disclose your PHI to federal officials in order to protect the President, other officials or foreign heads of state, or to conduct investigations.
10. **Inmates.** Our office may disclose your PHI to correctional institutions or law enforcement officials if you are an inmate or under the custody of a law enforcement official. Disclosure for these purposes would be necessary: (a) for the institution to provide health care services to you, (b) for the safety and security of the institution, and/or © to protect your health and safety or the health and safety of other individuals.
11. **Workers' Compensation.** Our office may release your PHI for workers' compensation and similar programs.

E. YOUR RIGHTS REGARDING YOUR PHI

You have the following rights regarding the PHI that we maintain about you:

1. **Confidential Communications.** You have the right to request that our office communicate with you about your health and related issues in a particular manner or at a certain location. For instance, you may ask that we contact you at home, rather than work. In order to request a type of confidential communication, you must make a written request to the Privacy Officer (see page six of this document for contact information) specifying the requested method of contact, or the location where you wish to be contacted. Our office will accommodate reasonable requests, however our office is not required to agree to every or any restriction that you may request. You do not need to give a reason for your request.
2. **Requesting Restrictions.** You have the right to request a restriction in our use and/or disclosure of your PHI for treatment, payment and/or health care operations. You have the right to request restrictions of certain disclosure of PHI to your health plan when you have paid out of pocket, in full, for your treatment. Additionally, you have the right to request that we restrict our disclosure of your PHI to only certain individuals involved in your care or the payment for your care, such as family members and friends. **We are not required to agree to your request;** however, if we do agree, we are bound by our agreement except when otherwise required by law, in emergencies, or when the information is necessary to treat you. In order to request such a restriction in our use of disclosure of your PHI, you must make your request in writing to the **Privacy Office (see page seven of this document for contact information)**. Your request must describe in a clear and concise fashion: (a) the information you wish restricted; (b) whether you are requesting to limit our office's use, disclosure or both; and © to whom you want the limits to apply.
3. **Inspection and Copies.** You have the right to inspect and obtain a copy of the PHI that may be used to make decisions about you, including patient dental records and billing records, but not including psychotherapy notes. You must submit your request in writing in the **Privacy Officer (see page seven of this document for contact information)** in order to inspect and/or obtain a copy of your PHI. Our office may charge a fee for the costs of copying, mailing, labor and supplies associated with your request. Our office may deny your request to inspect and/or copy in certain limited circumstances; however, you may request a review of your denial.
4. **Amendment.** You may ask us to amend your health information if you believe it is incorrect or incomplete, and you may request an amendment for as long as the information is kept by or for our office. To request an amendment, your request must be made in writing and submitted to the **Privacy Officer (see page seven of this document for contact information)**. You must provide us with a reason that supports your request (and the reason supporting your request) in writing.

Also, we may deny your request if you ask us to amend information this is in our opinion: (a) accurate and complete; (b) not part of the PHI kept by our office; © not part of the PHI which you would be permitted to inspect and copy; or (d) not created by our office, unless the individual or entity that created the information is not available to amend the information.

5. **Accounting of Disclosures.** All of our patients have the right to request and “account of disclosures.” An “accounting of disclosures” is a list of certain non-routine disclosures our office has made of your PHI for non-treatment or operations purposes. Use of your PHI as part of the routine patient care in our office is not required to be documented. Examples: the doctor sharing information with the hygienist; or the billing department using your information to file your insurance claim. In order to obtain an accounting of disclosures, you must submit your request in writing to the **Privacy Officer (see page seven of this document for contact information).**
6. **Right to a Paper Copy of this Notice.** You are entitled to receive a paper copy of our Notice. You may ask us to give you a copy of this Notice at any time. To obtain a paper copy of this Notice, contact the **Privacy Officer** at the phone number and or address listed below. All complaints must be submitted in writing. **You will not be penalized for filing a complaint.**
7. **Right to File a Complaint.** If you believe your privacy rights have been violated, you may file a complaint with our office or with the Secretary of the Department of Health and Human Services. To file a complaint with our office, contact the **Privacy Officer** at the phone number and address listed below. All complaints must be submitted in writing. **You will not be penalized for filing a complaint.**
8. **Right to Provide an Authorization for Other Uses and Disclosures.** Our office will obtain your written authorization for uses and disclosures that are not identified by this Notice or permitted by applicable law. In addition, an authorization may be requested for uses and disclosures that are identified in this Notice. Any authorization you provide to us regarding the use and disclosures of your PHI may be revoked at any time in writing. After you revoke your authorization, we will no longer use or disclose your PHI for the reasons described in the authorization. Please note, we are required to retain records of your care,
9. **Right to Breach Notification.** You have the right to be notified following a breach of unsecured protected health information.

Again, if you have any questions regarding this Notice or our health information privacy policies, please contact:

Dr, Kenneth R. Tusha DDS
Attn: Privacy Officer
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