

## NOTICE OF PRIVACY PRACTICES

Effective Date: July 31, 2023

### THIS NOTICE DESCRIBES HOW HEALTH INFORMATION ABOUT YOU MAY BE USED AND SHARED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION.

#### PLEASE REVIEW IT CAREFULLY.

*If you have any questions about this notice, please contact Tara Kirk, La Clinica Chief Operations Officer, at 541-535-6239, 931 Chevy Way, Medford, OR 97504.*

#### WHO WILL FOLLOW THIS NOTICE

This notice describes the information privacy practices followed by our employees, and other office personnel.

#### THE PURPOSE OF THIS NOTICE

La Clinica is committed to protecting the privacy and confidentiality of your health information created or maintained at our practice. We are required by law to give you this notice and to have policies and procedures to protect the privacy and confidentiality of your health information. This notice will tell you about the ways we may use or disclose information about you and describe your rights and our obligations regarding the use and disclosure of that information.

La Clinica is committed to protecting the privacy of all demographic information created or maintained at our practice. Demographic details may include your race, ethnicity, language, gender identity, and sexual orientation. This information cannot be used in underwriting and denial of services, coverage, and benefits.

#### HOW WE MAY USE AND DISCLOSE HEALTH INFORMATION ABOUT YOU

We may use and disclose health information for the following purposes:

- **For Treatment.** We may use your health information to provide you with medical, dental, and behavioral health (meaning mental health or substance use) treatment or services. We may disclose health information about you to doctors, nurses, technicians, office staff or other personnel who help take care of you and your health. Disclosures of Protected Health Information (PHI) to other health care providers for treatment purposes may be made through computer networks or other means of communication.

For example, your doctor may be treating you for a heart condition and may need to know if you have other health problems that could complicate your treatment. The doctor may use your medical history to decide what treatment is best for you. The doctor may also tell another doctor about your condition so that doctor can help determine the most appropriate care for you.

Different personnel in our office may share information about you and disclose information to people who do not work in our office to coordinate your care, such as phoning in prescriptions to your pharmacy, scheduling lab work and ordering x-rays.

Family members and other health care providers may be part of your medical care outside this office and may require information about you that we have. We will request your permission before sharing health information with your family or friends unless you are unable to give permission to such disclosures if you are unavailable or due to your health condition. We will request your permission at the point in time you are available or able to grant permission.

- **For Payment.** We may use and disclose health information about you so that the treatment and services you receive at this office may be billed to and payment may be collected from you, an insurance company, or a third party.

For example, we may need to give your health plan information about a service you received here so your health plan will pay us or reimburse you for the service. We may also tell your health plan about a treatment you are going to receive to obtain prior approval or to determine whether your plan will pay for the treatment.

- **For Health Care Operations.** We may use and disclose health information about you to run the office and make sure that you and our other patients receive quality care.

For example, we may use your health information to evaluate the performance of our staff in caring for you. We may also

use health information about all or many of our patients to help us decide what additional services we should offer, how we can become more efficient, or whether certain new treatments are effective.

We may also disclose your health information to health plans that provide you insurance coverage and other health care providers that care for you. Our disclosures of your health information to plans and other providers may be for helping these plans and providers provide or improve care, reduce cost, coordinate and manage health care and services, train staff and comply with the law.

La Clinica is part of an organized health care arrangement including participants in the Oregon Community Health Information Network (OCHIN). A current list of OCHIN participants is available at [www.ochin.org](http://www.ochin.org). As a business associate of La Clinica, OCHIN supplies information technology and related services to La Clinica and other OCHIN participants. OCHIN also engages in quality assessment and improvement activities on behalf of its participants. For example, OCHIN coordinates clinical review activities on behalf of participating organizations to establish best practice standards and assess clinical benefits that may be derived from the use of electronic health record systems. OCHIN also helps participants work collaboratively to improve the management of internal and external patient referrals. Your health information may be shared by La Clinica with other OCHIN participants when necessary for health care operations purposes of the organized health care arrangement. Health care operations may include, among other things, geocoding your residence location to improve the clinical benefits you received.

The personal health information may include past, present, and future medical information as well as information outlined in the Privacy Rules. The information, to the extent disclosed, will be disclosed consistent with the most current Privacy Rules and other applicable laws. You have the right to change your mind and withdraw this consent, however, any information that has already been shared cannot be retracted. This consent will remain in effect until revoked by you in writing. If requested, you will be provided a list of entities with which your information has been shared.

- **Appointment Reminders.** We may contact you to remind you about appointments with us.
- **Treatment Alternatives.** We may tell you about or recommend possible treatment options or alternatives that may be of interest to you.
- **Health-Related Products and Services.** We may tell you about health-related products or services that may be of interest to you.

Please notify us if you do not wish to be contacted for appointment reminders, or if you do not wish to receive communications about treatment alternatives or health-related products and services. If you advise us **in writing** (at the address listed at the top of this notice) that you do not wish to receive such communications, we will not contact you for these purposes.

#### **LIMITS TO CONFIDENTIALITY**

We may use or disclose health information about you for the following purposes, subject to all applicable legal requirements and limitations:

- **To Avert a Serious Threat to Health or Safety.** We may use and disclose health information about you when necessary to prevent a serious threat to your health and safety or the health and safety of the public or another person.
- **Required by Law.** We will disclose health information about you when required to do so by federal, state or local law.
- **Research.** We may use and disclose health information about you for research projects that are subject to a special approval process. We will ask you for your permission if the researcher will have access to your name, address or other information that reveals who you are, or will be involved in your care at the office unless it is determined by our *Institutional Review Board* or *Privacy Board* that your privacy will be protected as part of the research and it may interfere with the research if you are contacted. We will offer you the option of opting out of any research related to genetic studies.
- **Organ and Tissue Donation.** If you are an organ donor, we may release health information to organizations that handle organ procurement or organ, eye or tissue transplantation or to an organ donation bank, as necessary to facilitate such donation and transplantation.
- **Military, Veterans, National Security and Intelligence.** If you are or were a member of the armed forces, or part of the national security or intelligence communities, we may be required by military command or other government authorities to release health information about you. We may also release information about foreign military personnel to the appropriate foreign military authority.
- **Workers' Compensation.** We may release health information about you for workers' compensation or similar programs. These programs provide benefits for work-related injuries or illness.

- **Public Health Risks.** We may disclose health information about you for public health reasons to prevent or control disease, injury or disability; or report births, deaths, non-accidental physical injuries, reactions to medications or problems with products.
- **Victims of Abuse, Neglect or Domestic Violence.** The law requires providers to report any suspected abuse or neglect of a child under 18, an elderly person, or a disabled and dependent adult
- **Health Oversight Activities.** We may disclose health information to a health oversight agency for audits, investigations, inspections, or licensing purposes. These disclosures may be necessary for certain state and federal agencies to monitor the health care system, government programs, and compliance with civil rights laws.
- **Lawsuits and Disputes.** If you are involved in a lawsuit or a dispute, we may disclose health information about you in response to a court or administrative order. Subject to all applicable legal requirements, we may also disclose health information about you in response to a subpoena.
- **Law Enforcement.** We may release health information if asked to do so by a law enforcement official in response to a court order, subpoena, warrant, summons, or similar process, subject to all applicable legal requirements. Any crime committed at any La Clinica site or against any La Clinica staff member will be reported to authorities. Threats of any such crimes also will be reported.
- **Coroners, Medical Examiners and Funeral Directors.** We may release health information to a coroner or medical examiner. This may be necessary, for example, to identify a deceased person or determine the cause of death.
- **Specialized Government Functions.** We may disclose patient health information to government agencies with special functions as required or permitted by law.
- **Information Not Personally Identifiable.** We may use or disclose health information about you in a way that does not personally identify you or reveal who you are.
- **Family and Friends.** We may disclose health information about you to your family members or friends if we obtain your verbal agreement to do so or if we give you an opportunity to object to such a disclosure and you do not raise an objection. We may also disclose health information to your family or friends if we can infer from the circumstances, based on our professional judgment that you would not object. For example, we may assume you agree to our disclosure of your personal health information to your spouse when you bring your spouse with you into the exam room during treatment or while treatment is discussed.

In situations where you are not capable of giving consent (because you are not present or due to your incapacity or medical emergency), we may, using our professional judgment, determine that a disclosure to your family member or friend is in your best interest. In that situation, we will disclose only health information relevant to the person's involvement in your care. For example, we may inform the person who accompanied you to the emergency room that you suffered a heart attack and provide updates on your progress and prognosis. We will ask for your permission to disclose your health information to family members and friends as soon as you are available or capable of giving consent. We may also use our professional judgment and experience to make reasonable inferences that it is in your best interest to allow another person to act on your behalf to pick up, for example, filled prescriptions, medical supplies, or X-rays.

#### **OTHER USES AND DISCLOSURES OF HEALTH INFORMATION**

We will not use or disclose your health information for any purpose other than those identified in the previous sections without your specific written authorization.

- In some instances, we may need specific, written authorization from you to disclose certain types of specially protected information such as HIV/AIDS, substance abuse, mental health, and genetic testing information for purposes such as treatment, payment, and healthcare operations.
- **Marketing—only with your permission.** La Clinica must get your permission to use or share your health information for marketing except when talking to you face-to-face or giving you small gifts of limited value. **With your permission, we may send you information about our services through unencrypted email or text systems. You can opt out of these types of communication at any time by telling us you no longer want to get messages this way.**

If La Clinica is being paid by someone else to promote their products or services, we must tell you about those payments when we ask for your permission to send you marketing messages.

#### **YOUR RIGHTS REGARDING HEALTH INFORMATION ABOUT YOU**

You have the following rights regarding health information we maintain about you:

- **Right to Inspect and Copy.** You have the right to inspect and copy your health information, such as medical and billing records, that we keep and use to make decisions about your care. You must submit a written request to the Medical Records Department to inspect and/or obtain a copy of your health records. If you request to inspect or view your health information, we will not charge you for inspection or viewing.

If you request a copy of the information, we may charge a fee for the costs of copying, mailing or other associated supplies. We will notify you of the cost involved and you may choose to withdraw or modify your request at that time before any costs are incurred. A modified request may include requesting a summary of your medical record.

You have the right to request an electronic copy of your record through My Chart if we maintain all or part of your record electronically. You are only entitled to ask for a copy of that part of your record we store electronically. You may be charged for our staff costs to create it. We will notify you of the cost at the time of your request and you may choose to withdraw or modify your request at that time.

We may deny your request to inspect or copy your record or parts of your record in certain limited circumstances. If you are denied copies of or access to, health information that we keep about you, you may ask that our denial be reviewed. If the law gives you a right to have our denial reviewed, we will select a licensed health care professional to review your request and our denial. The person conducting the review will not be the person who denied your request, and we will comply with the outcome of the review.

- **Right to Amend.** If you believe health information we have about you is incorrect or incomplete, you may ask us to amend the information. You have the right to request an amendment if the information is kept by this office.

To request an amendment, complete and submit a Medical Record Amendment Form to Tara Kirk, Chief Operations Officer

We may deny your request for an amendment if your request is not **in writing** or does not include a reason to support the request. In addition, we may deny or partially deny your request if you ask us to amend information that:

- We did not create, unless the person or entity that created the information is no longer available to make the amendment;
- Is not part of the health information that we keep;
- You would not be permitted to inspect and copy;
- Is accurate and complete.

If we deny or partially deny your request for amendment, you have the right to submit a rebuttal and request the rebuttal be made a part of your medical record. Your rebuttal needs to be 1 page in length or less and we have the right to file a rebuttal responding to yours in your medical record. You also have the right to request that all documents associated with the amendment request (including rebuttal) be transmitted to any other party any time that portion of the medical record is disclosed.

- **Right to an Accounting of Disclosures.** You have the right to request an “accounting of disclosures.” This is a list of the disclosures we made of medical information about you for purposes other than treatment, payment, health care operations and a limited number of special circumstances involving national security, correctional institutions and law enforcement. The list will also exclude any disclosures we have made based on your written authorization.

To obtain this list, you must submit your request **in writing** to the Medical Records Department It must state a time period, which may not be longer than six years. Your request should indicate in what form you want the list (for example, on paper, electronically). The first list you request within a 12-month period will be free. For additional lists, we may charge you for the costs of providing the list. We will notify you of the cost involved and you may choose to withdraw or modify your request at that time before any costs are incurred.

You have the right to be notified following any unauthorized disclosure of your protected health information. It is our intention to notify you immediately following the discovery of a breach of your protected health information.

- **Right to Request Restrictions.** You have the right to request a restriction or limitation on the health information we use or disclose about you for treatment, payment or health care operations. You also have the right to request a limit on the health information we disclose about you to someone who is involved in your care or the payment for it, like a family member or friend. For example, you could ask that we not use or disclose information about a surgery you had.

In most cases we are not required to agree to your request. If we do agree, we will comply with your request unless the information is needed to provide you emergency treatment or we are required by law to use or disclose the information.

You can revoke any honored restriction requests at any time. Such requests must be in writing.

We are required to honor your request if you paid for diagnosis, treatment, medical equipment, etc. "out of pocket." Also, we are required to honor your request if the request is to not disclose your health information to your health insurance plan for payment or healthcare operations. If you ask us not to provide your health information to your health plan for payment purposes, we may require you to pay in-full for any services or supplies provided at the time of service.

To request restrictions, you may complete and submit the Authorization to Release Information with your modified request to the Medical Records Department.

- **Right to Request Confidential Communications.** You have the right to request that we communicate with you about medical, dental, or behavioral health matters in a certain way or at a certain location. For example, you can ask that we only contact you at work or by mail.

To request confidential communications, you may complete and submit the Patient Request for Confidential Communication form to the Medical Records Department. We will not ask you the reason for your request. We will accommodate all reasonable requests. Your request must specify how or where you wish to be contacted.

- **Right to Revoke Your Authorization.** If you give us authorization to use or disclose health information about you, you may revoke that authorization, **in writing**, at any time. If you revoke your authorization, we will no longer use or disclose information about you for the reasons covered by your written authorization, but we cannot take back any uses or disclosures already made with your permission.
- **Right to a Paper Copy of This Notice.** You have the right to a paper copy of this notice. You may ask us to give you a copy of this notice at any time. Even if you have agreed to receive it electronically, you are still entitled to a paper copy. You can also find a copy of this notice on our web site: [www.laclinicahealth.org](http://www.laclinicahealth.org).

To obtain a copy, contact your clinic.

#### **CHANGES TO THIS NOTICE**

We reserve the right to change this notice, and to make the revised or changed notice effective for medical information we already have about you as well as any information we receive in the future. We will post a summary of the current notice in the office with its effective date on the top center. You are entitled to a copy of the notice currently in effect.

We will inform you of any significant changes to this notice. This may be through our practice newsletter, a sign prominently posted in our office, a notice posted on our web site, or other means of communication.

#### **COMPLAINTS**

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 at:

Office for Civil Rights Region X  
U.S. Department of Health & Human Services  
2201 Sixth Avenue - Mail Stop RX-11  
Seattle, WA 98121  
206-615-2290 (VOICE)  
206-615-2296 (TDD)  
206-615-2297 (FAX)

To file a complaint with our office, contact Tara Kirk, Chief Operations Officer, at (541) 535-6239 or 931 Chevy Way Medford, OR 97504. ***You will not be penalized for filing a complaint.***