

NOTICE OF PRIVACY PRACTICES

Holicki Eye Centers, P.C. and Holicki Optical

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.

THIS NOTICE APPLIES TO ALL OF THE RECORDS OF YOUR CARE GENERATED BY THE PRACTICE, WHETHER MADE BY THE PRACTICE OR AN ASSOCIATED FACILITY.

This notice describes how his organization may use and disclose your protected health information, describes our legal obligations concerning your protected health information and describes your rights to control and access your health information under the Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended by the Health Information Technology for Economic and Clinical Health Act (HITECH), the Genetic Information Non-discrimination Act of 2008 (GINA) and has been drafted in accordance with the HIPAA privacy rule. The Practice provides this Notice to comply with the Privacy Regulations issued by the Department of Health and Human Services.

This notice extends to:

- Any health care professional authorized to enter information into your chart (including physicians, PAs, RNs, etc.);
- All areas of the Practice (front desk, administration, billing and collection, etc.);
- All employees, staff and other personnel that work for or with our Practice;
- Our business associates (including a billing service, or facilities to which we refer patients), on-call physicians, and so on.

OUR THOUGHTS ABOUT YOUR PROTECTED HEALTH INFORMATION:

We understand that your medical information is personal to you, and we are committed to protecting the information about you. As our patient, we create paper and electronic medical records about your health, our care for you, and the services and/or items we provide to you as our patient. We need this record to provide for your care and to comply with certain legal requirements.

We are required by law to:

- Make sure that the protected health information about you is kept private;
- Provide you with a Notice of our Privacy Practices and your legal rights with respect to protected health information about you
- This establishment and any of its business associates must abide by the terms of this notice

HOW WE MAY USE AND DISCLOSE MEDICAL INFORMATION ABOUT YOU.

The following categories describe different ways that we use and disclose protected health information that we have and share with others. Each category of uses or disclosures provides a general explanation and provides some examples of uses. Not every use or disclosure in a category is either listed or actually in place. The explanation is provided for your general information only.

- **Medical Treatment.** We use previously given medical information about you to provide you with current or prospective medical treatment or services. Therefore we may, and most likely will, disclose medical information about you to doctors, nurses, technicians, medical students, or hospital personnel who are involved in taking care of you. For example, a doctor to whom we refer you for ongoing or further care may need your medical record. Different areas

of the Practice also may share medical information about you including your record(s), prescriptions, requests of lab work and x-rays. We may also discuss your medical information with you to recommend possible treatment options or alternatives that may be of interest to you. We also may disclose medical information about you to people outside the Practice who may be involved in your medical care after you leave the Practice; this may include your family members, or other personal representatives authorized by you or by a legal mandate (a guardian or other person who has been named to handle your medical decisions, should you become incompetent).

- Business Associates. This organization contracts with service providers – called business associates – to perform various functions on its behalf. For example, we may contract with a service provider to perform the administrative functions necessary to pay your medical claims. To perform these functions or to provide the services, business associates will receive, create, maintain, use, or disclose protected health information, but only after this organization and the business associate agree in writing to contract terms requiring the business associate to appropriately safeguard your information.
- Payment. We may use and disclose medical information about you for services and procedures so they may be billed and collected from you, an insurance company, or any other third party. For example, we may need to give your health care information, about treatment you received at the Practice, to obtain payment or reimbursement for the care. We may also tell your health plan and/or referring physician about a treatment you are going to receive to obtain prior approval or to determine whether your plan will cover the treatment, to facilitate payment of a referring physician, or the like.
- Health Care Operations. We may use and disclose medical information about you so that we can run our Practice more efficiently and make sure that all of our patients receive quality care. These uses may include reviewing our treatment and services to evaluate the performance of our staff, deciding what additional services to offer and where, deciding what services are not needed, and whether certain new treatments are effective. We may also disclose information to doctors, nurses, technicians, medical students, and other personnel for review and learning purposes. We may also combine the medical information we have with medical information from other Practices to compare how we are doing and see where we can make improvements in the care and services we offer. We may remove information that identifies you from this set of medical information so others may use it to study health care and health care delivery without learning who the specific patients are.

We may also use or disclose information about you for internal or external utilization review and/or quality assurance, to business associates for purposes of helping us to comply with our legal requirements, to auditors to verify our records, to billing companies to aid us in this process and the like. We shall endeavor, at all times when business associates are used, to advise them of their continued obligation to maintain the privacy of your medical records.

This organization may use or disclose your demographic information and the dates that you received treatment from our physician, as necessary, in order to contact you for fundraising activities supported by our office. If you do not wish to receive materials of this nature, please contact Michele Porta at (517) 279-7927 and request that these fundraising materials not be sent to you. By law, you have the right to opt out of any and all such fundraising communications.

- Appointment and Patient Recall Reminders. We may ask that you sign in writing at the Receptionists' Desk, a "Sign In" log on the day of your appointment with the Practice. We may use and disclose medical information to contact you as a reminder that you have an appointment for medical care with the Practice or that you are due to receive periodic care from the Practice. This contact may be by phone, in writing, e-mail, or otherwise and may involve the leaving an e-mail, a message on an answering machines, or otherwise which could (potentially) be received or intercepted by others.
- Emergency Situations. In addition, we may disclose medical information about you to an organization assisting in a disaster relief effort or in an emergency situation so that your family can be notified about your condition, status and location.

- Research. Under certain circumstances, we may use and disclose medical information about you for research purposes regarding medications, efficiency of treatment protocols and the like. All research projects are subject to an approval process, which evaluates a proposed research project and its use of medical information. Before we use or disclose medical information for research, the project will have been approved through this research approval process. We will obtain an Authorization from you before using or disclosing your individually identifiable health information unless the authorization requirement has been waived. If possible, we will make the information non-identifiable to a specific patient. If the information has been sufficiently de-identified, an authorization for the use or disclosure is not required.
- Required By Law. We will disclose medical information about you when required to do so by federal, state or local law.
- To Avert a Serious Threat to Health or Safety. We may use and disclose medical information about you when necessary to prevent a serious threat either to your specific health and safety or the health and safety of the public or another person. Any disclosure, however, would only be to someone able to help prevent the threat.
- Organ and Tissue Donation. If you are an organ donor, we may release medical information to organizations that handle organ procurement or organ, eye or tissue transplantation or to an organ donation bank, as necessary to facilitate organ or tissue donation and transplantation.
- Workers' Compensation. We may release medical information about you for workers' compensation or similar programs. These programs provide benefits for work-related injuries or illness.
- Public Health Risks. Law or public policy may require us to disclose medical information about you for public health activities. These activities generally include the following:
 - To prevent or control disease, injury or disability;
 - To report births and deaths;
 - To report child abuse or neglect;
 - To report reactions to medications or problems with products;
 - To notify people of recalls of products they may be using;
 - To notify a person who may have been exposed to a disease or may be at risk for contracting or spreading a disease or condition;
 - To notify the appropriate government authority if we believe a patient has been the victim of abuse, neglect or domestic violence. We will only make this disclosure if you agree or when required or authorized by law.
- Investigation and Government Activities. We may disclose medical information to a local, state or federal agency for activities authorized by law. These oversight activities include, for example, audits, investigations, inspections, and licensure. These activities are necessary for the payer, the government and other regulatory 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 medical information about you in response to a court or administrative order. This is particularly true if you make your health an issue. We may also disclose medical information about you in response to a subpoena, discovery request, or other lawful process by someone else involved in the dispute. We shall attempt in these cases to tell you about the request so that you may obtain an order protecting the information requested if you so desire. We may also use such information to defend ourselves or any member of our Practice in any actual or threatened action.
- Law Enforcement. We may release medical information if asked to do so by a law enforcement official:
 - In response to a court order, subpoena, warrant, summons or similar process;
 - To identify or locate a suspect, fugitive, material witness, or missing person;

- About the victim of a crime if, under certain limited circumstances, we are unable to obtain the person's agreement;
 - About a death we believe may be the result of criminal conduct;
 - About criminal conduct at the Practice; and
 - In emergency circumstances to report a crime; the location of the crime or victims; or the identity, description or location of the person who committed the crime.
- Coroners, Medical Examiners and Funeral Directors. We may release medical information to a coroner or medical examiner. This may be necessary, for example, to identify a deceased person or determine the cause of death. We may also release medical information about patients of the Practice to funeral directors as necessary to carry out their duties.
 - Organ Donation. We may use or disclose protected health information to facilitate the donation and transplantation of cadaveric organs, eyes, and tissue
 - Inmates. If you are an inmate of a correctional institution or under the custody of a law enforcement official, we may release medical information about you to the correctional institution or law enforcement official. This release would be necessary (1) for the institution to provide you with health care; (2) to protect your health and safety or the health and safety of others; or (3) for the safety and security of the correctional institution.
 - Special Restrictions on Genetic Information. As required by GINA, we are prohibited from using or disclosing genetic information of an individual for underwriting purposes, except as allowed by law and regulation with respect to long-term care insurance policies.

CHANGES TO THIS NOTICE

We reserve the right to change this notice at any time. We reserve the right to make the revised or changed notice effective for medical information we already have about you as well as any information we may receive from you in the future. We will post a copy of the current notice in the Practice. The notice will contain on the first page, in the top right-hand corner, the date of last revision and effective date. In addition, each time you visit the Practice for treatment or health care services you may request a copy of the current notice in effect.

OTHER USES OF MEDICAL INFORMATION

Other uses and disclosures of medical information not covered by this notice or the laws that apply to us will be made only with your written permission, unless those uses can be reasonably inferred from the intended uses above. If you have provided us with your permission to use or disclose medical information about you, you may revoke that permission, in writing, at any time. If you revoke your permission, we will no longer use or disclose medical information about you for the reasons covered by your written authorization. You understand that we are unable to take back any disclosures we have already made with your permission, and that we are required to retain our records of the care that we provided to you.

PATIENT RIGHTS

THIS SECTION DESCRIBES YOUR RIGHTS AND THE OBLIGATIONS OF THIS PRACTICE REGARDING THE USE AND DISCLOSURE OF YOUR MEDICAL INFORMATION.

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

- Right to Inspect and Copy. You have the right to inspect and copy medical information that may be used to make decisions about your care. This includes your own medical and billing records, but does not include psychotherapy

notes, information compiled in anticipation of civil, criminal or administrative action or proceeding. We may deny your request to inspect and copy in certain very limited circumstances. In some, but not all, circumstances, you may have the right to have this decision reviewed.

To inspect and copy your medical record, you must submit your request in writing to the practice manager, Michele Porta. Such requests will be fulfilled within 30 days where possible. If you request a copy of the information, we may charge a fee for the costs of copying, mailing or other supplies (tapes, disks, etc.) associated with your request.

You may suggest that we disclose your health information to an individual who has been designated by you as your personal representative in accordance with the law. Prior to such disclosure, we must be given written documentation that supports the basis for the personal representation.

- **Right to Amend.** If you feel that the medical information we have about you in your record is incorrect or incomplete, then you may ask us to amend the information, following the procedure below. You have the right to request an amendment for as long as the Practice maintains your medical record.

To request an amendment, your request must be submitted in writing, along with your intended amendment and a reason that supports your request to amend. The amendment must be dated and signed by you and notarized.

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

- Was not created by us, unless the person or entity that created the information is no longer available to make the amendment;
 - Is not part of the medical information kept by or for the Practice;
 - Is not part of the information which you would be permitted to inspect and copy; or
 - Is inaccurate and incomplete.
- **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, to others.

To request this list, you must submit your request in writing. Your request must state a time period not longer than six (6) years back and may not include dates before April 14, 2003 (or the actual implementation date of the HIPAA Privacy Regulations). The first accounting you request in a 12 month period will be free. We may charge you for additional requests and will inform you of the cost before you are charged for anything. Your request should indicate in what form you want the list (for example, on paper, electronically). The Privacy Rule does not require accounting

- * For disclosures for treatment, payment or health care operations.
- * To the individual or their representative
- * For national security or intelligence purposes
- * For notifications of or to persons involved in individual's health care or payment for health care
- * To correctional facilities or law enforcement for certain purposes regarding inmates in lawful custody
- * Incident to or otherwise permitted or required uses or disclosures.

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.

- **Right to Request Restrictions.** You have the right to request a restriction or limitation on the medical 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 medical information we disclose about you to someone who is involved in your care or the payment for your care (a family member or friend). For example, you could ask that we not use or disclose information about a particular treatment you received.

We are not required to agree to your request and we may not be able to comply with your request. If we do agree, we will comply with the agreed restrictions, except for purposes of treating you in a medical emergency.

To request restrictions, you must make your request in writing. In your request, you indicate:

- What information you want to limit;
 - Whether you want to limit our use, disclosure or both; and
 - To whom you want the limits to apply, (e.g., disclosures to your children, parents, spouse, etc.)
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- Right to Non-Disclosure to Health Plan. A patient that pays in full for their services out of pocket, have the right to demand that the information regarding the service not be disclosed to the patient's third party payer since no claim s being made against the third party payer. This request needs to be writing.
 - Right to Opt out of Fundraising Communications. You have the right to opt of any fundraising communications that emanate from this organization or any business associate with which we do business. Treatment or payments are not conditioned upon whether or not you choose to receive or opt out of such communications. At any time, you may opt back in to fundraising communications. Please contact the person at the bottom of the notice to elect your preferences.
 - Right to be Notified of a Breach. You have the right to be notified in the event that this organization or any of its business associates with whom we do business discovers a breach of unsecured protected health information.
 - Right to Request Confidential Communications. You have the right to request that we communicate with you about medical 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, that we not leave voice mail or e-mail, or the like.
 - To request confidential communications, you must make your request in writing. 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 us to contact you.
 - Right to Request an Amendment. The rule gives individuals the right to have covered entities amend their protected health information in a designated record set when the information is inaccurate or incomplete. If we accept an amendment request, we will make reasonable efforts to provide the amendment to persons that you identify as needing it. If the request is denied, we will provide you with a written denial and allow you to submit a statement of disagreement for inclusion in the record. Furthermore, we will amend protected health information in our designated record set upon receipt of notice to amend from another covered entity. We may deny your request if the medical information was not created by this organization, is not part of the medical or billing information kept by us, is not part of the information which you would be permitted to inspect and copy or is determined by us to be accurate and complete.
 - 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 this notice electronically, you are still entitled to a paper copy of this notice.
 - Our Right to Check Your Identity. For your protection we may check your identity whenever you have questions about your treatment or billing services. We will check your identity whenever we get requests to look at, copy or amend your records or to obtain a list of disclosures of your medical information

If you believe your privacy rights have been violated by us, or if you want to complain to us about our privacy practices, see the contact information below. You may also file a complaint with the Secretary of the U.S. Department of Health and Human Services. We will not penalize or in any way retaliate against individuals for filing a complaint. All questions or complaints should be submitted in writing to:

Holicki Eye Centers and/ or Holicki Optical
142 E Chicago Rd.
Coldwater, MI 49036
(517) 279-7927

You may also send a written complaint to the United States Secretary of the Department of Health and Human Services.

Effective Date: This Notice of Privacy Practices is effective January 1, 2013 and was amended 1/1/2014.

Contact Information: To exercise any of the rights described in this Notice, for more information, or to file a complaint, please contact Michele Porta at (517) 279-7927 or mail communications to the above address.