

# NOTICE OF PRIVACY PRACTICES

THIS NOTICE DESCRIBES HOW YOUR HEALTH INFORMATION MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY. YOU MAY HAVE ADDITIONAL RIGHTS UNDER STATE AND LOCAL LAW. PLEASE SEEK LEGAL COUNSEL FROM AN ATTORNEY LICENSED IN YOUR STATE IF YOU HAVE QUESTIONS REGARDING YOUR RIGHTS TO HEALTH CARE INFORMATION.

## EFFECTIVE DATE OF THIS NOTICE

This notice went into effect on 07/28/2025

## ACKNOWLEDGEMENT OF RECEIPT OF PRIVACY NOTICE

Under the Health Insurance Portability and Accountability Act of 1996 (hereafter, "HIPAA"), you have certain rights regarding the use and disclosure of your protected health information (hereafter, "PHI").

## I. PRACTICE PLEDGE REGARDING HEALTH INFORMATION:

Elemental Medical Care (hereafter, "EMC Health") and its affiliates understand that information about your healthcare is personal. EMC Health is committed to protecting your health information. A record of the care and services you receive from Elemental Medical Care is collected. This record is essential in providing you with quality care and to comply with certain legal requirements. This notice applies to all of the records of your care generated by EMC Health. This notice will describe certain obligations EMC Health has regarding the use and disclosure of your health information, tell you about the ways in which your PHI may be used and/or disclosed as well as your rights to the health information kept about you

EMC Health is required by law to:

- Make sure that PHI that identifies you is kept private.
- Give you this notice of the legal duties and privacy practices related to EMC Health with respect to your health information.
- Follow the terms of the notice that is currently in effect.
- The terms of this notice may change, and such changes will apply to all the information collected and stored about you. The new Notice will be available upon request wherever you receive care.

## II. HOW YOUR HEALTH INFORMATION MAY BE USED AND DISCLOSED:

The following categories describe different ways that EMC Health may use and disclose your health information. For each category of uses or disclosures, every effort to provide explanations and examples will be made. Not every use or disclosure in a category will be listed. However, all of the ways EMC Health is permitted to use and disclose information will fall within one of the categories.

**For Treatment Payment, or Health Care Operations:** Federal privacy rules (regulations) allow health care providers who have direct treatment relationship with the patient/client to use or disclose the patient/client's personal health information without the patient's written authorization, to carry out the health care provider's own treatment, payment or health care operations. EMC Health may also disclose your PHI for the treatment activities of any health care provider. This too can be done without your written authorization. For example, if a clinician were to consult with another licensed

health care provider about your condition, we would be permitted to use and disclose your PHI, which is otherwise confidential, in order to assist the clinician in diagnosis and treatment of your health condition. EMC Health may also use your PHI for operations purposes, including sending you appointment reminders, billing invoices and other documentation.

Disclosures for treatment purposes are not limited to the minimum necessary standard because health care providers need access to the full record and/or full and complete information in order to provide quality care. The word “treatment” includes, among other things, the coordination and management of health care providers with a third party, consultations between health care providers and referrals of a patient for health care from one health care provider to another.

**Lawsuits and Disputes:** If you are involved in a lawsuit, EMC Health may disclose health information in response to a court or administrative order. EMC Health may also disclose health information about you or your minor child(ren) in response to a subpoena, discovery request, or other lawful process by someone else involved in the dispute, but only if efforts have been made to tell you about the request or to obtain an order protecting the information requested.

### III. CERTAIN USES AND DISCLOSURES REQUIRE YOUR AUTHORIZATION:

1. **Medical Record Keeping.** The practice keeps “encounter notes, patient evaluation and treatment plans, patient billing records” as that term is defined in 45 CFR § 164.501, and any use or disclosure of such notes requires your Authorization unless the use or disclosure is:
  - a. For use in treating you.
  - b. For use in training or supervising health practitioners to help them improve their skills and advance their knowledge. .
  - c. For use in defending the practice and its employees in legal proceedings instituted by you.
  - d. For use by the Secretary of the Department of Health and Human Services (HHS) to investigate the practices compliance with HIPAA.
  - e. Required by law and the use or disclosure is limited to the requirements of such law.
  - f. Required by law for certain health oversight activities pertaining to the originator of the health care notes.
  - g. Required by a coroner who is performing duties authorized by law.
  - h. Required to help avert a serious threat to the health and safety of others.
2. **Marketing Purposes.** EMC Health will not use your PHI for marketing purposes without your prior written consent. For example, if EMC Health requests a review from you and plans to share the review publically online or elsewhere to advertise the practice or our services, EMC Health will provide you with a release form and HIPAA authorization. The HIPAA authorization is required in the instance that your review contains PHI (i.e., your name, the date of the service you received, the kind of treatment you are seeking or other personal health details). Because you may not realize which information you provide is considered “PHI,” EMC Health will send you a HIPAA authorization and request your signature regardless of the content of your review. Once you complete the HIPAA authorization, EMC Health will have the legal right to use your review for advertising and marketing purposes, even if it contains PHI. You may withdraw this consent at any time by submitting a written request to EMC Health via the website contact form. Once your written withdrawal of consent is received, your review will be removed from the website and from any other places where it may have been posted. EMC Health cannot guarantee that others who may have copied your review from the website or from other locations will also remove the review. This is a risk that you should be aware of, should you give permission to post your review.
3. **Sale of PHI.** EMC Health will not sell your PHI.

### IV. USES AND DISCLOSURES THAT DO NOT REQUIRE YOUR AUTHORIZATION.

Subject to certain limitations in the law, EMC Health can use and disclose your PHI without your Authorization for the following reasons. EMC Health has to meet certain legal conditions before the practice can share your information for these purposes:

1. Appointment reminders and health related benefits or services. EMC Health may use and disclose your PHI to contact you to remind you that you have an appointment, to tell you about treatment alternatives, or other health care services or benefits that are offered.
2. When disclosure is required by state or federal law, and the use or disclosure complies with and is limited to the relevant requirements of such law.
3. For public health activities, including reporting suspected child, elder, or dependent adult abuse, or preventing or reducing a serious threat to anyone's health or safety.
4. For health oversight activities, including audits and investigations.
5. For judicial and administrative proceedings, including responding to a court or administrative order or subpoena, although the preference is to obtain an Authorization from you before doing so if allowed by the court or administrative officials.
6. For law enforcement purposes, including reporting crimes occurring on premises.
7. To coroners or medical examiners, when such individuals are performing duties authorized by law.
8. For research purposes, including studying and comparing the health of patients who received one form of therapy versus those who received another form of therapy for the same condition.
9. Specialized government functions, including, ensuring the proper execution of military missions; protecting the President of the United States; conducting intelligence or counterintelligence operations; or, helping to ensure the safety of those working within or housed in correctional institutions.
10. For workers' compensation purposes. Although the preference is to obtain an Authorization from you, your PHI may be provided in order to comply with workers' compensation laws.
11. For organ and tissue donation requests.

## **V. CERTAIN USES AND DISCLOSURES REQUIRE YOU TO HAVE THE OPPORTUNITY TO OBJECT.**

**Disclosures to family, friends, or others:** You have the right and choice to designate who your PHI may be provided to including: a family member, friend, or other person who is involved in your care or the payment for your health care, or to share your information in a disaster relief situation. The opportunity to consent may be obtained retroactively in emergency situations to mitigate a serious and immediate threat to health or safety or if you are unconscious.

## **VI. YOU HAVE THE FOLLOWING RIGHTS WITH RESPECT TO YOUR PHI:**

1. The Right to Request Limits on Uses and Disclosures of Your PHI. You have the right to ask EMC Health not to use or disclose certain PHI for treatment, payment, or health care operations purposes. EMC Health is not required to agree to your request and may say "no" if the belief is it would affect your health care.
2. The Right to Request Restrictions for Out-of-Pocket Expenses Paid for In Full. You have the right to request restrictions on the disclosure of your PHI to health plans for payment or health care operations purposes if the PHI pertains solely to a health care item or a health care service that you have paid for out-of-pocket in full.
3. The Right to Choose How you receive PHI. You have the right to ask to be contacted in a specific way (for example, home or office phone) or to send mail to a different address, and EMC Health will agree to all reasonable requests.
4. The Right to See and Get Copies of Your PHI. Other than in limited circumstances, you have the right to get an electronic or paper copy of your medical record and other information that EMC Health has about you. Ask us how to do this. EMC Health will provide you with a copy of your record, or if you agree, a summary of it, within 30 days of receiving your written request. You may be charged a reasonable cost based fee for doing so.
5. The Right to Get a List of the Disclosures that Have been Made. You have the right to request a list of instances in which your PHI was disclosed, for purposes other than treatment, payment, or health care operations, and other disclosures. EMC Health will respond to your request for an accounting of disclosures within 60 days of receiving your request. The list you receive will include disclosures made in the last six years unless you request a shorter time. EMC Health will provide the list to you at no charge, but if you make more than one request in the same year, EMC Health will charge you a reasonable cost based fee for each additional request.

6. The Right to Correct or Update Your PHI. If you believe that there is a mistake in your PHI, or that a piece of important information is missing from your PHI, you have the right to request correction of the existing information or add the missing information. EMC Health may say “no” to your request, but will tell you why in writing within 60 days of receiving your request.
7. The Right to Get a Paper or Electronic Copy of this Notice. You have the right to get a paper copy of this Notice, and you have the right to get a copy of this notice by email. And, even if you have agreed to receive this Notice via email, you also have the right to request a paper copy of it.
8. The Right to Choose Someone to Act For You. If you have given someone medical power of attorney or if someone is your legal guardian, that person can make choices about your health information.
9. The Right to Revoke an Authorization.
10. The Right to Opt out of Communications and Fundraising from our Organization.
11. The Right to File a Complaint. You can file a complaint if you feel EMC Health has violated your rights by contacting the practice using the information on page one or by filing a complaint with the HHS Office for Civil Rights located at 200 Independence Avenue, S.W., Washington D.C. 20201, calling HHS at (877) 696-6775, or by visiting [www.hhs.gov/ocr/privacy/hipaa/complaints](http://www.hhs.gov/ocr/privacy/hipaa/complaints). You will not be retaliated against for filing a complaint.

## **VII. CHANGES TO THIS NOTICE**

EMC Health can change the terms of this Notice, and such changes will apply to all the information about you. The new Notice will be available upon request on the practice website.