

Privacy Practices for Protected Health Information (PHI)

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.

Introduction

Brand New Day is required by law to maintain the privacy of “Protected Health Information” (PHI).

Identifiable information (oral, written, electronic) that we obtain from you or others that relates to your physical or mental health, the health care you have received, or payment for your health care.

As required by law, this notice provides you with information about your rights and our legal duties and privacy practices with respect to the privacy of PHI. This notice also discusses the uses and disclosures we will make of your PHI. We must comply with the provisions of this notice, although we reserve the right to change the terms of this notice from time to time and to make the revised notice effective for all PHI we maintain. You can always request a copy of our most current privacy notice from our Privacy Officer. This notice is effective as of 1/1/2018.

Permitted Uses and Disclosures

We can use or disclose your PHI for purposes of treatment, payment and health care operations. For each category we will explain what we mean and give some examples. However, not every use or disclosure will be listed.

- Treatment means the provision, coordination or management of your health care, including consultations between health care providers regarding your care and referrals for health care from one health care provider to another. For example, a doctor treating you for a broken leg may need to know if you have diabetes because diabetes may slow the healing process. Therefore, the doctor may review your medical records to assess whether you have potentially complicating conditions like diabetes.
- Payment means activities we undertake to obtain reimbursement for the health care provided to you, including determinations of eligibility and coverage and utilization review activities. For example, prior to providing health care services, we may need to provide to your health plan information about your medical condition to determine whether the proposed course of treatment will be covered. When we subsequently bill your health plan for the services rendered to you, we can provide them with information regarding your care if necessary to obtain payment.

- Health care operations means the support functions of our practice related to treatment and payment, such as quality assurance activities, case management, receiving and responding to patient complaints, physician reviews, compliance programs, audits, business planning, development, management and administrative activities. For example, we may use your medical information to evaluate the performance of our staff when caring for you. We may also combine medical information about many patients to decide what additional services we should offer, what services are not needed, and whether certain new treatments are effective. In addition, we may remove information that identifies you from your health information so that others can use this de-identified information to study healthcare delivery without learning who you are.

Other Uses and Disclosures of Protected Health Information

We may contact you with appointment reminders or information about treatment alternatives or other health-related benefits and services that maybe of interest to you.

We may disclose your PHI to your family or friends or any other individual identified by you when they are involved in your care or the payment for your care. We will only disclose the PHI directly relevant to their involvement in your care or payment. We may also use or disclose your PHI to notify, or assist in the notification of, a family member, a personal representative, or another person responsible for your care of your location, general condition or death. If you are available, we will give you an opportunity to object to these disclosures, and we will not make these disclosures if you object. If you are not available, we will determine whether a disclosure to your family or friends is in your best interest, and we will disclose only the PHI that is directly relevant to their involvement in your care.

When permitted by law, we may coordinate our uses and disclosures of PHI with public or private entities authorized by law or by charter to assist in disaster relief efforts.

We will allow your family and friends to act on your behalf to pick up, medical supplies, X-rays, and similar forms of PHI, when we determine, in our professional judgement that it is in your best interest to make such disclosures.

We may contact you as part of our marketing efforts as permitted by applicable law.

Special Situations

Except for the special situations set forth below and the general uses and disclosures described above, we will not use or disclose your PHI for any other purposes unless you provide a written authorization. You have the right to revoke that authorization at any time, provided that the revocation is in writing, except to the extent that we already have taken action in reliance on your authorization.

- 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.
- Military and veterans. If you are a member of the armed forces, we may release medical information about you as required by military command authorities. We may also release medical information about foreign military personnel to the appropriate foreign military authority.
- Worker's compensation. We may release medical information about you for programs that provide benefits for work-related injuries or illness.
- Public health risks. We may 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 product, recalls, repairs or replacements
 - 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 bylaw
- Health oversight activities. We may disclose medical information to federal or state agencies that oversee our activities. These activities are necessary for the government to monitor the health care system, government programs, and compliance with civil rights laws. We may disclose PHI to persons under the Food and Drug Administration's jurisdiction to track products or to conduct post-marketing surveillance.
- Law suits 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. 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, but only if efforts have been made to tell you about the request or to obtain an order protecting the information requested.
- 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 on our premises; 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 to funeral directors as necessary to carry out their duties.
- National security and intelligence activities. We may release medical information about you to authorized federal officials for intelligence, counterintelligence, or other national security activities authorized by law.
- Protective services for the President and others. We may disclose medical information about you to authorized federal officials so they may provide protection to the President, other authorized persons or foreign heads of state or conduct special investigations.
- 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.
- Serious threats. As permitted by applicable law and standards of ethical conduct, we may use and disclose PHI if we, in good faith, believe that the use or disclosure is necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the public.

Your Rights Regarding Health Information About You

- Right to request restrictions. You have the right to request restrictions on our uses and disclosures of PHI for treatment, payment and health care operations. However, we are not required to agree to your request. To request a restriction, you must make your request in writing to the Brand New Day Privacy Officer.
- Right to request confidential information. You have the right to reasonably request to receive communications of PHI by alternative means or at alternative locations. Your request must be submitted in writing to the Brand New Day Privacy Officer. Your request must specify how or where you wish to be contacted.
- Right to inspect and copy. You have the right to inspect and copy the PHI contained in your medical and billing records and in another practice records used by us to make decisions about you (You must submit your request in writing to the Brand New Day Privacy Officer. We may charge you for the costs of copying and mailing your records swell as any other costs associated with your request.), except for:

(i) Psychotherapy notes, which are notes recorded by mental professional documenting or analyzing the contents of conversation during private counseling session or group, joint or family counseling session and that have been separated from the rest of your medical record;

- (ii) Information compiled in reasonable anticipation of, or for use in a civil, criminal, or administrative action or proceeding;
- (iii) PHI involving laboratory tests when your access is required by law;
- (iv) If you are a prison inmate and obtaining such information would jeopardize your health, safety, security, custody, or rehabilitation or that of other inmates, or the safety of any officer, employee, or other person at the correctional institution or person responsible for transporting you;
- (v) If we obtained or created PHI as part of a research study for as long as the research is in progress, provided that you agreed to the temporary denial of access when consenting to participate in the research;
- (vi) Your PHI is contained in records kept by a federal agency or contractor when your access is required by law; and
- (vii) If the PHI was obtained from someone other than us under a promise of confidentiality and the access requested would be reasonably likely to reveal the source of the information.

We may also deny a request for access to PHI if:

- A licensed health care professional has determined, in the exercise of professional judgment, that the access requested is reasonably likely to endanger your life or physical safety or that of another person;
- The PHI makes reference to another person (unless such other person is a health care provider) and a licensed health care professional has determined, in the exercise of professional judgment, that the access requested is reasonably likely to cause substantial harm to such other person; or
- A health care professional has determined, in the exercise of professional judgment, that the provision of access to such personal representative is reasonably likely to cause substantial harm to you or another person.
- If we deny a request for access for any of the three reasons described above, then you have the right to have our denial reviewed in accordance with the requirements of applicable law.

Right to Amend. You have the right to request an amendment to your PHI, but we may deny your request for amendment, if we determine that the PHI or record that is the subject of the request:

- (i) Was not created by us, unless you provide a reasonable basis to believe that the originator of PHI is no longer available to act on the requested amendment;
- (ii) Is not part of your medical or billing records;

(iii) Is not available for inspection as set forth above; or

(iv) Is accurate and complete.

- In any event, any agreed upon amendment will be included as an addition to, and not a replacement of, already existing records. A request for an amendment must be submitted in writing to the Brand New Day Privacy Officer and contain a reason that supports your request for amendment.

Right to an accounting of disclosures. You have the right to receive an accounting of disclosures of PHI made by us to individuals or entities other than to you, except for disclosures:

1. To carryout treatment, payment and health care operations as provided above;
2. To persons involved in your care or for other notification purposes as provided by law;
3. For national security or intelligence purposes as provided by law;
4. To correctional institutions or law enforcement officials as provided bylaw;or
5. That occurred prior to April 14, 2003.

Right to a paper copy of this notice. You have the right to request and receive a paper copy of this notice from us. Submit your request to the Brand New Day Privacy Officer to request a copy is sent to you or click here to download a copy.

Complaints

If you believe that your privacy rights have been violated, you should immediately contact our Privacy Officer. We will not take action against you for filing a complaint. You also may file a complaint with the Secretary of Health and Human Services.

Contact Person

If you have any questions or would like further information about this notice, please contact the Director of the Compliance Department at [1-866-255-4795](tel:1-866-255-4795).