

## **NOTICE OF INFORMATION PRACTICES**

Roper Hospital / Bon Secours St. Francis Hospital

Effective Date: April 14, 2003

This notice describes how information about you may be used and disclosed and how you can get access to this information. Please review it carefully.

**UNDERSTANDING YOUR HEALTH RECORD INFORMATION** Each time you visit Roper Hospital or Bon Secours St. Francis Hospital or any of its departments, a record of your visit is made. Typically, this record contains your symptoms, examination and test results, diagnoses, treatment, and a plan for future care or treatment. This information, often referred to as your health or medical record, serves as a:

- basis for planning your care and treatment
- means of communication among the many health professionals who contribute to your care
- legal document describing the care you received
- means by which you or a third-party payer can verify that services billed were actually provided
- a tool in educating health professionals
- a source of data for medical research
- a source of information for public health officials charged with improving the health of the nation
- a source of data for facility planning and marketing
- a tool with which the hospital can assess and continually work to improve the care it renders and the outcomes it achieves
- Understanding what is in your record and how your health information is used helps you to:
  - ensure its accuracy
  - better understand who, what, when, where, and why others may access your health information
  - make more informed decisions when authorizing disclosure to others

## **HOSPITAL RESPONSIBILITIES REGARDING YOUR HEALTH INFORMATION**

The hospital is required to:

- maintain the privacy of your health information
- provide you with a notice as to its legal duties and privacy practices with

- respect to information it collects and maintains about you
- abide by the terms of this notice
- notify you if it is unable to agree to a requested restriction
- accommodate reasonable requests you may have to communicate health information by alternative means or at alternative locations

The hospital reserves the right to change its practices and to make the new provisions effective for all protected health information it maintains. Should its information practices change and affect you, the hospital will mail a revised notice to the address you have supplied to it. The hospital will not use or disclose your health information without your authorization, except as described in this notice.

## **HOW THE HOSPITAL MAY USE AND DISCLOSE YOUR HEALTH INFORMATION**

The following categories describe different ways that the hospital may use and disclose health information. For each category of uses or disclosures the hospital will explain what is meant. Not every use or disclosure in a category will be listed. However, all of the ways the hospital is permitted to use and disclose information will fall within at least one of the categories.

**For treatment:** Information obtained by a nurse, physician, or other member of your healthcare team will be recorded in your record and used to determine the course of treatment that should work best for you. Your physician will document in your record his or her expectations of the members of your healthcare team. Members of your healthcare team record the actions they took and their observations. In that way, the physician will know how you are responding to treatment. The hospital will also provide your physician or a subsequent healthcare provider with copies of various reports that should assist in arranging your care and treating you once you are discharged from the hospital. These independent physicians and healthcare professionals constitute an organized health care arrangement under certain laws governing the privacy of health information only. These individuals are otherwise independent practitioners and are not agents of any of our facilities.

**For payment:** A bill may be sent to you or a third party (insurance company/HMO) payer. The information on or accompanying the bill may include information that identifies you, as well as your diagnosis, procedures, and supplies used.

**For healthcare operations:** Members of the medical staff, the risk or performance improvement manager, or members of the quality improvement team may use information in your health record to assess the care and outcomes in your case and others like it. This information is used to continually improve the quality and effectiveness of the healthcare and service the hospital provides.

**Business associates:** There are some services provided in the hospital through contacts with business associates. Examples include physician services in the emergency department and radiology, certain laboratory tests, and a copy service the hospital uses when making copies of your health record. When these services are contracted, the hospital may disclose your health information to its business associates so that they can perform the job the hospital has asked them to do. To protect your health information, however, the hospital requires the business associate to appropriately safeguard your information.

**Hospital Directories:** Unless you notify the hospital that you object, it may use your name, location in the facility, general condition, and religious affiliation for directory purposes. The directory information, except for your religious affiliation, may be released to people who ask for you by name. Your religious affiliation may be given to a member of the clergy, such as a priest or rabbi, even if they don't ask for you by name.

**Notification:** The hospital may use or disclose information to notify or assist in notifying a family member, personal representative, or another person responsible for your care, your location, and general condition.

**Communication with family:** Health professionals, using their best judgement, may disclose to a family member, other relative, close personal friends or any other person you identify, health information relevant to that person's involvement in your care or payment related to your care.

**Research:** The hospital may disclose information to researchers when their research has been approved by an institutional review board that has reviewed the research proposal and established protocols to ensure the privacy of your health information.

**Funeral directors:** The hospital may disclose health information to funeral directors consistent with applicable law to carry out their duties.

**Organ procurement organizations:** Consistent with applicable law, the hospital may disclose health information to organ procurement organizations or other entities engaged in the procurement, banking, or transplantation of organs for the purpose of tissue donation and transplant.

**Patient mailings and communications:** The hospital may contact you to provide appointment reminders or information about treatment alternatives or other health-related benefits and services that may be of interest to you.

**Fund raising:** The hospital may contact you as part of a fund-raising effort.

**Food and Drug Administration (FDA):** The hospital may disclose to the FDA health information relative to adverse events with respect to food, supplements,

product and product defects, or post marketing surveillance information to enable product recalls, repairs, or replacement.

Workers compensation: The hospital may disclose health information to the extent authorized by and to the extent necessary to comply with laws relating to workers compensation or other similar programs established by law.

Public health: As required by law, the hospital may disclose your health information to public health or legal authorities charged with preventing or controlling disease, injury, or disability.

Correctional institution: Should you be an inmate of a correctional institution, the hospital may disclose to the institution or its agents health information necessary for your health and the health and safety of other individuals.

Law enforcement: The hospital may disclose health information for law enforcement purposes as required by law or in response to a valid subpoena.

South Carolina Department of Health and Environmental Control (DHEC): As required by law, the hospital may disclose your health information to DHEC as it relates to licensing inspections or other requests for reviews by DHEC.

Joint Commission on Accreditation of Healthcare Organizations (JCAHO): As required by accreditation, the hospital may disclose your health information to the JCAHO at the time of their surveys to accredit the hospital. Federal law makes provision for your health information to be released to an appropriate health oversight agency, public health authority or attorney, provided that a work force member or business associate believes in good faith that the hospital has engaged in unlawful conduct or have otherwise violated professional or clinical standards and are potentially endangering one or more patients, workers or the public.

## MORE STRINGENT PROTECTION FOR YOUR HEALTH INFORMATION

HIPAA is a federal law that generally governs healthcare activities despite contrary state law mandates. However, in certain circumstances, state law will prevail if it: (1) allows for the use of PHI to file reports required by law; (2) allows for the disclosure of PHI to participate in public health surveillance, investigation, or intervention; (3) has been "excepted" from HIPAA by a formal determination; (4) authorizes or prohibits disclosure of PHI about a minor to a parent or other authorized caregiver; or (5) is more stringent (i.e. it provides more protection or rights to an individual). In addition to any information described in (1) through (4) above, state law may be more stringent and may not be preempted by HIPAA when the request for PHI involves:

- prescription information
- information provided to or retained by a treating psychologist or social

- worker
- results of neonatal testing of children
- the transfer of medical records from one physician, facility, or medical record owner to another physician or health care provider for continuation of treatment for a specific condition or conditions
- information regarding treatment of a emotional or mental illness
- information regarding treatment for psychoactive substance abuse/dependence
- information which would require disclosure of a patient's HIV or other communicable disease status

In addition, state law mandates regarding medical record retention periods may be more stringent than federal law. Please be aware that any request for release of PHI must be considered on a case-by-case basis. If you desire further information about specific state laws and regulations that may not be preempted by HIPAA, please contact the Roper St. Francis Healthcare Legal Department.

## **YOUR RIGHTS REGARDING YOUR HEALTH INFORMATION**

Although the hospital owns the physical documents related to your health information, you have the following rights regarding the health information maintained about you: **Right to Inspect and Copy:** You have the right to inspect and obtain a copy of the health information that may be used to make decisions about your care. Usually, this includes medical and billing records, but may not include psychiatric/substance abuse notes. To inspect and copy health information, you must sign an authorization to release the information which can be obtained in the Medical Record Departments of the appropriate hospital. If you request a copy of the information, the hospital may charge a fee for the costs of copying, mailing or other supplies associated with your request. **Right to Amend:** If you feel that health information the hospital has about you is incorrect or incomplete, you may ask that it be amended. To make a correction, your request must be made in writing to the Manager, Medical Record Department of the appropriate hospital. In addition, you must provide a reason that supports your request. The hospital may deny your request if it is not in writing or does not include a reason to support the request. In addition, the hospital may deny your request if you ask us to change information that: 1. Was not created by us. 2. Is not part of the health information kept by or for the hospital. 3. Is not part of the information which you would be permitted to inspect and copy. 4. Is accurate and complete in the opinion of the hospital. **Right to 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 at home, or send billing information to an alternative address. **Right to an Accounting of Disclosures:** You have the right to request an "accounting of disclosures". This is a list of the disclosures the hospital made concerning your health information. To request an accounting of disclosures, you must

write to the Manager, Medical Record Department of the appropriate hospital. Your request must state a time period which may not be longer than six years. One request within a 12 month period will be free. For additional lists, the hospital may charge you for the costs of providing the list. **Right to Request Restrictions:** You have the right to request a restriction or limitation on the health information the hospital uses or discloses about you for treatment, payment or health care operations. You also have the right to request a limit on the health information the hospital discloses about you to someone who is involved in your care or the payment for your care, like a family member or friend. To request restrictions, you must write to the Manager, Medical Record Department of the appropriate hospital. In your request, you must describe (1) what information you want to limit; (2) whether you want to limit our use, disclosure or both; and (3) to whom you want the limits to apply, for example, disclosures to your spouse. The hospital is not required to agree to your request. If the hospital agrees, it will comply with your request unless the information is needed to provide you emergency treatment. You may not limit uses and disclosures that are legally required or allowed by law or regulation.

**RIGHT TO A COPY OF THIS NOTICE** You may obtain a copy of this notice at any time from our web site, [www.ropersaintfrancis.com](http://www.ropersaintfrancis.com) .

**CHANGES TO THIS NOTICE** The hospital reserves the right to change this notice from time to time for past, current or future information. The new notice will contain the effective date on its first page. You can view the current notice at [www.ropersaintfrancis.com](http://www.ropersaintfrancis.com) .

**COMPLAINTS** If you believe your privacy rights have been violated, you may file a complaint with the hospital or with the Secretary of the Department of Health and Human Services without fear that you will be retaliated against for filing a complaint. If you have any questions about this notice or any complaints about the hospital's privacy practices, or would like to know how to file a complaint with the Secretary of the Department of Health and Human Services, please contact the Privacy Officer at 1-843-402-1197. You may not be penalized for filing a complaint.