



TEXAS STATE OPTICAL

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Notice of Privacy Practices And Right of Access and Health Information Technology Effective 10/30/2013

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

We are required by law to maintain the privacy of your health information. We are also required to provide you with this notice of our legal duties and our privacy practices with respect to your health information. We must abide by the terms of this notice while it is in effect, but we reserve the right to change the terms of our privacy notices. The electronic health record system we utilize is named OfficeMate/Examwriter. Your records are kept in an encrypted database which is only accessible by password which is held by each individual employee that has been sworn to our privacy policies and procedures. This database is backed up by Datahealth, which meets all government encryption rules and regulations. The name of our Privacy Officer, and Security Officer is Mark Rivas.

This notice will be prominently posted and displayed in our websight which is www.eyecareoftexaspc.com. This notice also is posted in each clipboard and in our patient lounge area.

1. Request for Access

The Privacy Rule allows covered entities to require that individuals make requests for Access in writing, provided they inform individuals of such a requirement. See 45 C.F.R. 164.524 (b)(1). In addition, the Privacy Rule has always considered electronic documents to qualify as written documents. Thus, The Privacy Rule supports covered entities' offering individuals the option of using electronic means (e.g., e-mail, web portal) to make requests for Access. If you request your medical records there will be a fee of \$1.00 per page on the first request and \$1.50 per page should you request your records for further copies.

2. Timely Action

As a practical matter, individuals might expect, when making a request of technologically sophisticated covered entity, that their request could be responded to instantaneously or well before the current required time-frame. This might be the case, for example, when Access is

provided through a direct view or portal into a health care provider's EHR. However Access can take up to 30 days for the requested documents to be finalized and faxed or mailed.

3. Provision of Access

Who may exercise the Right of Access? Individual and Personal representation. While the Privacy Rule's right of Access belongs primarily to the individual who is the subject of the PHI, the privacy Rule also requires that persons who are legally authorized to act on behalf of the individual regarding health care matters be granted the same right of Access. The Privacy Rule requires that covered entities grant personal representatives with the right of access on behalf of an individual in an electronic environment, just as they do today with regard to paper based information. At Texas State Optical we implement reasonable policies and procedures to verify the identity of any person who requests PHI, as well as the authority of the person to have Access to the information, if the identity or authority of the person is not already known. The privacy Rule refrains from defining specific or technical verification requirements and largely defers the covered entity's professional judgement and industry standards to determine what is reasonable and appropriate under the circumstances. Verification may be obtained either orally, or in writing (which may be satisfied electronically). So long as the requisite documentation, statements or representations are obtained where required by a specific Privacy Rule disclosure provision and the appropriate steps are taken to verify the identity and authority of individual or personal representatives who are otherwise unknown.

4. Denial of Access

The Privacy Rule contemplates circumstances under which covered entities may deny an individual Access to PHI. Unreviewable grounds for denial are: situations involving (i) psychotherapy notes, information compiled for use in legal proceedings, and certain information held by clinical laboratories; (ii) certain requests which are made by inmates of correctional institutions; (iii) Information created or obtained during research that includes treatment if certain conditions are met; (iv) denials permitted by the Privacy Act; and (v) information obtained from non-health care providers pursuant to promises of confidentiality. Reviewable grounds for denial are: (i) disclosure which would cause endangerment of the individual or another person; (ii) situations where the PHI refers to another and disclosure is likely to cause substantial harm; and (iii) requests made by a personal representative where disclosure is likely to cause substantial harm.

5. Uses and Disclosures of Health Information

Here are some specific examples of the permitted uses and disclosures of your healthcare information that we may make without an authorization:

- A) We may have to disclose your health information to another health care provider, or a hospital, etc, if it is necessary to refer you to them for the diagnosis, assessment, or treatment of your health condition or we may need to write or fill a prescription for you.
- B) We may have to disclose your examination and treatment records and your billing records to another party (i.e. your insurance company), if they are potentially responsible for the payment of your services.
- C) We may need to use any information in your file for quality control purposes or any other administrative purposes to run our practice.
- D) We may need to use your name, address, phone number, and your clinical records to contact you to provide appointment reminders, information about treatment alternatives, or other health related information that may be of interest to you (i.e. test results). If you are not at home to receive an appointment reminder, a message may be left on your answering machine, mail, e-mail, or by text.

- E) We provide health care services to you in an emergency and we are unable to obtain your consent after attempting to do so.
- F) If there are substantial barriers to communicating with you, and in our professional judgement we believe that you intend for us to provide care.
- G) Training programs in which staff, students, or trainees learn under the supervision of the Security Officer Mark Rivas to practice or improve their skills as health care providers.

6. Other Uses and Disclosures of Health Information

Secretary of the US Department of Health and Human Services. For the Secretary to investigate issues and determine our compliance within Federal Privacy Requirements.

Required by Law. When we are required to do so by Federal, State, or Local Law.

Public Health Activities. For Public Health Activities such as you may have been exposed to a communicable disease.

Health Oversight Activities. For activities such as an investigation of a provider's conduct to a state licensing board official.

Cadaveric Organ, Eye or Tissue Donation. When the use and/or disclosure relates to organ, eye or tissue donation purposes.

To Avert a Serious Threat to Health or Safety. If it is necessary to avert a serious threat to your health or safety to others or to assist law enforcement authorities in identifying or apprehending an individual.

Coroners, Medical examiners, and Funeral Directors. For example, we may disclose health information about you to a coroner or medical examiner for the purposes of identifying you should you die.

Research. Under certain circumstances, we may disclose health information about you for a medical research.

7. You have the right to request to amend confidential information

Your request will be reviewed and a determination will be made whether it is accepted or denied. Either way, you will be notified within 15 days of your request with the reason as to why or why not the request was accepted or denied.

8. You have the right to request a copy of this Notice

You have the right to request a paper copy of this notice at any time by contacting us. We will provide a copy of this Notice no later than the date you first receive service from us. Exception to this rule is if we provide emergency services, in which circumstance we will provide you a copy of this Notice as soon as we are able to stabilize the situation.

9. Complaints

If you think we have violated your privacy rights, or you want to complain to us about our privacy practices, you may contact us. You may also send a written complaint to the United States Secretary of the Department of Health and Human Services. If you file a complaint, we will not take any action against you or change our treatment of you in any way.

10. Contact

You may contact our Privacy Officer, Mark Rivas at (210) 698-6393.

Sincerely,

Mark Rivas
Office Administrator/ Privacy Officer