

# Notice of Privacy Practices

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.

## ***BioBirth, PLLC is committed to protecting the confidentiality of your health information.***

We are required by law to maintain the privacy of your medical information. We are also required to notify you of our legal duties and privacy practices regarding your medical information, and abide by the practices of this Notice, unless more stringent laws or regulations apply. This Notice applies to all BioBirth, PLLC facilities, services, and programs that provide healthcare to you.

### **Who this notice applies to**

This Notice describes this organization's practices and those of:

- Any healthcare professional authorized to enter information into your record.
- Any member of the medical staff credentialed to practice here.
- All departments and units of this facility.
- All employees, staff, and other personnel.
- Any volunteer, intern, or student we allow to help you while you are a patient.

This Notice of Privacy Practices provides detailed information about how we may use and disclose your medical information with or without authorization as well as more information about your specific rights with respect to your medical information. This Notice becomes effective April 14, 2003.

## ***Disclosures of your medical information that we may make without your authorization***

**Treatment:** Your information may be shared with any provider who is providing you with healthcare services. This includes coordinating your care with other providers and providing referrals to other providers. Examples of healthcare providers who may need your information to treat you include your doctor, pharmacist, nurse, and other providers such as physical therapists, home health providers, and x-ray technicians. We may also use your information to contact you for appointments and to provide information about health-related products and services that we believe may be helpful to you. We may share your information electronically with your health care providers in order to make sure they have your information as quickly as possible to treat you. We will use the utmost care in any situation where we need to disclose your information electronically.

We may also share your medical information with any family member or friend who is involved in assisting with your healthcare. We will only do this if you agree, and will only share with them the information they need in order to help you. If you are unable to either agree or object to such a disclosure, we may disclose your healthcare information as necessary if we determine that it is in your best interest based on our professional judgment.

**Payment:** In order to get your healthcare services paid for, we may have to provide your medical information to the party responsible for paying. This will include your insurance company. Your insurance company or health plan may need your information for activities such as determining your eligibility for coverage, reviewing the medical necessity of the healthcare services, or providing approval for hospital stays.

**Healthcare Operations:** Your medical information may be used by us in order to support the business activities of the facility and to ensure that quality healthcare services are being provided. Some of the activities which would be part of our operations would be quality assessment activity, training of personnel, licensure and accreditation, data aggregation and audits by regulatory agencies.

We may share your protected health information with third parties who perform services such as transcription or billing. In those cases we have written agreements with the third parties that they will not use or disclose your information for any other purposes, except as required by law.

### ***Other disclosures that we may make without your authorization***

There are a number of ways that your medical information may be used without your authorization, generally either because they are required by law or for public health and safety purposes. Those include:

**Required by Law:** Your medical information may be used or disclosed by us when required by law. If this happens, we will comply with the law and will only disclose the information necessary. You will be notified, as required by law, of any such uses or disclosures.

**Public Health:** Your medical information may be used for public health activities. Public health authorities are authorized to collect or receive the information for purposes such as controlling disease, injury or disability.

**Disaster Relief:** We may disclose healthcare information about you to an entity assisting in a disaster relief effort so that your family and friends can be notified about your condition, status, and location.

**Incidental Disclosures:** Certain incidental disclosures of your healthcare information may occur as a by-product of lawful and permitted use and disclosures of your healthcare information. For example, a visitor may overhear a discussion about your care in my office or if they are nearby when you call. These incidental disclosures are permitted if we apply reasonable safeguards to protect the confidentiality of your healthcare information.

**Limited Data Set Information:** We may disclose limited healthcare information to third parties for purposes of public health and healthcare operations. Before disclosing this information, we must enter into an agreement with the recipient of the information that limits who may use or receive the data and requires the recipient to agree not to re-identify the data or contact you. The recipient of your information is required to have appropriate safeguards to prevent inappropriate use or disclosure of your information.

**Communicable Diseases:** If required by law to do so, we may disclose your medical information to a person who may have been exposed to a communicable disease or may otherwise be at risk of contracting or spreading the disease or condition.

**Health Oversight:** Health oversight agencies are authorized to have access to medical information maintained by us for activities such as audits, investigations, and inspections. Agencies with this authority include government agencies that oversee the healthcare system, government benefit programs, government regulatory programs and civil rights laws.

**Abuse or Neglect:** We may disclose your medical information to a public health authority that is authorized by law to receive reports of child abuse or neglect. We may also disclose your protected health information to the governmental agency authorized to receive such information if we believe that you have been a victim of abuse, neglect or domestic violence. Any disclosures of this nature will be made consistent with state and federal law.

**Food and Drug Administration:** We may disclose your medical information to a person or agency required by the Food and Drug Administration to report adverse events, product defects or problems, biologic product deviations, or for product recalls, repairs or replacements.

**Legal Proceedings:** We may disclose your medical information if required to by a court or administrative order to do so for an administrative or judicial proceeding, or in some cases in response to a subpoena, discovery request or other legal process.

**Law Enforcement:** We may disclose your medical information, so long as applicable legal requirements are met, for law enforcement purposes. Examples of these purposes would be: (1) legal processes and otherwise required by law; (2) limited information requests for identification and location purposes; (3) pertaining to crime victims; (4) suspicion that death has occurred as a result of criminal conduct; (5) if crime occurs on the premises; and (6) for medical emergencies where it appears likely a crime occurred.

**Coroners, Funeral Directors, and Organ Donation:** Your medical information may be disclosed to a coroner or medical examiner for identification purposes, determining cause of death or other legally required duties. Your medical information may also be released to a funeral director in order to permit him/her to perform their duties. Your information may be disclosed if we reasonably anticipate your death, and may also be used and disclosed for cadaveric organ, eye or tissue donation purposes.

**Criminal Activity:** As required by state and federal laws, we may disclose your medical information if we 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 of the public. We may also disclose your medical information if it is necessary for law enforcement authorities to identify or apprehend an individual.

**Military Activity and National Security:** Under certain circumstances, the medical information of Armed Forces personnel may be disclosed (1) for activities deemed necessary by appropriate military command authorities; (2) for the purpose of a determination by the Department of Veterans Affairs of your eligibility for benefits; or (3) to a foreign military authority if you are a member of that foreign military service. Your medical information may also be disclosed to authorized federal officials for conducting national security and intelligence activities, including for the provision of protective services to the President or others legally authorized.

**Workers' Compensation:** Your medical information may be used or disclosed as necessary to comply with workers' compensation laws and other similar legally established programs.

**Inmates:** Your medical information may be used or disclosed by us if you are an inmate of a correctional facility and your physician created or received your medical information in the course of providing care to you.

### ***How we will use and disclose your medical information with authorization***

Other uses and disclosures of your medical information will be made only with your written authorization, unless otherwise permitted or required by law. You may revoke the authorization, at any time, in writing, except to the extent that we have already taken an action in reliance on the use or disclosure indicated in the authorization.

If you need for us to share your medical information with someone for purposes other than those listed here, you should contact us with a written request.

### **Your Rights**

The following information describes your rights with respect to your medical information that we maintain.

**Right to Request Restrictions:** You have the right to ask us to place restrictions on the way we use or disclose your medical information for treatment, payment, or healthcare operations. We are not required to agree to the restriction, but if we agree to a restriction, we will not use or disclose your medical information in violation of that restriction, unless it is needed for an emergency. If a restriction is no longer feasible, we will notify you.

**Confidential Communications:** We will accommodate reasonable requests to communicate with you about your medical information by different methods or alternative locations if you make your request in writing and give it to the registration staff. For example, if you are covered on a health plan but are not the subscriber, and would like your medical information sent to a different address than the subscriber, we can usually do that for you.

**Access to Your Medical Information:** You have the right to receive a copy of your medical information that we maintain, with some limited exceptions. You may request access to those records in writing and provide us with information about the specific information you need so that we can fulfill your request. We reserve the right to charge a reasonable fee for the cost of producing and mailing the copies.

**Amendment of Your Medical Information:** You have the right to ask us to change any of your medical information. You need to request this amendment in writing. In certain situations we may have to deny your request, such as when the medical information in your records was created by another provider. Any denials will be in writing. You have the right to appeal our denial by filing a written statement of disagreement.

**Accounting of Certain Disclosures:** You have a right to a listing of the disclosures we make of your medical information, except for those disclosures made for treatment, payment, or healthcare operations, or those disclosures made pursuant to your authorization. The type of disclosures typically contained in a listing would be disclosures made for mandatory public health purposes, law enforcement, legal proceedings, or for other required reporting such as birth and death certificates. If you would like to receive an

accounting of your disclosures, you should contact the midwife with a written request to be kept in your file.

### ***Questions and Complaints***

To exercise any of the above rights, or if you are concerned that any of your privacy rights have been violated, please contact:

Association of Texas Midwives

P.O.Box 52187  
Midland, TX 79710

Or

Texas Midwifery Board

Complaints Management and Investigative Section  
P.O. Box 141369  
Austin, Texas 78714-1369

You will not be retaliated against for filing a complaint.

### **Changes to Privacy Practices**

BioBirth, PLLC reserves the right to change its privacy practices and its Notice of Privacy Practices at any time. The new notice will be effective for any medical information we create or maintain as of the date of the change. You may view a copy of our most current Notice of Privacy Practices on our website, at [www.biobirths.com](http://www.biobirths.com), or request a copy from the registration staff. You have the right to a paper copy of this Notice any time, upon request. You may contact the midwife to get a current paper copy.