



Notice of Privacy Practices

EFFECTIVE APRIL 14, 2003

As Required by the Privacy Rule and Related Regulations under the Health Insurance Portability and Accountability Act of 1996 ("HIPAA")

THIS NOTICE OF PRIVACY DESCRIBES HOW HEALTH INFORMATION ABOUT YOU, OUR PATIENT, MAY BE USED AND DISCLOSED, AND HOW YOU CAN GET ACCESS TO YOUR CONFIDENTIAL PROTECTED HEALTH INFORMATION.

PLEASE REVIEW THIS NOTICE CAREFULLY

A. OUR COMMITMENT TO YOUR PRIVACY

The Retina Institute, (TRI), is dedicated to maintaining the privacy of your individually identifiable health information and, more specifically, your Protected Health Information (PHI). TRI is a clinically integrated joint-venture of Retina Consultants, Ltd. In providing health care to you, we will create records regarding you and matters related to treatment, payment, and operations related to our care and services to you. We are required by law to maintain the confidentiality of PHI that can identify you. We also are required by law to provide you with this notice of our legal duties and the privacy practices and procedures at TRI. By federal and state law, we must follow the terms of this Notice of Privacy Practices that we have in effect at any given period in time.

These laws are complicated, but we want you to have a clear understanding of how we use and safeguard your PHI in several aspects of our practice:

- How we may use and disclose your PHI
- Your privacy rights concerning your PHI
- Our obligations concerning the use and disclosure of your PHI

This Notice of Privacy Practices (the "Notice") applies to all records containing your PHI that are created or retained by our practice, including electronic, written, and oral forms. We reserve the right to revise or amend this Notice.

Any revision or amendment to this Notice will be effective for all of your records that our practice has created or maintained in the past, and for any of your records that we may create or maintain in the future. You will be provided an updated Notice if such changes are significant. Our practice will post a copy of our current Notice in our offices in a visible location at all times, and you may request a copy of our most current Notice at any time.

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B. ACKNOWLEDGEMENT OF THIS NOTICE OF PRIVACY PRACTICES

A copy of this Notice is being provided to each patient of TRI. As a patient of ours, you are asked to acknowledge receipt of this Notice by signing the attached "Acknowledgement Form for Receipt of Notice of Privacy Practices" (the, "Acknowledgement"). Under HIPAA, we are required to furnish you with a copy of this Notice and make it available to you for subsequent inspection. We are also required to provide such an Acknowledgement for your signature, but the Acknowledgement Form only confirms that you have received the Notice of Privacy Practices. However, you are not required to sign: the Acknowledgement, although we are required to note in our files any refusal you might indicate to sign such an Acknowledgement.

C. IF YOU HAVE QUESTIONS ABOUT THIS NOTICE, CONTACT:

The Retina Institute
ATTN: PRIVACY OFFICER
1600 South Brentwood, Suite 800
St. Louis, MO 63144
(314) 367-1181, Ext. 2282

D. AUTHENTICATION OF PATIENT OR DESIGNEE(S)

TRI's staff or physicians will seek to authenticate the individuals with whom they are communicating via telephone and in person. This procedure may lead to our staff members asking you a series of questions so that we may reasonably validate that you are in fact the patient or designee with whom we expect we are communicating. As an example, if you call us on the phone, we will ask you the following questions:

- First Name
- Last Name
- Date of Birth
- Last Four (4) Digits of Social Security Number

and possibly, other key identifying information if you are calling about a billing statement or other type of correspondence_ Such additional information might include an account number or visit ID number or some other unique identifying information that can assure us that we are, in fact, speaking with the appropriate individual.

For designees that you may ask to act on your behalf, we require you to provide us a signed authorization that details the following information of any and all designees:

- First Name
- Last Name
- Date of Birth

and, in some cases, we may ask your designee other qualifying information.

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E. WE MAY USE AND DISCLOSE YOUR PROTECTED HEALTH INFORMATION (PHI) IN THE FOLLOWING WAYS:

The following categories describe the different ways under the law in which we may use and disclose your PHI.

1. **Treatment.** Our practice may use your PHI to treat you. For example, we might use your PHI in order to write a prescription for you, or we might disclose your PHI to a pharmacy when we order a prescription for you. Many of the people who work for our practice -including, but not limited to, our physicians and clinical staff -may use or disclose your PHI in order to treat you or to assist others in your treatment (providing relevant information to obtain pre-certification from your insurer). Additionally, we may also disclose your PHI to other health care providers for purposes related to your treatment. Finally, only with your written authorization, we may disclose your PHI to others who may assist in your care, such as your spouse, children or parents.

2. **Payment.** Our practice may use and disclose your PHI in order to bill and collect payment for the services and items you may receive from us. For example, we may contact your health insurer to certify that you are eligible for benefits (and for what range of benefits, and we may provide your insurer with details regarding your treatment to determine if your insurer will cover, and pre-authorize payment for, your treatment. We also may use and disclose your PHI to obtain payment from third parties that may be responsible for such costs, such as a family member who is the guarantor of your financial account. Also, we may use your PHI to bill you directly for services and items.

3. **Health Care Operations.** Our practice may use and disclose your PHI to operate our business and to support the core functions of treatment and payment. For example, our practice may use and disclose PHI in evaluating the quality of equipment used in the care you received from us, or to conduct business planning activities for our practice. If this involves services of another business entity, we will have a written contract to ensure that such organizations also protect the privacy of your PHI. There are specific situations in which we might have to use your PHI in our operations (Please see Section G, Paragraph 1 on Confidential Information in the event that you wish restriction of any processes described herein). For example,

- When contacting you to remind you of an appointment, we may have to leave a message on your voice mail, at the primary contact phone number you designate. In this case, we will leave a message asking you to call our staff member or physician and the phone number to return the call.
- From time to time, we may send to you a reminder in the mail or via electronic means. In the case of a reminder in the mail, we will provide such information in an enclosed envelope. In the case of an electronic voice reminder, we will contact your primary phone number with a brief message as to our practice name and the date/time of your appointment.
- In our office, we may use your PHI in a variety of ways, including calling your name and using your PHI for a variety of support activities such as making referrals, scheduling procedures, ordering lab tests, and so forth.

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- In the case where a physician of our practice performs a procedure or performs surgery on you at a facility other than one of our offices, we require the following in order for our physician and/or clinical support staff to speak with members of your family, friends(s), or any other designee(s):

- We require you to designate in advance of the procedure or surgery the name or names of the person(s) with whom you wish our physician and/or clinical support to speak to after the procedure or surgery.

- Our physician or staff member will seek out your designee in a waiting environment and will call for that person(s) by name, at which time a private location will be secured for conversation about the procedure or surgery.

- Our physician or staff member will seek to authenticate the identity of your designee by requesting that person's or persons' driver's license or other official ID.

4. ***Appointment Reminders and Correspondence.*** Our practice may use and disclose your PHI to contact you and remind you of an appointment you have with us by telephone or written correspondence. If necessary, we will leave you a voice message. Our correspondence to you in general will include a return address with your physician's name and/or the name of our practice. In all situations, we will disclose the minimum necessary information in such communications. You may restrict the type of information disclosed or the nature of any such disclosure in these forms of communication by contacting our staff to request a form for such restriction.

5. ***Treatment Options.*** Our practice may use and disclose your PHI to evaluate potential treatment options or alternatives for you.

6. ***Health-Related Benefits and Services.*** Our practice may use and disclose your PHI to inform you of health-related benefits or services that may be of interest to you.

7. ***Release of Information to Family/Friends and Caregivers.*** Our practice may release your PHI, with your written authorization, to a friend or family member that is involved in your care, or to someone who assists in taking care of you. For example, you may have a home health aide or one of your [adult] children accompany you for your visit with one of our providers for treatment of a medical problem; these individuals may have access to your medical information, if you so authorize. Please remember that designees' identity(ies) will be authenticated.

8. ***Release of information to Personal Representatives or Individuals with Health Care Power of Attorney.*** Our practice may release your PHI, without your written authorization, to an individual with your health care power of attorney. We may also release your PHI to a Personal Representative, who is authorized under state or other applicable law to act on your behalf in making health care related decisions (e.g. court appointed legal guardian, executor of estate). We will not disclose information to a Personal Representative if such disclosure is reasonably likely to cause harm to you.

9. ***Emergencies.*** Our practice may disclose your PHI to your emergency contact in the event of an emergency.

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10. **Communication Barriers.** Our practice may disclose your PHI in order to communicate with you should there be communication barriers. For example,

- Deaf or Foreign Language Interpreters.

11. **Retention and Transportation of Records.** Our practice holds all patient records in a centralized facility and/or in a centralized electronic repository, both of which are maintained as lock-down and secure. Our practice may transport your PHI from time to time to other locations of our practice or to locations outside our practice in order to maintain our operations. On these occasions, persons outside the practice will not have access to your PHI or will be under contract to preserve the confidentiality of your PHI.

12. **Referring to You by Your Name.** Our practice will refer to you by your last name and/or first name or as we are directed by you. This will occur in calling you into the treatment area and/or conducting other business with you while you are at our practice.

13. **Open Environment and Our Expectations Regarding Privacy.** Parts of our practice are in an open physical environment; we conduct our operation as discretely as reasonably feasible. We expect all our patients to respect the privacy of other patients of our practice. We realize that there may be incidental disclosure of PHI in some instances. If this is unacceptable to you, we ask that you please seek care elsewhere, as it is impossible for us to completely eliminate these incidental disclosures.

14. **Disclosure of PHI about an Unemancipated Minor.** Generally, state law permits the disclosure about an unemancipated minor to a parent, guardian, or other persons acting in loco parentis.

15. **Special Protection for HIV; Substance Abuse, and Mental Health Information.** Special, more stringent, privacy protections may be required under various federal and state laws apply to these categories of information. Some parts of this Notice of Privacy Practices may not apply and the policies and procedures regarding those situations may be more stringent.

16. **Disclosures Required By Law.** Our practice will use and disclose your PHI when we are required to do so by federal, state or local law and/or as directed by court order.

F. USE AND DISCLOSURE OF YOUR PHI IN CERTAIN SPECIAL CIRCUMSTANCES

The following categories describe unique scenarios in which we may use or disclose your identifiable health information:

1. **Public Health Risks.** Our practice may disclose your PHI to public health authorities that are authorized by law to collect information for the purpose of:

- Maintaining vital records, such as births and deaths reporting child abuse or neglect preventing or controlling disease, injury or disability
- Notifying a person regarding potential exposure to a communicable disease
- Notifying a person regarding a potential risk for spreading or contracting a disease or condition reporting reactions to drugs or problems with products or devices as required by the FDA

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- Notifying individuals if a product or device they may be using has been recalled
- Notifying appropriate government agency(ies) and authority(ies) regarding the potential abuse or neglect of an adult patient (including domestic violence); however, we will only disclose this information if the patient agrees or we are required or authorized by law to disclose this information
- Notifying your employer under limited circumstances related primarily to workplace injury or illness or medical surveillance.

2. **Health Oversight Activities.** Our practice may disclose your PHI to government agencies authorized to conduct audits, investigations, and inspections of our practice. These government agencies monitor the operation of the health care system, government benefit programs, such as Medicare, and compliance with government regulatory programs and civil rights laws.

3. **Medical Malpractice Claims, Lawsuits and Similar Proceedings.** Our practice may use or disclose your PHI to support our medical malpractice insurance carrier as such organization attempts to respond to potential or actual claims under our medical malpractice coverage. Our practice may use and disclose your PHI in response to a court or administrative order, if you are involved in a lawsuit or similar proceeding. We also may disclose your PHI in response to a discovery request, subpoena, or other lawful process by another party involved in the dispute, but only if we have made an effort to inform you of the request or to obtain an order protecting the information the party has requested.

4. **Law Enforcement.** We may release PHI if ordered to do so by a judicial and/or law enforcement official:

If you are a victim of crime in certain situations, if we are unable to obtain your authorization

- Concerning your death if believed to have been resulted from criminal conduct
- Regarding criminal conduct at our offices
- In response to a court order or similar legal process
- To identify/locate a suspect, material witness, fugitive or missing person
- In an emergency, to report a crime (including the location or victim(s) of the crime, or the description, identity or location of the perpetrator)

5. **Deceased Patients.** Our practice may release PHI to a medical examiner or coroner, in the unfortunate event of your death, to identify you or to identify the cause of death. If necessary, we also may release information in order for funeral directors to perform their responsibilities.

6. **Organ and Tissue Donation.** Our practice may release your PHI to organizations that handle organ, eye or tissue procurement or transplantation, including organ donation banks, as necessary to facilitate organ or tissue donation and transplantation if you are an organ donor.

7. **Research.** In most cases, we will ask for your written authorization before using your PHI to conduct research. However, under some circumstances, we may use and disclose your PHI without your authorization if we obtain a waiver of authorization through a special process to ensure minimal risk to your privacy. This special process must satisfy the following: (i) the use or disclosure involves no more than a minimal risk to the individual's privacy based on the following:

- (A) An adequate plan to protect the identifiers from improper use and disclosure;
- (B) An adequate plan to destroy the identifiers at the earliest opportunity consistent with the

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research (unless there is a health or research justification for retaining the identifiers or such retention is otherwise required by law); and

(C) Adequate written assurances that the PHI will not be re-used or disclosed to any other person entity (except as required by law) for authorized oversight of the research study, or for other research for which the use or disclosure would otherwise be permitted; (ii) the research could not practicably be conducted without the waiver; and (iii) the research could not practicably be conducted without access to and use of the PHI.

8. **Serious Threats to Health or Safety.** Our practice may use and disclose your PHI when necessary to reduce or prevent a serious threat to your health and safety or the health and safety of another individual or the public. Under these circumstances, we will only make disclosures to a person or organization able to help prevent the threat.

9. **Military.** Our practice may disclose your PHI if you are a member of U.S. or foreign military forces (including veterans) and if required by the appropriate authorities.

10. **National Security.** Our practice may disclose your PHI to federal officials for intelligence and national security activities authorized by Law. We also may disclose your PHI to federal officials in order to protect the President, other officials or foreign heads of state, or to conduct investigations.

11. **Workers' Compensation.** Our practice may release your PHI for workers' compensation and similar programs that provide benefits for work-related injuries if you have provided written consent to these programs to receive such information.

G. YOUR RIGHTS REGARDING YOUR PHI

You have the following rights regarding the PHI that we maintain about you:

1. **Confidential Communications.** You have the right to request that our practice communicate with you about your health and related issues in a particular manner or at a certain location. For instance, you may ask that we contact you at home, rather than work. In order to request a type of confidential communication, you must make a written request to us specifying the requested method of contact, or the location where you wish to be contacted. Our practice will accommodate reasonable requests. You do not need to give a reason for your request.

2. **Requesting Restrictions.** You have the right to request a restriction in our use or disclosure of your PHI for treatment, payment or health care operations. Additionally; you have the right to request that we restrict our disclosure of your PHI to only certain individuals involved in your care or the payment for your care, such as family members and friends. **We are not required to agree to your request**, unless you request that we not share your PHI with your health insurer and the PHI restriction relates solely to a service for which you (or someone other than your health insurer) have paid us in full, the disclosure is not for the purpose of carrying out payment or health care operations, and the disclosure is not otherwise required by law. If we do agree to your request, we are bound by our agreement except when otherwise required or permitted by law to disclose the PHI, or in the event you are in need of emergency treatment and use of the restricted PHI is needed to provide the emergency treatment. In order to request a restriction on our use or disclosure of your PHI, you must make your request in writing to us at The Retina

THE RETINA INSTITUTE

Institute, Attention: Privacy Officer. Your request must describe in a clear and concise fashion. In order to request a restriction in our use or disclosure of your PHI, you must make your request in writing to us at TRI, Attention: Privacy Officer.

Your request must describe in a clear and concise fashion:

- The information you wish restricted;
- Whether you are requesting to limit our practice's use, disclosure or both; and
- To whom you want the limits to apply.

3. **Inspection and Copies.** You have the right to inspect and obtain a copy of the PHI that may be used to make decisions about you, including patient medical records and billing records, but not including psychotherapy notes. You must submit your request in writing to TRI, Attention: Privacy Officer, in order to inspect and/or obtain a copy of your PHI. Our practice may charge a fee for the costs of copying, mailing, labor and supplies associated with your request. Our practice may deny your request to inspect and/or copy in certain limited circumstances; however, you may request a review of our denial. Another licensed health care professional chosen by us will conduct reviews.

4. **Amendment.** You may ask us to amend your health information if you believe it is incorrect or incomplete, and you may request an amendment for as long as the information is kept by or for our practice. To request an amendment, your request must be made in writing and submitted to TRI, Attention: Privacy Officer. You must provide us with a reason that supports your request for amendment. Our practice will deny your request if you fail to submit your request (and the reason supporting your request) in writing. Also, we may deny your request if you ask us to amend information that is in our opinion: (a) accurate and complete; (b) not part of the PHI kept by or for the practice; (c) not part of the PHI which you would be permitted to inspect and copy; or (d) not created by our practice, unless the individual or entity that created the information is not available to amend the information.

5. **Accounting of Disclosures.** All of our patients have the right to request an "accounting of disclosures." An "accounting of disclosures" is a list of certain non-routine disclosures our practice has made of your PHI for non-treatment or operations purposes. Use of your PHI as part of the routine patient care in our practice is not required to be documented. For example, the doctor may share information with the nurse; or the billing department may use your information to file your insurance claim. In order to obtain an accounting of disclosures, you must submit your request in writing to TRI, Attention: Privacy Officer. All requests for an "accounting of disclosures" must state a time period, which may not be longer than six (6) years from the date of disclosure and may not include dates before April 14, 2003. The first list you request within a 12-month period is free of charge, but our practice may charge you for additional lists within the same 12-month period. Our practice will notify you of the costs involved with additional requests, and you may withdraw your request before you incur any costs.

6. **Right to a Paper Copy of This Notice.** You are entitled to receive a paper copy of our notice of privacy practices. You may ask us to give you a copy of this notice at any time. To obtain a paper copy of this notice, contact TRI, Attention: Privacy Officer.

7. **Right to File a Complaint.** If you believe your privacy rights have been violated, you may file a complaint with our practice or with the Secretary of the Department of Health and Human

THE RETINA INSTITUTE

Services at www.dhhs.gov. To file a complaint with our practice, contact TRI, Attention: Privacy Officer. All complaints must be submitted in writing. You will not be penalized for filing a complaint.

8. *Right to Provide an Authorization for Other Uses and Disclosures.* Our practice will obtain your written authorization for uses and disclosures that are not identified by this notice or permitted by applicable law. Any authorization you provide to us regarding the use and disclosure of your PHI may be revoked at any time in writing. After you revoke your authorization, we will no longer use or disclose your PHI for the reasons described in the authorization. Please note, we are required to retain records of your care.

Again, if you have any questions regarding this notice or our health information privacy policies, please contact TRI, Attention: Privacy Officer.

H. INCIDENTAL DISCLOSURES OF PHI

It is possible that one of our staff members or a physician- may accidentally disclose your PHI in the course of treatment, payment, or operations. Such incidental disclosures are not intended and may occur as a result of response to circumstances in which you, the patient, play a role or take part, as in the case of asking a question in a public forum such as in the hallway or at the check-out area. Otherwise, such incidental disclosures might occur in the situation where another patient or other person accidentally overhears or sees information concerning your PHI.

In the event that your PHI is disclosed due to an incidental situation, we will take every reasonable effort to mitigate the distribution or dissemination of your PHI. Corrective actions will be taken. We ask that you let us know of any incidental disclosure that you think may have occurred so that we may reasonably address the situation.

In the event that you overhear or see PHI of another patient, we ask that you immediately report such a disclosure to a staff member or physician so that we may document the circumstances and inform the appropriate patient. We ask that you immediately disregard any such incidental disclosures and/or protect the confidence of such information.

Please direct all questions or requests related to this Notice of Privacy Practices to:

The Retina Institute, LLC
Privacy Officer
1600 South Brentwood, Suite 800
St. Louis, MO 63144

314-367-1181, Ext. 2282