

HIPAA Omnibus Notice of Privacy Practices
SOUTH FLORIDA ORTHOPAEDICS & SPORTS MEDICINE
1050 SE MONTEREY ROAD, SUITE 400 STUART, FL 39449
(772) 288-2400

Effective Date: May 2024

This Notice was revised on May 1, 2024

This Notice of Privacy Practices (Notice) is NOT an authorization. This Notice describes how South Florida Orthopaedics & Sports Medicine (SFO), its Business Associates and their subcontractors, may use and disclose your protected health information (PHI) to carry out treatment, payment, or health care operations (TPO) and for other purposes permitted or required by law. It also describes your rights to access and control your PHI, which is information about you, including demographic information that may identify you and relates to your past, present, or future physical or mental health conditions as well as any related health care services.

Your Rights Regarding Your PHI

Right to Inspect and Copy. You have the right to inspect and copy PHI that may be used to make decisions about your care or payment for your care. SFO has up to 30 days to make your PHI available to you and SFO may charge you a reasonable fee for the costs of copying, mailing or other supplies associated with your request. SFO may not charge you a fee if you need the information for a claim for benefits under the Social Security Act or any other state or federal needs-based benefit program. SFO may deny your request in certain limited circumstances. If SFO denies your request, you have the right to have the denial reviewed by a licensed healthcare professional who was not directly involved in the denial of your request, and SFO will comply with the outcome of the review.

Right to a Summary or Explanation. SFO can also provide you with a summary of your PHI, rather than the entire record, or SFO can provide you with an explanation of the PHI which has been provided to you if you agree to this alternative form and pay the associated fees.

Right to an Electronic Copy of Electronic Medical Records. If your PHI is maintained in an electronic format (known as an electronic medical record or an electronic health record), you have the right to request that an electronic copy of your record be given to you or transmitted to another individual or entity. SFO will make every effort to provide access to your PHI in the form or format you request if it is readily producible in such form or format. If the PHI is not readily producible in the form or format you request your record will be provided in either a standard electronic format, or if you do not want this form or format, a readable hard copy form. SFO may charge you a reasonable, cost-based fee for the labor associated with transmitting the electronic medical record.

Right to Request Restrictions. You have the right to ask for restrictions as to how your PHI is used or to whom your PHI is disclosed even if the restriction affects your TPO. However, SFO is not required to agree to your requested restriction and even if SFO agrees to the requested restriction, SFO is permitted to use your PHI without complying with the restriction if necessary to treat you in an emergency situation. To request restrictions, please notify the SFO Compliance Officer. In your request, you must provide the PHI that you want to limit, whether you want to limit the use, disclosure, or both; and to whom you want the limits to apply. For example, disclosures to your spouse. In addition, if you request not to disclose information to your commercial health plan concerning health care items or services for which you paid for in full out-of-pocket, SFO will abide by your request, unless SFO must disclose the information for TPO or legal reasons. SFO reserves the right to accept or reject any other request and will notify you of the decision.

Uses & Disclosures Requiring SFO to Give You an Opportunity to Object and Opt Out

Individuals Involved in Your Care or Payment for Your Care. Unless you object, SFO may disclose to a member of your family, a relative, a close friend or any other person you identify, your PHI that directly relates to that person's involvement in your health care. If you are unable to agree or object to such a disclosure, SFO may disclose such information as necessary if SFO determines that it is in your best interest based on professional judgment.

Disaster Relief. SFO may disclose your PHI to disaster relief organizations that seek your PHI to coordinate your care or notify family and friends of your location or condition in a disaster. SFO will provide you with an opportunity to agree or object to such a disclosure whenever SFO may feasibly do so.

Fundraising Activities. SFO may use or disclose your PHI, as necessary, to contact you for fundraising activities. You have the right to opt out of receiving fundraising communications. If you do not want to receive these materials, please submit a written request to the HIPAA Compliance Officer.

Request to correct your medical record. You may ask SFO to correct health information about you that you think is incorrect or incomplete. Ask how to do this. SFO may say “no” to your request; however, you will receive notice why in writing within 60 days.

Request confidential communications. You may request that SFO contact you in a specific way (for example, home or office phone) or to send mail to a different address. SFO will comply to all reasonable requests.

Request a list of those with whom SFO has shared information. You can ask for a list (accounting) of the times SFO shared your health information for six years prior to the date you ask, who it was shared with, and why. SFO will include all the disclosures except for those about treatment, payment, and health care operations, and certain other disclosures (such as any you asked to make). SFO will provide one accounting a year for free; however, there may be a reasonable, cost-based fee if you ask for another one within 12 months.

Right to request a Paper Copy of This Notice. You have the right to request a paper copy of this Notice, even if you have agreed to receive this Notice electronically. You may request a copy of this Notice at any time.

Choose someone to act for you. If you have given someone medical power of attorney or if someone is your legal guardian, that person can exercise your rights and make choices about your health information. SFO will ensure that your designated person has the authority and can act for you prior to taking any action.

Your Written Authorization is Required for Other Uses and Disclosures

Your written authorization is required for SFO to use and disclose PHI for marketing purposes; and for disclosures that constitute a sale of your PHI.

Other uses and disclosures of PHI not covered by this Notice or the laws that apply will be made only with your written authorization. If you do provide written authorization, you may revoke it at any time by submitting a written revocation to the HIPAA Compliance Officer, and SFO will no longer disclose PHI under the authorization. However, disclosure that SFO made in reliance on your authorization before you revoked it will not be affected by the revocation.

How SFO May Use and Disclose Your PHI

For Treatment. SFO may use or disclose your PHI to give you medical treatment or services and to manage and coordinate your medical care. For example, your PHI may be provided to a physician or other health care provider (e.g., a specialist or laboratory) to whom you have been referred to ensure that the physician or other health care provider has the necessary information to diagnose or treat you or provide you with a service.

For Payment. SFO may use and disclose your PHI to bill for the treatment and services you receive as well as for collecting payment from you, a health plan, or a third party. This use and disclosure may include certain activities that your health insurance plan may undertake before it approves or pays for the health care services SFO recommends for you, such as making a determination of eligibility or coverage for insurance benefits, reviewing services provided to you for medical necessity, and undertaking utilization review activities. For example, SFO may need to give your health plan information about your treatment for your health plan to agree to pay for that treatment.

For Health Care Operations. SFO may use and disclose PHI for its health care operations. For example, SFO may use your PHI to internally review the quality of the treatment and services you receive and to evaluate the performance of those responsible in caring for you. SFO also may disclose information to physicians, nurses, medical technicians, medical students, and other authorized personnel for educational and learning purposes.

Appointment Reminders/Treatment Alternatives/Health-Related Benefits and Services. SFO may use and disclose PHI to contact you to remind you that you have an appointment for medical care, or to contact you to tell you about possible treatment options, alternatives, or health related benefits and services that may be of interest to you.

Minors. SFO may disclose the PHI of minor children to their parents or guardians unless such disclosure is otherwise prohibited by law.

Research. SFO may use and disclose your PHI for research purposes; however, it will only do so if the research has been specially approved by an authorized institutional review board or a privacy board that has revised the research proposal and has set up protocols to ensure the privacy of your PHI. Even without that special approval, SFO may permit researchers to look at PHI to help them prepare for research, for example, to allow them to identify patients who may be included in their research project, if they do not remove, or take a copy of, any PHI. SFO may use and disclose a limited data set that does not contain specific readily identifiable information about you for research. However, SFO will only disclose the limited data set if SFO enters into a data use agreement with the recipient who must agree to (1) use the data set only for the purposes for which it was provided, (2) ensure the confidentiality and security of the data, and (3) not identify the information or use it to contact any individual.

As Required by Law. SFO will disclose PHI about you when required to do so by international, federal, state, or local law.

To Avert a Serious Threat to Health or Safety. SFO may use and disclose PHI when necessary to prevent a serious threat to your health or safety or to the health or safety of others. However, SFO will only disclose the information to someone who may be able to help prevent the threat.

Business Associates. SFO may disclose PHI to its business associates who perform functions on its behalf or provide SFO with services if the PHI is necessary for those functions or services. For example, SFO may use another company to perform billing, or to provide transcription or consulting services. All SFO's business associates are obligated, under contract to protect the privacy and ensure the security of your PHI.

Organ and Tissue Donation. If you are an organ or tissue donor, SFO may use or disclose your PHI to organizations that manage organ procurement or transplantation such as 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, SFO may disclose PHI as required by military command authorities. SFO also may disclose PHI to the appropriate foreign military authority if you are a member of a foreign military.

Workers' Compensation. SFO may use or disclose PHI for workers' compensation or similar programs that provide benefits for work-related injuries or illness.

Public Health Risks. SFO may disclose PHI for public health activities. This includes disclosures to: (1) a person subject to the jurisdiction of the Food and Drug Administration ("FDA") for purposes related to the quality, safety or effectiveness of an FDA-regulated product or activity; (2) prevent or control disease, injury or disability; (3) report births and deaths; (4) report child abuse or neglect; (5) report reactions to medications or problems with products; (6) notify people of recalls of products they may be using; and (7) a person who may have been exposed to a disease or may be at risk for contracting or spreading a disease or condition.

Abuse, Neglect, or Domestic Violence. SFO may disclose PHI to the appropriate government authority if SFO believes a patient has been the victim of abuse, neglect, or domestic violence and the patient agrees or SFO is required or authorized by law to make that disclosure.

Health Oversight Activities. SFO may disclose PHI to a health oversight agency for activities authorized by law. These oversight activities include, for example, audits, investigations, inspections, licensure, and similar activities that are necessary for the government to monitor the health care system, government programs, and compliance with civil rights laws.

Data Breach Notification Purposes. SFO may use or disclose your PHI to provide legally required notices of unauthorized access to or disclosure of your health information.

Lawsuits and Disputes. If you participate in a lawsuit or a dispute, SFO may disclose PHI in response to a court or administrative order. SFO also may disclose PHI in response to a subpoena, discovery request, or other legal process from someone else involved in the dispute, but only if efforts have been made to tell you about the request or to get an order protecting the information requested. SFO may also use or disclose your PHI to defend itself in the event of a lawsuit.

Law Enforcement. SFO may disclose PHI if applicable legal requirements are met for law enforcement purposes.

Military Activity and National Security. If you are involved with military, national security or intelligence activities or if you are in law enforcement custody, SFO may disclose your PHI to authorized officials so they may perform their legal duties under the law.

Coroners, Medical Examiners, and Funeral Directors. SFO may disclose PHI to a coroner, medical examiner, or funeral director so that they can perform their duties.

Information Not Personally Identifiable: SFO may use or disclose health information about you in a way that does not personally identify you.

Inmates. If you are an inmate of a correctional institution or under the custody of a law enforcement official, SFO may disclose PHI to the correctional institution or law enforcement official if the disclosure is 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) the safety and security of the correctional institution.

SFO Responsibilities

- SFO will not use or share your information other than as described here unless SFO is informed in writing. If you agree, you may change your mind at any time. Contact SFO in writing if you change your mind
- SFO is required by law to maintain the privacy and security of your PHI.
- SFO will inform you promptly if a breach occurs that may have compromised the privacy or security of your information.
- SFO must follow the duties and privacy practices described in this notice and give you a copy of it.
- SFO will never share any substance abuse treatment records without your written permission.

Complaints

You have the right to file a complaint if you feel your rights are violated.

If you have any questions or a complaint regarding this notice or if you need more information, please contact the SFO HIPAA Compliance Office at (866) 852-2065 or via email Compliance@SouthFlaOrtho.com

You also have the right to file a complaint with the U.S. Department of Health and Human Services Office for Civil Rights by sending a letter to 200 Independence Avenue, S.W., Washington, D.C. 20201, calling 1-877-696-6775, or by visiting www.hhs.gov/ocr/privacy/hipaa/complaints/.

Changes to the Terms of this Notice

SFO reserves the right to change this Notice. SFO reserves the right to make the changed Notice effective for PHI SFO already has as well as for any PHI SFO creates or receives in the future. A copy of SFO's current Notice is posted in its offices as well as the company website at www.southflaortho.com.