

Innovative Health Care Concepts, Inc. (IHCC)

## HIPAA Notice of Privacy Practices/Omnibus Rule

Corporate Entity: Innovative Health Care Concepts, Inc (IHCC)

Address: 790 So. Holmes  
Idaho Falls, Idaho 83401

\*\*This Notice describes how Protected Information about you may be used and disclosed and how you can get access to this information under the HIPAA Omnibus Rule of 2013.

### PLEASE REVIEW THIS DOCUMENT CAREFULLY

For purposes of this Notice “us” “we” and “our” refers to Innovative Health Care Concepts, Inc. (IHCC), and “you” or “your” refers to the participant or their legal representative as determined by us in accordance with state informed consent law. When you receive disability/testing services from us, we will obtain access to your personal/medical/historical information (i.e. your health or disability history). We are committed to maintaining the privacy of your personal/medical/historical information and we have implemented numerous procedures to ensure that we do so.

The Federal **Health Insurance Portability & Accountability Act of 2013**, HIPAA Omnibus Rule, (formally HIPAA 1996 & Hi Tech of 2004) require us to maintain the confidentiality of all your personal/medical/historical records and other identifiable **protected health information (PHI)** used by or disclosed to us in any form, whether electronic, on paper, or spoken. **HIPAA** is a Federal Law that gives you significant new rights to understand and control how your personal/medical/historical information is used. Federal HIPAA Omnibus Rule and state law provide penalties for covered entities, business associates, and their subcontractors and records owners, respectively that misuse or improperly disclose PHI.

Starting April 14, 2003, HIPAA requires us to provide you with the Notice of our legal duties and the privacy practices we are required to follow when you first come into our office for any type of service that we offer. If you have any questions about this Notice, please discuss with the Program Director, or call our HIPAA Privacy Officer (Valarie Bullis @ 208-529-8526).

Our doctors, clinical staff, employees, Independent Contractors, Business Associates (outside contractors we hire), their subcontractors and other involved parties follow the policies and procedures set forth in this Notice. If at this facility, your primary provider/doctor is unavailable to assist you (i.e. illness, on call coverage, vacation, etc.) we may provide you with the name of another provider outside our practice for you to consult with. If we do so, that provider will follow the policies and procedures set forth in this notice or those established for his or her practice, so long as they substantially conform to those for our practice.

### RULES ON HOW WE MAY USE AND DISCLOSE YOUR PROTECTED HEALTH INFORMATION

Under the law, we must have you or your representative’s signature on a written, dated, Consent Form and/or an Authorization Form of Acknowledgment of this Notice, before we will use or disclose your PHI for certain purposes as detailed in the rules below:

Documentation – You will be asked to sign an Authorization / Acknowledgment form when you receive this Notice of Privacy Practices. If you did not sign such a form or need a copy of the one you signed, please request a copy at the time of signing, or contact the Program Director or the Privacy Officer. You may take back or revoke your consent or authorization at any time, unless we already have acted based on it, by submitting a “Revocation of Release Form” in writing to the HIPAA Compliance Officer, Valarie Bullis, located at 790 South Holmes, Idaho Falls, ID 83401. Your revocation will take effect when we actually receive it. We cannot give it retroactive effect, so it will not affect any use or disclosure that occurred in our reliance on your Consent or Authorization prior to revocation (i.e.: if after we provide services to you, you revoke your Authorization /Acknowledgment in order to prevent us billing or collecting for those services, your revocation will have no effect because we relied on your Authorization/Acknowledgment to provide services prior to the revocation).

General Rule – If you do not sign our Authorization/ Acknowledgment form or if you revoke it, as a general rule (subject to exceptions described below under “Services, Treatment, Payment and Operations Rule” and “Special Rules”), we cannot in any manner use or disclose to anyone (excluding you, but including payers and Business Associates) your PHI or any other information in your medical record. By law, we are unable to submit claims to payers under assignment of benefits without your signature on our Authorization/ Acknowledgment form. You will however be able to restrict disclosures to your insurance carrier for services for which you wish to pay "out of pocket"

under the new Omnibus Rule. We will not condition treatment on whether or not you sign an Authorization/Acknowledgment, but we will be forced to decline you as a new patient or discontinue you as an active patient if you choose not to sign the Authorization/Acknowledgment or revoke it.

#### Services, Treatment, Payment and Operations Rule:

With your signed consent, we may use or disclose your PHI for the following reasons:

- To provide you with or coordinate testing, treatment and services. For example, we may review your personal history to form a diagnosis and treatment plan, consult with other providers about your care, delegate tasks to ancillary staff, disclose needed information to your family or others so they may assist you with home care, arrange appointments with other healthcare/service providers, schedule lab work for you, etc.
- To bill or collect payment from you, an insurance company, a managed-care organization, a health benefits plan or another third party. For example, we may need to verify your insurance coverage, submit your PHI on claim forms in order to get reimbursed for our services, obtain pre-treatment estimates or prior authorizations from your health plan or provide your x-rays because your health plan requires them for payment; remember, you will be able to restrict disclosures to your insurance carrier for services for which you wish to pay "out of pocket" under this new Omnibus Rule, and no insurance billing will be done for what you have restricted.
- To run our office, assess the quality of care our participants/patients receive and provide you with customer service. For example, to improve efficiency and reduce costs associated with missed appointments, we may contact you by telephone, mail or other to remind you of scheduled appointments, we may leave messages with whomever answers your telephone or email to contact us (but we will not give out detailed PHI), we may call you by name from the waiting room, we may ask you to put your name on a sign-in sheet, (we will cover your name just after checking you in), we may tell you about or recommend health-related products and complementary or alternative treatments that may interest you, we may review your PHI to evaluate our staff's performance, or our Privacy Officer may review your records to assist you with complaints. If you prefer that we not contact you with appointment reminders or information about treatment alternatives or health related products and services, please notify us in writing at our address listed above and we will not use or disclose your PHI for these purposes.

\*\*New HIPAA Omnibus Rule does not require that we provide the above notice regarding Appointment Reminders, Treatment Information or Health Benefits, but we are including these as a courtesy so you understand our business practices with regards to your (PHI) Protected Health Information.

Additionally you should be made aware of the following protection laws on your behalf, under the new HIPAA Omnibus Rule:

- **Health Insurance plans** that underwrite cannot use or disclose genetic information for underwriting purposes (this excludes certain long-term care plans). Health plans that post their NOPPs on their web sites must post these Omnibus Rule changes on their sites by the effective date of the Omnibus Rule, as well as notify you by US Mail by the Omnibus Rules effective date. Plans that do not post their NOPPs on their Web sites must provide you information about Omnibus Rule changes within 60 days of these federal revisions.
- **Psychotherapy Notes** maintained by your healthcare provider, must state in their Notice of Privacy Practices that they can allow "use and disclosure" of such notes only with your written authorization.

#### Special Rules

Notwithstanding anything else contained in this Notice, only in accordance with applicable HIPAA Omnibus Rule, and under strictly limited circumstances, we may use or disclose your PHI without your permission, consent or authorization for the following purposes:

- When required under federal, state or local law
- When necessary in emergencies to prevent a serious threat to your health and safety or the health and safety of other persons
- When necessary for public health reasons (i.e. prevention or control of disease, injury or disability, reporting information such as adverse reactions to anesthesia, ineffective or dangerous medications or products, suspected abuse, neglect or exploitation of children, disabled adults or the elderly, or domestic violence)
- For federal or state government health-care oversight activities (i.e. civil rights laws, fraud and abuse investigations, audits, investigations, inspections, licensure or permitting, government programs, etc.)
- For judicial and administrative proceedings and law enforcement purposes (i.e. in response to a warrant, subpoena or court order, by providing PHI to coroners, medical examiners and funeral directors to locate missing persons, identify deceased persons or determine cause of death)

- For Worker's Compensation purposes (i.e. we may disclose your PHI if you have claimed service benefits for a work-related injury or illness)
- For intelligence, counterintelligence or other national security purposes (i.e. Veterans Affairs, U.S. military command, other government authorities or foreign military authorities may require us to release PHI about you)
- For organ and tissue donation (i.e. if you are an organ donor, we may release your PHI to organizations that handle organ, eye or tissue procurement, donation and transplantation)
- For research projects approved by an Institutional Review Board or a privacy board to ensure confidentiality (i.e. if the researcher will have access to your PHI because involved in your clinical care, we will ask you to sign an authorization)
- To create a collection of information that is "de-identified" (i.e. it does not personally identify you by name, distinguishing marks or otherwise and no longer can be connected to you)
- To family members, friends and others, but only if you are present and verbally give permission. We give you an opportunity to object and if you do not, we reasonably assume, based on our professional judgment and the surrounding circumstances, that you do not object (i.e. you bring someone with you into the assessment/therapy room during treatment or into the conference area when we are discussing your PHI); we reasonably infer that it is in your best interest (i.e. to allow someone to pick up your records because they knew you were our patient and you asked them in writing with your signature to do so); or it is an emergency situation involving you or another person (i.e. your minor child or ward) and, respectively, you cannot consent to your care because you are incapable of doing so or you cannot consent to the other person's care because, after a reasonable attempt, we have been unable to locate you. In these emergency situations we may, based on our professional judgment and the surrounding circumstances, determine that disclosure is in the best interests of you or the other person, in which case we will disclose PHI, but only as it pertains to the care being provided and we will notify you of the disclosure as soon as possible after the care is completed. **As per HIPAA law 164.512(j) (i)... (A) Is necessary to prevent or lessen a serious or imminent threat to the health and safety of a person or the public and (B) Is to person or persons reasonably able to prevent or lessen that threat.**

#### Minimum Necessary Rule

IHCC staff will not use or access your PHI unless it is necessary to do their jobs: (employees uninvolved in your care will not access your PHI; ancillary clinical staff providing services to you will not access your billing information; billing staff will not access your PHI except as needed to complete the claim form for the latest visit; janitorial staff will not access your PHI). All of our team members are trained in HIPAA Privacy rules and sign strict Confidentiality Contracts with us committing to protect and keep private your PHI. In addition, our Business Associates and their Subcontractors also sign agreements committing to protect and keep private any PHI they may come in contact with. We want you to know that your PHI is protected several layers deep with regards to our business relations. Also, we disclose to others outside our staff, only as much of your PHI as is necessary to accomplish lawful purposes (IHCC works on a Need to Know basis re: PHI).

In certain cases, we may use and disclose the **entire contents** of your medical record:

- To you (and your legal representatives as stated above) and anyone else you list on a Consent or Authorization to receive a copy of your records
- To Healthcare providers for treatment purposes (i.e. making diagnosis and treatment decisions or agreeing with prior recommendations in the medical record)
- To the U.S. Department of Health and Human Services in connection with a HIPAA complaint
- To others as required under federal or state law
- To our privacy and/or security officers and others as necessary to resolve your complaint or accomplish your request under HIPAA (i.e. clerks who copy records need access to your entire medical record)

In accordance with HIPAA law, we presume that requests for disclosure of PHI from another Covered Entity (as defined in HIPAA) are for the minimum necessary amount of PHI to accomplish the requestor's purpose. Our Program Directors or Privacy Officer will individually review unusual requests for PHI to determine the minimum necessary amount of PHI and will inform staff on what to disclose. For non-routine requests or disclosures, Program Director or Privacy Officer will make a minimum necessary determination based on, but not limited to, the following factors:

- The amount of information being disclosed
- The number of individuals or entities to whom the information is being disclosed
- The importance of the use or disclosure
- The likelihood of further disclosure
- Whether the same result could be achieved with de-identified information
- The technology available to protect confidentiality of the information
- The cost to implement administrative, technical and security procedures to protect confidentiality

\*\*If we believe that a request from others for disclosure of your entire medical record is unnecessary, we will ask the requestor to document why this is needed, retain that documentation and make it available to you upon request. We may also contact you to assure you have provided written consent to the party requesting information from your record.

#### Incidental Disclosure Rule

IHCC will take reasonable administrative, technical and security safeguards to ensure the privacy of your PHI when we use or disclose it (i.e. we shred all paper containing PHI, require employees to speak with privacy precautions when discussing PHI with you, use computer passwords and change them periodically, use firewall and router protection to the federal standard, back up our PHI data off-site and encrypted to federal standard, not allow unauthorized access to areas where PHI is stored or filed and we have any unsupervised business associates sign a Business Associate Confidentiality Agreement.

However, in the event that there is a breach in protecting your PHI, we will follow Federal Guide Lines to HIPAA Omnibus Rule Standard to first evaluate the breach situation using the Omnibus Rule, 4-Factor Formula for Breach Assessment. Then we will document the situation, retain copies of the situation on file, and report all breaches (other than low probability as prescribed by the Omnibus Rule) to the US Department of Health and Human Services at:

<http://www.hhs.gov/ocr/privacy/hipaa/administrative/breachnotificationrule/brinstruction.html>

We will also make proper notification to you and any other parties of significance as required by HIPAA Law.

#### Business Associate Rule

Business Associates are defined as: an entity, (non-employee) that in the course of their work will directly/ indirectly be exposed to, use, transmit, view, transport, hear, interpret, process or offer PHI for this Facility.

Business Associates and other third parties (if any) that receive your PHI from us will be prohibited from re-disclosing it unless required to do so by law or you give prior express written consent to the re-disclosure. Nothing in our Business Associate agreement will allow our Business Associate to violate this re-disclosure prohibition. Under Omnibus Rule, Business Associates will sign a strict confidentiality agreement (Business Associates Agreement) binding them to keep your PHI protected and report any compromise of such information to us, you and the United States Department of Health and Human Services, as well as other required entities. Our Business Associates will also follow Omnibus Rule and have any of their Subcontractors that may directly or indirectly have contact with your PHI, sign Confidentiality Agreements to Federal Omnibus Standard.

#### Super-Confidential Information Rule

If we have PHI about you regarding communicable diseases, disease testing, alcohol or substance abuse diagnosis and treatment, or psychotherapy and mental health records (super-confidential information under the law), we will not disclose it under the General or Healthcare Treatment, Payment and Operations Rules (see above) without your first signing and properly completing our Consent form (i.e. you specifically must initial the type of super-confidential information we are allowed to disclose). If you do not specifically authorize disclosure by initialing the super-confidential information, we will not disclose it unless authorized under the Special Rules (see above) (i.e. we are required by law to disclose it). If we disclose super-confidential information (either because you have initialed the consent form or the Special Rules authorizing us to do so), we will comply with state and federal law that requires us to warn the recipient in writing that re-disclosure is prohibited.

#### Changes to Privacy Policies Rule

IHCC reserves the right to change our privacy practices (by changing the terms of this Notice) at any time as authorized by law. The changes will be effective immediately upon us implementing them. They will apply to all PHI we create or receive in the future, as well as to all PHI created or received by us in the past (i.e. to PHI about you that we had before the changes took effect). If we make changes, we will post the changed Notice, along with its effective date, in our office and on our website. Also, upon request, you will be given a copy of our current Notice.

#### Authorization Rule

We will not use or disclose your PHI for any purpose or to any person other than as stated in the rules above without your signature on our specifically worded, written Authorization/Acknowledgment Form (not a Consent or an Acknowledgment). If we need your Authorization, we must obtain it via this specific Authorization Form, which may be separate from any Authorization/Acknowledgment we may have obtained from you. We will not condition your treatment here on whether or not you sign the Authorization.

#### Marketing and Fund Raising Rules

#### Limitations on the disclosure of PHI regarding Remuneration

The disclosure or sale of your PHI without authorization is prohibited. Under the new HIPAA Omnibus Rule, this would exclude disclosures for public health purposes, for treatment/payment for services, for the sale, transfer, merger, or consolidation of all or part of IHCC and for related due diligence, to any of our Business Associates in connection with the Business Associate's performance of activities for this facility, to a patient or beneficiary upon request, and as required by law. In addition, the disclosure of your PHI for research purposes or for any other purpose permitted by HIPAA will not be considered a prohibited disclosure if the only reimbursement received is "a reasonable, cost-based fee" to cover the cost to prepare and transmit your PHI which would be expressly permitted by law. Notably, under the Omnibus Rule, an authorization to disclose PHI must state that the disclosure will result in remuneration to the Covered Entity. Notwithstanding the changes in the Omnibus Rule, the disclosure of limited data sets (a form of PHI with a number of identifiers removed in accordance with specific HIPAA requirements) for remuneration pursuant to existing agreements is permissible until September 22, 2014, so long as the agreement is not modified within one year before that date.

#### Limitation on the Use of PHI for Paid Marketing

We will, in accordance with Federal and State Laws, obtain your written authorization to use or disclose your PHI for marketing purposes, (i.e. to use your photo in ads) but not for activities that constitute treatment or service operations. To clarify, **Marketing** is defined by HIPAA's Omnibus Rule, as "a communication about a product or service that encourages recipients to purchase or use the product or service." Under the Omnibus Rule, we will obtain a written authorization from you prior to recommending you to an alternative therapist, or non-associated Covered Entity. Under Omnibus Rule we will obtain your written authorization prior to using your PHI or making any treatment or medical/therapy/service recommendations, should financial remuneration for making the communication be involved from a third party whose product or service we might promote (i.e. businesses offering IHCC incentives to promote their products or services to you). This will also apply to our Business Associate who may receive such remuneration for making a treatment or healthcare recommendation to you. All such recommendations will be limited without your expressed written permission.

We must clarify to you that financial remuneration does not include "as in-kind payments" and payments for a purpose to implement a disease management program. Any promotional gifts of nominal value are not subject to the authorization requirement, and we will abide by the set terms of the law to accept or reject these.

The only exclusion to this would include: "refill reminders", so long as the remuneration for making such a communication is "reasonably related to our cost" for making such a communication. In accordance with law, this facility and our Business Associates will only ever seek reimbursement from you for permissible costs that include: labor, supplies, and postage. Please note that "generic equivalents," "adherence to take medication as directed," and "self-administered drug or delivery system communications" are all considered to be "refill reminders."

Face-to-face marketing communications, such as sharing with you, a written product brochure or pamphlet, is permissible under current HIPAA Law.

#### Flexibility on the Use of PHI for Fundraising

Under the HIPAA Omnibus Rule use of PHI is more flexible and does not require your authorization should we choose to include you in any fund raising efforts attempted at this facility. However, IHCC will not use any PHI for this purpose and will also offer you the opportunity to "opt out" of receiving future fundraising communications. Simply let us know that you want to "opt out" of such situations. There will be a statement on your **HIPAA Patient Acknowledgment Form** where you can choose to "opt out". Our commitment to care and treat you will in no way effect your decision to participate or not participate in our fund raising efforts.

#### Improvements to Requirements for Authorizations Related to Research (N/A for IHCC)

Under HIPAA Omnibus Rule, we may seek authorizations from you for the use of your PHI for future research. However, we would have to make clear what those uses are in detail. Also, if we request of you a compound authorization with regards to research, this facility would clarify that when a compound authorization is used, and research-related treatment is conditioned upon your authorization, the compound authorization will differentiate between the conditioned and unconditioned components.

#### Your Rights Regarding Your Protected Health Information

If you received this Notice via email or website, you have the right to obtain a paper copy by requesting this from our Privacy Officer or Designee. Also, you have the following additional rights regarding PHI we maintain about you:

#### To Inspect and Copy

You have the right to see and obtain a copy of your PHI including, but not limited to, service and billing records by submitting a written request to the Program Director or the Privacy Officer. Original records will not leave the premises, will be available for inspection only during our regular business hours, and only if the Privacy Officer or Designee is present at all times. You may ask us to give you the copies in a format other than photocopies (and we will do so unless we determine that it is impractical) or ask us to prepare a summary in lieu of the copies. We may

charge you a fee not to exceed state law to recover our costs (including postage, supplies, and staff time as applicable, but excluding staff time for search and retrieval) to duplicate or summarize your PHI. We will not condition the release of copies or a summary of services based on non-payment or outstanding balance for professional services you have received. We will comply with Federal Law to provide your PHI in an electronic format within the 30 days, to Federal specification, when you provide us with proper written request. Paper copy will also be made available. We will respond to requests in a timely manner, without delay for legal review, or, in less than thirty days if submitted in writing, and in ten business days or less if malpractice litigation or pre-suit production is involved. We may deny your request in certain limited circumstances (i.e. we do not have the PHI, or if it came from a confidential source or a 3<sup>rd</sup> party source, etc.). If we deny your request, you may ask for a review of that decision. If required by law, we will select a Licensed Healthcare Professional or Designee (other than the person who denied your request initially) to review the denial and we will follow his or her decision. If we select a Licensed Healthcare Professional who is not affiliated with us, we will ensure that a Business Associate Agreement is executed to prevent re-disclosure of your PHI without your consent by that outside professional.

#### To Request an Amendment/Correction in your PHI

If another provider involved in your care tells us in writing to change your PHI, we will do so as expeditiously as possible upon receipt of the changes and will send you written confirmation that we have made the changes. If you think PHI we have about you is incorrect, or that something important is missing from your records, you may ask us to amend or correct it (so long as we have it) by submitting a "Request for Amendment/Correction" form to our Privacy Officer. We will act on your request within 30 days from receipt but we may extend our response time (within the 30-day period) no more than once and by no more than 30 days, or as per Federal Law allowances, in which case we will notify you in writing why and when we will be able to respond. If we grant your request, we will let you know within five business days, make the changes by noting (not deleting) what is incorrect or incomplete and adding to it the changed language, and send the changes within 5 business days to persons you ask us to and persons we know may rely on incorrect or incomplete PHI to your detriment (or already have). We may deny your request under certain circumstances (i.e. it is not in writing, it does not give a reason why you want the change, we did not create the PHI you want changed, and the entity that did can be contacted, it was compiled for use in litigation, or we determine it is accurate and complete). If we deny your request, we will, in writing within 5 business days, tell you why your request was denied, and how to file a complaint if you disagree. You may submit a written disagreement with our denial, and we may submit a written rebuttal and give you a copy of it, so that you may ask us to disclose your initial request and our denial when we make future disclosure of PHI pertaining to your request. You may make a written complaint to us and/or the U.S. Department of Health and Human Services for a decision you feel is not resolved re: changing your PHI.

#### To Receive an Accounting of Disclosures

You may ask us for a list of those who received your PHI from us by submitting a "Request for Accounting of Disclosures" form to us. The list will not cover some disclosures (i.e. PHI given to you, given to your legal representative, given to others for treatment, payment or service operations purposes). Your request must state in what form you want the document of disclosures (i.e. paper or electronically) and the time period you want us to cover, which may be up to but not more than the last six years (excluding dates before April 14, 2003). If you ask us for this list more than once in a 12-month period, we may charge you a reasonable, cost-based fee to respond, in which case we will tell you the cost before we incur it and let you choose if you want to withdraw or modify your request to avoid the cost.

#### To Request Restrictions

You may ask us to limit the manner in which your PHI is used and disclosed (i.e. in addition to our rules as set forth in this Notice) by submitting a written "Request for Restrictions on Use, Disclosure" form to IHCC. If we agree to these additional limitations, we will follow them except in an emergency where we will not have time to check for limitations.

#### To Request Alternative Communications

You may ask us to communicate with you in a different way or at a different place by submitting a written "Request for Alternative Communication" form to us. We will not ask you why and we will accommodate all reasonable requests which may include sending appointment reminders in closed envelopes rather than by postcards, sending your PHI to a post office box instead of your home address, or communicating with you at a telephone number other than your home number. You must tell us the alternative means or location you want us to use and explain to our satisfaction how payment to us will be made if we communicate with you as you request.

### To Complain or Obtain More Information

IHCC will follow our rules as set forth in this Notice. If you want more information or if you believe your privacy rights have been violated (i.e. you disagree with a decision of ours about inspection/copying, amendment/correction, accounting of disclosures, restrictions or alternative communications), we want to make it right. We never will penalize you for filing a complaint. To do so, you will need to submit a written Complaint form to IHCC at the following address:

Privacy Officer: Valarie Bullis  
Office Name: Innovative Health Care Concepts, Inc.  
Office Address: 790 So. Holmes  
Idaho Falls, Id. 83401  
Office Phone: 208-529-8526 Ext: 105  
Office Fax: 208-529-8597  
Email Address: [valariebullis@ihccinc.com](mailto:valariebullis@ihccinc.com)

OR: File a formal, written complaint within 180 days to:

The U.S. Department of Health & Human Services

Office of Civil Rights

200 Independence Ave., S.W.

Washington, DC 20201

877-696-6775

<http://www.hhs.gov/ocr/privacy/hipaa/administrative/breachnotificationrule/brinstruction.html>

You may obtain a "HIPAA Complaint" form by calling our privacy officer.

These privacy practices are in accordance with the original HIPAA enforcement effective April 14, 2003, and undated to Omnibus Rule effective March 26, 2013 and will remain in effect until we replace them as specified by Federal and/or State Law.

### **Optional Rules for Notice of Privacy Practices**

#### Faxing and Emailing Rule

When you request us to fax or email your PHI as an alternative communication, we may agree to do so, but only after having the individual faxing/emailing confirm that the intended recipient has sole access to the fax or computer before sending the message; confirm receipt, locate our fax machine or computer in a secure location so unauthorized access and viewing is prevented; use a fax cover sheet so the PHI is not the first page to print out (because unauthorized persons may view the top page); and attach an appropriate notice to the message. Our emails are all encrypted per Federal Standard for your protection.

#### Practice Transition Rule

If we sell our business, our participant records (including but not limited to your PHI) may be disclosed and physical custody may be transferred to the purchasing service provider, but only in accordance with the law. The provider who is the new records owner will be solely responsible for ensuring privacy of your PHI after the transfer and you agree that we will have no responsibility for (or duty associated with) transferred records. If all the owners of our business die, and IHCC closes, our patient records (including but not limited to your PHI) must be transferred to another service provider within 90 days to comply with State & Federal Laws. Before we transfer records in either of these two situations, our Privacy Officer will obtain a Business Associate Agreement from the purchaser and review your PHI for super-confidential information (i.e. communicable disease records, psychotherapy notes), which will not be transferred without your express written authorization (indicated by your initials on the specific Consent form).

#### Transportation of PHI

In the event a staff member of IHCC must transport a participant's PHI in their personal vehicle or a company vehicle to another service location, the records will be maintained in a secured container approved by Supervisor and will remain within eyesight of the employee at all times.

#### Inactive Patient Records

We will retain your records for 5 or 7 years, or depending on the Medicaid/Insurance/HIPAA mandate from your last treatment or examination, at which point you will become an inactive client in our practice and we may destroy your records at that time. Per Omnibus Rule we must abide by the following:

- Records of inactive minor participants will not be destroyed before the child's eighteenth birthday.
- Records of deceased participants will be "protected" for 50 years

We will retain and/or destroy PHI only in accordance with the law (i.e. in a confidential manner, with a Business Associate Agreement prohibiting re-disclosure if necessary).

Collections

If we use or disclose your PHI for collections purposes, we will do so only in accordance with the law.