

SUMMARY OF OUR NOTICE OF PRIVACY PRACTICES

Tru-Care Physical Therapy, Inc.

Effective Date: April 14, 2003

THIS NOTICE DESCRIBES HOW HEALTH INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION

Please review the full Notice of Privacy Practices (NPP) which is attached. If you have any questions about this notice, please contact Susan Hammond, Owner at (401) 884-9541.

WHO WILL FOLLOW THIS NOTICE:

- Tru-Care Physical Therapy, Inc.

This notice describes our privacy practices. All these entities, sites, and locations follow the terms of this notice. In addition, these entities, sites, and locations may share health information with each other for treatment, payment, or health care operations purposes described in this notice.

OUR PLEDGE REGARDING HEALTH INFORMATION:

We understand that health information about you and your health care is personal. We are committed to protecting health information about you. We create a record of the care and services you receive from us. We need this record to provide you with quality care and to comply with certain legal requirements. This notice applies to all of the records of your care generated by this health care practice, whether made by your personal physical therapist or others working in this office. This notice will tell you about the ways in which we may use and disclose health information about you. We also describe your rights to the health information we keep about you, and describe certain obligations we have regarding the use and disclosure of your health information.

We are required by law to:

- make sure that health information that identifies you is kept private;
- give you this notice of our legal duties and privacy practices with respect to health information about you; and
- follow the terms of the notice that is currently in effect.

HOW WE MAY USE AND DISCLOSE HEALTH INFORMATION ABOUT YOU.

The following categories describe different ways that we use and disclose health information. By coming for care, you give us the right to use your information for treatment, to get reimbursed for your care, and to operate our organization.

There are also various other ways in which we may use or disclose your information:

- **Appointment Reminders**
- **To Allow Oversight of the Quality of the Healthcare We Provide**
- **To Allow Workers' Compensation Claims**
- **As Required by Subpoena in Lawsuits and Disputes**

- **Various Uses as Required by Law or to Avert a Serious Threat to Health or Safety**
- **Friends and family involved in your care**
- **Business associates**

The full details for all these uses are contained in the full NPP.

YOUR RIGHTS REGARDING HEALTH INFORMATION ABOUT YOU.

You have the following rights regarding health information we maintain about you:

- **Right to Inspect and Copy**
- **Right to Amend**
- **Right to an Accounting of Disclosures**
- **Right to Request Restrictions**
- **Right to Request Confidential Communications**
- **Right to a Paper Copy of This Notice**

Information on how to exercise these rights can be seen in the NPP or can be obtained from Susan Hammond, Owner at (401) 884-9541.

CHANGES TO THIS NOTICE

We reserve the right to change this notice. We reserve the right to make the revised or changed notice effective for health information we already have about you as well as any information we receive in the future. We will post a copy of the current notice in our facility. The notice will contain on the first page, in the top right-hand corner, the effective date. In addition, each time you register for treatment or health care services, we will offer you a copy of the current notice in effect.

COMPLAINTS

If you believe your privacy rights have been violated, you may file a complaint with us or with the Secretary of the Department of Health and Human Services. To file a complaint with us, contact Susan Hammond, Owner. All complaints must be submitted in writing. **You will not be penalized for filing a complaint.**

OTHER USES OF HEALTH INFORMATION.

Other uses and disclosures of health information not covered by this notice or the laws that apply to us will be made only with your written permission. If you provide us permission to use or disclose health information about you, you may revoke that permission, in writing, at any time. If you revoke your permission, we will no longer use or disclose health information about you for the reasons covered by your written authorization. You understand that we are unable to take back any disclosures we have already made with your permission, and that we are required to retain our records of the care that we provided to you.

HIPAA NOTICE OF PRIVACY PRACTICES

Tru-Care Physical Therapy, Inc.

Effective Date: April 14, 2003

THIS NOTICE DESCRIBES HOW HEALTH INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION

PLEASE REVIEW IT CAREFULLY

If you have any questions about this notice, please contact Susan Hammond, Owner at (401) 884-9541.

WHO WILL FOLLOW THIS NOTICE:

- Tru-Care Physical Therapy, Inc.

This notice describes our privacy practices. All these entities, sites, and locations follow the terms of this notice. In addition, these entities, sites, and locations may share health information with each other for treatment, payment, or health care operations purposes described in this notice.

OUR PLEDGE REGARDING HEALTH INFORMATION:

We understand that health information about you and your health care is personal. We are committed to protecting health information about you. We create a record of the care and services you receive from us. We need this record to provide you with quality care and to comply with certain legal requirements. This notice applies to all of the records of your care generated by this health care practice, whether made by your personal physical therapist or others working in this office. This notice will tell you about the ways in which we may use and disclose health information about you. We also describe your rights to the health information we keep about you, and describe certain obligations we have regarding the use and disclosure of your health information.

We are required by law to:

- make sure that health information that identifies you is kept private;
- give you this notice of our legal duties and privacy practices with respect to health information about you; and
- follow the terms of the notice that is currently in effect.

HOW WE MAY USE AND DISCLOSE HEALTH INFORMATION ABOUT YOU.

The following categories describe different ways that we use and disclose health information.

For each category of uses or disclosures we will explain what we mean and try to give some examples. Not every use or disclosure in a category will be listed. However, all of the ways we

are permitted to use and disclose information will fall within one of the categories.

For Treatment. We may use health information about you to provide you with health care treatment or services. We may disclose health information about you to doctors, nurses, technicians, health students, or other personnel who are involved in taking care of you. They may work at our offices, at the hospital if you are hospitalized, or at another doctor's office, lab, pharmacy, or other health care provider to whom we may refer you for consultation or for other treatment purposes. For example, a physical therapist is treating a patient following a myocardial infarction and discovers that he is uninformed about proper diet. She refers the patient to a dietitian and may need to tell the dietitian about the status of physical therapy treatment. Or, a pediatrician refers a child to a physical therapist for examination/evaluation. The physical therapist discovers that the child is not performing with age-appropriate motor skills and has noted impairments. The physical therapist refers the child to the state's Early Intervention Official for early intervention services and may need to give the EIO information from the child's evaluation. We may also disclose health information about you to an entity assisting in a disaster relief effort so that your family can be notified about your condition, status and location.

For Payment: We may use and disclose health information about you so that the treatment and services you receive from us may be billed to and payment collected from you, an insurance company, or a third party. For example, we may need to give your health plan information about your office visit so your health plan will pay us or reimburse you for the visit. We may also tell your health plan about a treatment you are going to receive to obtain prior approval or to determine whether your plan will cover the treatment.

For Health Care Operations: We may use and disclose health information about you for operations of our health care practice. These uses and disclosures are necessary to run our practice and make sure that all of our patients receive quality care. For example, we may use health information to review our treatment and services and to evaluate the performance of our staff in caring for you. We may also combine health information about many patients to decide what additional services we should offer, what services are not needed, whether certain new treatments are effective, or to compare how we are doing with others and to see where we can make improvements. We may remove information that identifies you from this set of health information so others may use it to study health care delivery without learning who our specific patients are.

Appointment Reminders, treatment alternatives, benefits and services: We may use and disclose health information to contact you as a reminder that you have an appointment. Please let us know if you do not wish to have us contact you concerning your appointment, or if you wish to have us use a different telephone number or address to contact you for this purpose. We may also use your information to provide you with treatment alternatives or other health-related benefits and services which may be of interest to you.

Family and friends involved in your care: if you do not object, we may share your health information with a family member, relative, or close personal friend who is involved in your care or payment for that care.

Business associates: We may disclose or share your protected health information with third party "business associates" that perform various activities for our practice. For example, we may share your health information with a transcription services that transcribes dictated reports for your medical record. If we do disclose your health information to a business associate, we will have a written contract to ensure that our business associate also protects the privacy of your health information.

Incidental disclosures: While we will take reasonable steps to safeguard the privacy of your health information, certain disclosures may occur during or as an unavoidable result of our otherwise permissible uses or disclosures of health information. For example, we may call you by name from the waiting room when the therapist is ready to see you, or other patients in the treatment area may see or be otherwise exposed to your treatment services.

As Required By Law. We will disclose health information about you when required to do so by federal, state, or local law.

To Avert a Serious Threat to Health or Safety. We may use and disclose health information about you when necessary to prevent a serious threat to your health and safety or the health and safety of the public or another person. Any disclosure, however, would only be to someone able to help prevent the threat.

Military and Veterans. If you are a member of the armed forces or separated/discharged from military services, we may release health information about you as required by military command authorities or the Department of Veterans Affairs as may be applicable. We may also release health information about foreign military personnel to the appropriate foreign military authorities.

Workers' Compensation. We may release health information about you for workers' compensation or similar programs. These programs provide benefits for work-related injuries or illness.

Public Health Risks. We may disclose health information about you for public health activities. These activities generally include the following:

- to prevent or control disease, injury or disability;
- to report births and deaths;
- to report child abuse or neglect;
- to report reactions to medications or problems with products;
- to notify people of recalls of products they may be using;
- to notify person or organization required to receive information on FDA-regulated products;
- to notify a person who may have been exposed to a disease or may be at risk for contracting or spreading a disease or condition;
- to notify the appropriate government authority if we believe a patient has been the victim of abuse, neglect, or domestic violence. We will only make this disclosure if you agree or when required or authorized by law.

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

Lawsuits and Disputes. If you are involved in a lawsuit or a dispute, we may disclose health information about you in response to a court or administrative order. We may also disclose health information about you in response to a subpoena, discovery request, or other lawful process by someone else involved in the dispute, but only if efforts have been made to tell you about the request or to obtain an order protecting the information requested.

Law Enforcement. We may release health information if asked to do so by a law enforcement official:

- in reporting certain injuries, as required by law, gunshot wounds, burns, injuries to

perpetrators of crime;

- in response to a court order, subpoena, warrant, summons or similar process;
- to identify or locate a suspect, fugitive, material witness, or missing person:
 - Name and address
 - Date of birth or place of birth;
 - Social security number;
 - Blood type or rh factor;
 - Type of injury;
 - Date and time of treatment and/or death, if applicable; and
 - A description of distinguishing physical characteristics.
- about the victim of a crime, if the victim agrees to disclosure or under certain limited circumstances, we are unable to obtain the person's agreement;
- about a death we believe may be the result of criminal conduct;
- about criminal conduct at our facility; and
- in emergency circumstances to report a crime; the location of the crime or victims; or the identity, description, or location of the person who committed the crime.

Coroners, Health Examiners and Funeral Directors. We may release health information to a coroner or health examiner. This may be necessary, for example, to identify a deceased person or determine the cause of death. We may also release health information about patients to funeral directors as necessary to carry out their duties.

National Security and Intelligence Activities. We may release health information about you to authorized federal officials for intelligence, counterintelligence, and other national security activities authorized by law.

Protective Services for the President and Others. We may disclose health information about you to authorized federal officials so they may provide protection to the President, other authorized persons or foreign heads of state or conduct special investigations.

Inmates. If you are an inmate of a correctional institution or under the custody of a law enforcement official, we may release health information about you to the correctional institution or law enforcement official. This release would be 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) for the safety and security of the correctional institution.

YOUR RIGHTS REGARDING HEALTH INFORMATION ABOUT YOU.

You have the following rights regarding health information we maintain about you:

Right to Inspect and Copy: You have the right to inspect and copy health information that may be used to make decisions about your care. Usually, this includes health and billing records.

To inspect and copy health information that may be used to make decisions about you, you must submit your request in writing to Susan Hammond, Owner. If you request a copy of the information, we may charge a fee for the costs of copying, mailing or other supplies and services associated with your request.

We may deny your request to inspect and copy in certain very limited circumstances. If you are

denied access to health information, you may request that the denial be reviewed. Another licensed health care professional chosen by our practice will review your request and the denial. The person conducting the review will not be the person who denied your request. We will comply with the outcome of the review.

Right to Amend. If you feel that health information we have about you is incorrect or incomplete, you may ask us to amend the information. You have the right to request an amendment for as long as we keep the information. To request an amendment, your request must be made in writing, submitted to Susan Hammond, Owner, and must be contained on one page of paper legibly handwritten or typed in at least 10 point font size. In addition, you must provide a reason that supports your request for an amendment.

We may deny your request for an amendment if it is not in writing or does not include a reason to support the request. In addition, we may deny your request if you ask us to amend information that:

- was not created by us, unless the person or entity that created the information is no longer available to make the amendment;
- is not part of the health information kept by or for our practice;
- is not part of the information which you would be permitted to inspect and copy; or
- is accurate and complete.

Any amendment we make to your health information will be disclosed to those with whom we disclose information as previously specified.

Right to an Accounting of Disclosures. You have the right to request a list accounting for any disclosures of your health information we have made, except for uses and disclosures for treatment, payment, and health care operations, as previously described.

To request this list of disclosures, you must submit your request in writing to Susan Hammond, Owner. Your request must state a time period which may not be longer than six years and may not include dates before April 14, 2003. The first list you request within a 12 month period will be free. For additional lists, we may charge you for the costs of providing the list. We will notify you of the cost involved and you may choose to withdraw or modify your request at that time before any costs are incurred. We will mail you a list of disclosures in paper form within 30 days of your request, or notify you if we are unable to supply the list within that time period and by what date we can supply the list; but this date will not exceed a total of 60 days from the date you made the request.

Right to Request Restrictions. You have the right to request a restriction or limitation on the health information we use or disclose about you for treatment, payment, or health care operations. You also have the right to request a limit on the health information we disclose about you to someone who is involved in your care or the payment for your care, such as a family member or friend. For example, you could ask that we restrict a specified nurse from use of your information, or that we not disclose information to your spouse about a surgery you had.

We are not required to agree to your request for restrictions if it is not feasible for us to ensure our compliance or believe it will negatively impact the care we may provide you. If we do agree, we will comply with your request unless the information is needed to provide you emergency treatment. To request a restriction, you must make your request in writing to Susan Hammond, Owner. In your request, you must tell us what information you want to limit and to whom you want the limits to apply; for example, use of any information by a specified nurse, or

disclosure of specified surgery to your spouse.

Right to Request Confidential Communications. You have the right to request that we communicate with you about health matters in a certain way or at a certain location. For example, you can ask that we only contact you at work or by mail to a post office box. To request confidential communications, you must make your request in writing to Susan Hammond, Owner. We will not ask you the reason for your request. We will accommodate all reasonable requests. Your request must specify how or where you wish to be contacted.

Right to a Paper Copy of This Notice. You have the right to obtain a paper copy of this notice at any time. However, at the time of first service rendered after April 14, 2003, it is required that you receive a paper copy. To obtain a copy, please request it from Susan Hammond, Owner.

CHANGES TO THIS NOTICE

We reserve the right to change this notice. We reserve the right to make the revised or changed notice effective for health information we already have about you as well as any information we receive in the future. We will post a copy of the current notice in our facility. The notice will contain on the first page, in the top right-hand corner, the effective date. In addition, each time you register for treatment or health care services, we will offer you a copy of the current notice in effect.

COMPLAINTS

If you believe your privacy rights have been violated, you may file a complaint with us or with the Secretary of the Department of Health and Human Services. To file a complaint with us, contact Susan Hammond, Owner. All complaints must be submitted in writing. **You will not be penalized for filing a complaint.**

OTHER USES OF HEALTH INFORMATION.

Other uses and disclosures of health information not covered by this notice or the laws that apply to us will be made only with your written permission. If you provide us permission to use or disclose health information about you, you may revoke that permission, in writing, at any time. If you revoke your permission, we will no longer use or disclose health information about you for the reasons covered by your written authorization. You understand that we are unable to take back any disclosures we have already made with your permission, and that we are required to retain our records of the care that we provided to you.

Acknowledgement of Receipt of this Notice

We will request that you sign a separate form or notice acknowledging you have received a copy of this notice. If you choose, or are not able to sign, a staff member will sign their name, date. This acknowledgement will be filed with your records.

Acknowledgement of Receipt of Notice of Privacy Practices

I, _____, have received the Notice of Privacy Practices from Tru-Care Physical Therapy, Inc..

X _____ **Date:** _____

In lieu of patient signature, I, _____, a staff member of Tru-Care Physical Therapy, Inc., state that _____ has been given our current Notice of Privacy Practices.

X _____ **Date:** _____

State Law Information for Notice of Privacy Practices

Tru-Care Physical Therapy, Inc.

State: RI

Your state's laws regarding Protected Health Information must be considered along with the HIPAA Privacy Regulation when updating your organization's policies and procedures. We are providing the information below as a guide to what those other considerations may be. Consult your state's laws to make sure you are meeting all of the requirements.

Summary

Rhode Island statutes have a great impact on the Notice of Privacy Practices. Though there are no provisions on the actual format of the NPP, there are many restrictions on non-consensual disclosures, patient's rights and a statute on revoking an authorization. Carefully read each state provision and our "Expected Impact" and then incorporate appropriate language into your policy. Seek outside counsel if anything is unclear.

General Issues of Concern

According to the HIPAA Privacy Regulation, you are required to give a copy of a Notice of Privacy Practices to each patient at the first encounter after April 14, 2003. The state law may have additional provisions on content, presentation requirements, and may note some exceptions to the federal requirements.

We have not discovered any relevant state statutes for this section.

Use and Disclosure of Protected Health Information

Use and Disclosure of Protected Health Information

The following sections describe different portions of the Notice of Privacy Practices. The state law may or may not allow the same categories for access or they may add additional restrictions in disclosing information for the categories. For each category you need to take a careful look at the state statutes and change the category accordingly. This may require you to remove some categories, add more categories, or revise the explanation in the category.

For Treatment

According to the HIPAA Privacy Regulation, a healthcare provider may release PHI without patient authorization for the purpose of treatment. State law may limit what information can be disclosed, if this information can be released without authorization, and under what circumstances the information can be released without authorization.

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Expected Impact [High]

The federal regulation allows for disclosures for treatment of any patient without consent. State law allows nonconsensual disclosures for diagnosis and treatment of the subject of the record and only in emergencies and not for routine care. Limited disclosures for coordination of healthcare services are also permitted within a healthcare system. State law appears to apply.

NOTE: Treatment disclosures continue to require consent to the same extent as required under state law before HIPAA.

State Law Citation

R.I. General Laws 5-37.3-4(a), (b)(b)(1)

Highlight of State Provision

Except as provided in the Confidentiality of Healthcare Information Act or as specifically provided by the law, a patient's confidential healthcare information

shall not be released or transferred without the written consent of the patient. No consent is required in the following situations: 1) to a provider or medical personnel who believes in good faith that the information is necessary for diagnosis or treatment of the patient in a medical or dental emergency 2) between qualified personnel and healthcare providers within the healthcare system for coordination of healthcare services given to the patient and for purposes of training within the same healthcare facility.

For Payment

According to the regulation, a healthcare provider may release PHI without patient authorization for the purpose of payment. State law may limit what information can be disclosed, if this information can be released without authorization, and under what circumstances the information can be released without authorization.

Expected Impact [High]

The federal regulation allows nonconsensual disclosures for payment, with payment having a very broad definition. State law permits disclosure only for the purpose of adjudicating health insurance claims, including utilization review.

NOTE: Payment disclosures continue to require consent to the same extent as required under state law before HIPAA.

State Law Citation

R.I. General Laws 5-37.3-4(a), (b), (b)(6)

Highlight of State Provision

Except as provided in the Confidentiality of Healthcare Information Act or as specifically provided by the law, a patient's confidential healthcare information shall not be released or transferred without the written consent of the patient. No consent is required for disclosure to third party health insurers for the purpose of adjudicating health insurance claims, and to utilization review agents as provided by law.

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For Healthcare Operations

According to the regulation, a healthcare provider may release PHI without patient authorization for the purpose of healthcare operations. State law may limit what information can be disclosed, if this information can be released without authorization, and under what circumstances the information can be released without authorization.

Expected Impact [Medium]

The federal regulation allows for disclosure for healthcare operations without consent. The federal definition of healthcare operations is long and extensive. State law allows for numerous nonconsensual disclosures that would be allowed as healthcare operations under the federal regulation.

NOTE: Healthcare operations disclosures are permitted only to the extent authorized under state law.

State Law Citation

R.I. General Laws 5-37.3-4(a), (b), (b)(2), (3), (5), (7), (8), (12), (14), (19)

R.I. General Laws 5-37.3-7

Highlight of State Provision

Except as provided in the Confidentiality of Healthcare Information Act or as specifically provided by the law, a patient's confidential healthcare information shall not be released or transferred without the written consent of the patient. No consent for release or transfer of confidential healthcare information is required in the following situations: 1) to medical and dental peer review

boards, or the board of medical licensure, or board of examiners in dentistry 2) to qualified personnel for the purpose of conducting scientific research, audits, program evaluations, insurance underwriting, or similar studies, provided that personnel shall not identify, directly or indirectly, any individual in any report, or otherwise disclose patient identities in any manner 3) between qualified personnel and providers within the healthcare system for purposes of coordination of healthcare services given to the patient and for purposes of training within the same healthcare facility 4) to a malpractice insurance carrier or lawyer if the provider has reason to anticipate a medical liability action 5) to the provider's own lawyer or medical liability insurance carrier if the patient whose information is at issue brings a medical liability action against a provider 6) to a provider's attorneys whenever that provider considers that release of information to be necessary for adequate legal representation 7) to a law enforcement authority to protect the legal interest of an insurance institution, or agent in preventing and prosecuting the perpetration of fraud upon them 8) to the Medicaid fraud control unit of the attorney general's office for the investigation or prosecution of criminal or civil wrongdoing by a provider relating to Medicaid eligible recipients; provided that any information obtained is not admissible in any criminal proceeding against the patient 9) to medical peer review boards.

Health-Related Services and Treatment Alternatives

According to the regulation, a healthcare provider may disclose health information to tell

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the patient about health-related services or to recommend possible treatment options, as long as the patient has the right to accept or reject such a disclosure. State law may have a different provision for handling this situation.

Marketing

Expected Impact [High]

The federal regulation allows for limited disclosures for marketing without patient consent. State law has no similar provision.

NOTE: Follow state law, which does not permit marketing disclosures.

State Law Citation

R.I. General Laws 5-37.3-4(a)

Highlight of State Provision

Except as provided in the Confidentiality of Healthcare Information Act or as specifically provided by the law, a patient's confidential healthcare information shall not be released or transferred without the written consent of the patient.

Fundraising Activities

According to the regulation, a healthcare provider may disclose health information to contact patients in an effort to raise money for not-for-profit operations as long as the patient has the right to accept or reject such a disclosure. State law may have a different provision for handling this situation.

Fundraising

Expected Impact [Medium]

The federal regulation allows for limited disclosures for fundraising without patient consent. State law has no similar provision.

NOTE: Follow the state law, which does not permit disclosures for fundraising.

State Law Citation

R.I. General Laws 5-37.3-4(a)

Highlight of State Provision

Except as provided in the Confidentiality of Healthcare Information Act or as specifically provided by the law, a patient's confidential healthcare information shall not be released or transferred without the written consent of the patient.

Research

According to the regulation, under certain circumstances a healthcare provider may release PHI without patient consent for the purpose of research. State law may limit what information can be disclosed, if this information can be released without authorization, and under what circumstances the information can be released without authorization.

Expected Impact [Medium]

The federal regulation has extensive requirements for research disclosures. State law broadly allows research disclosures.

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NOTE: Follow the federal regulation with respect to research disclosures.

State Law Citation

R.I. General Laws 5-37.3-4(a), (b), (b)(3)

Highlight of State Provision

Except as provided in the Confidentiality of Healthcare Information Act or as specifically provided by the law, a patient's confidential healthcare information shall not be released or transferred without the patient's written consent. No consent is required for disclosures to qualified personnel for the purpose of conducting scientific research, audits, program evaluations, insurance underwriting, or similar studies, provided that personnel shall not identify, directly or indirectly, any individual in any report, or otherwise disclose patient identities in any manner.

Organ and Tissue Donation

According to the regulation, a healthcare provider may release PHI without patient consent for the purpose of organ and tissue donation. State law may limit what information can be disclosed, if this information can be released without authorization, and under what circumstances the information can be released without authorization.

Expected Impact [Medium]

The federal regulation allows for disclosures in connection with organ donation activities without consent. The Confidentiality of Healthcare Information Act has no express provision for organ donation.

NOTE: Non-consensual disclosures related to organ donation do not appear to be expressly permitted under state law, although some disclosures allowed by the federal regulation may be permitted under other state exceptions. You may want to consult other authorities for more definitive advice.

State Law Citation

R.I. General Laws 5-37.3-4(a)

Highlight of State Provision

Except as provided in the Confidentiality of Healthcare Information Act or as specifically provided by the law, a patient's confidential healthcare information shall not be released or transferred without the patient's written consent.

As Required By Law

The regulation allows you to disclose PHI when required by federal, state, or local law. State law may have additional provisions when releasing information for such a purpose.

Expected Impact [Low]

State law allows disclosures "specifically provided for by the law." This appears to be comparable to the federal authority for disclosures required by law.

NOTE: You can continue to make legally required disclosures that were

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allowed by state law prior to HIPAA.

State Law Citation

R.I. General Laws 5-37.3-4(a)

Highlight of State Provision

Except as provided in the Confidentiality of Healthcare Information Act or as specifically provided by the law, a patient's confidential healthcare information shall not be released or transferred without the written consent of the patient.

To Avert a Serious Threat to Health or Safety

The regulation allows you to disclose PHI without patient consent for the purpose of health and safety. State law may have a different provision for handling this situation or may not allow such a disclosure to occur without patient consent.

Expected Impact [Medium]

The state provision regarding emergency disclosures is considerably more restrictive than the federal regulation.

NOTE: You can continue to make emergency disclosures that were permitted under state law prior to HIPAA. Check with other authorities in questionable cases.

State Law Citation

R.I. General Laws 5-37.3-4(a), (b), (b)(1)

Highlight of State Provision

Except as provided in the Confidentiality of Healthcare Information Act or as specifically provided by the law, a patient's confidential healthcare information shall not be released or transferred without the patient's written consent. No consent is required for disclosures to a physician, dentist, or other medical personnel who believes in good faith that the information is necessary for diagnosis or treatment of that individual in a medical or dental emergency.

Military and Veterans

The regulation allows you to disclose PHI without patient consent as required by military command authorities of the Department of Veterans Affairs. State law may have a different provision for handling this situation or may not allow such a disclosure to occur without patient consent.

Expected Impact [Medium]

The Confidentiality of Healthcare Information Act has no comparable disclosure authority.

NOTE: Follow the state law, which does not permit non-consensual disclosures related to military/veterans, national security/intelligence, protective services, and correctional institutions.

State Law Citation

R.I. General Laws 5-37.3-4(a)

Highlight of State Provision

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Except as provided in the Confidentiality of Healthcare Information Act or as specifically provided by the law, a patient's confidential healthcare information shall not be released or transferred without the written consent of the patient.

Worker's Compensation

The regulation allows you to disclose PHI without patient consent for Worker's Compensation programs. State law may have a different provision for handling this situation or may not allow such a disclosure to occur without patient consent.

Expected Impact [Low]

NOTE: There is no conflict between the federal regulation and the state law with respect to disclosures related to worker's compensation.

State Law Citation

R.I. General Laws 5-37.3-4(a), (b), (b)(11)

Highlight of State Provision

Except as provided in the Confidentiality of Healthcare Information Act or as specifically provided by the law, a patient's confidential healthcare information shall not be released or transferred without the written consent of the patient. No consent is required for disclosure in relation to information that is directly related to current claim for workers' compensation benefits or to any proceeding before the workers' compensation commission or before any court proceeding related to workers' compensation.

Public Health Risks

The regulation allows you to disclose PHI without patient consent for public health activities which are listed in this category. State law may have a different provision for handling this situation or may not allow such a disclosure to occur without patient consent.

Public Health Activities

Expected Impact [Low]

The federal regulation allows broad public health disclosures without consent. State law appears to be similar but not all disclosures allowed under the federal regulation may be consistent with state law.

NOTE: You can continue to make public health disclosures that were allowed by state law prior to HIPAA.

State Law Citation

R.I. General Laws 5-37.3-4(a), (b), (b)(3), (9), (18)

Highlight of State Provision

Except as provided in the Confidentiality of Healthcare Information Act or as specifically provided by the law, a patient's confidential healthcare information shall not be released or transferred without the patient's written consent. No consent is required in the following situations: 1) to qualified personnel for the purpose of conducting scientific research, audits, program evaluations, insurance underwriting, or similar studies, provided that personnel shall not

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identify, directly or indirectly, any individual in any report, or otherwise disclose patient identities in any manner 2) to public health authorities in order to carry out their functions. These functions include investigations into the causes of disease, the control of public health hazards, enforcement of sanitary laws, investigation of reportable diseases, certification and licensure of health professionals and facilities, review of healthcare such as that required by the federal government and other governmental agencies 3) to the central cancer registry.

Victims of Abuse, Neglect or Domestic Violence

Expected Impact [Medium]

State law appears to be limited to disclosures of child abuse. If other state

law requires other disclosures of abuse, neglect, or domestic violence, that law would be applicable.

NOTE: You may make disclosures with respect to victims of abuse, neglect or domestic violence that are permitted under both the federal regulation and state law. Follow the federal procedures.

State Law Citation

R.I. General Laws 5-37.3-4(a), (b), (b)(4)

Highlight of State Provision

Except as provided in the Confidentiality of Healthcare Information Act or as specifically provided by the law, a patient's confidential healthcare information shall not be released or transferred without the written consent of the patient.

No consent is required for disclosures to appropriate law enforcement personnel or child protective agencies if the patient is a minor child who the provider believes, after providing healthcare services to the patient, to have been physically or psychologically abused.

Health Oversight Activities

The regulation allows you to disclose PHI without patient consent for certain health oversight activities. State law may have a different provision for handling this situation or may not allow such a disclosure to occur without patient consent.

Expected Impact [Medium]

The federal regulation allows nonconsensual disclosures for broadly defined health oversight purposes. State law allows for many health oversight disclosures, but state law disclosures may be more narrowly defined.

NOTE: You can continue to make health oversight disclosures that were allowed by state law prior to HIPAA.

State Law Citation

R.I. General Laws 5-37.3-4(a), (b), (b)(3), (9), (13), (19)

Highlight of State Provision

Except as provided in the Confidentiality of Healthcare Information Act or as

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specifically provided by the law, a patient's confidential healthcare information shall not be released or transferred without the patient's written consent. No consent is required in the following situations: 1) to qualified personnel for the purpose of conducting scientific research, audits, program evaluations, insurance underwriting, or similar studies, provided that personnel shall not identify, directly or indirectly, any individual in any report, or otherwise disclose patient identities in any manner 2) to public health authorities for investigations into the causes of disease, the control of public health hazards, enforcement of sanitary laws, licensure of health professionals and facilities, review of healthcare such as that required by governmental agencies 3) by a provider to appropriate school authorities of disease, health screening and/or immunization information or when a school age child transfers from one school or school district to another 3) to the Medicaid fraud control unit of the attorney general's office for the investigation of criminal or civil wrongdoing by a provider relating provision of healthcare services to Medicaid eligible recipients; provided, that any information obtained is not admissible in any criminal proceeding against the patient.

Lawsuits and Disputes

The regulation allows you to disclose PHI without patient consent for lawsuits and

disputes. State law may have a different provision for handling this situation or may not allow such a disclosure to occur without patient consent.

Judicial and Administrative Proceedings

Expected Impact [Medium]

The federal regulation allows disclosure for judicial and administrative proceedings under defined circumstances that sometime require notice to the subject of the record. State and federal law are similar in some respects, but the details may vary somewhat. State law appears to restrict disclosures for administrative proceedings more than the federal regulation. Only those judicial and administrative disclosures that are consistent with both state law and the federal regulation appear to be allowed. Federal notice procedures should be followed, when applicable.

NOTE: The interface between federal and state rules here is confusing and technical. Consult with other authorities before making these disclosures in order to be sure that the applicable procedures have been followed.

State Law Citation

R.I. General Laws 5-37.3-4(a), (b), (b)(8)(ii)

R.I. General Laws 5-37.3-6, 5-37.3-6.1, 5-37.3.6.2

Highlight of State Provision

Except as provided in the Confidentiality of Healthcare Information Act or as specifically provided by the law, a patient's confidential healthcare information shall not be released or transferred without the patient's written consent. No consent is required in the following situations: 1) disclosure by a provider

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which is relevant to a civil action brought by the patient against any persons other than the provider, may occur only under the discovery methods provided by the applicable rules of federal or state civil procedure.

Confidential healthcare information and communications are not subject to compulsory legal process in any legislative or administrative proceedings. A patient or authorized representative has the right to refuse disclosure, and to prevent a witness from disclosing confidential healthcare information in these proceedings 2) state law also allows disclosures in judicial and administrative proceedings under specified circumstances that go beyond the scope of this analysis, or where the subject of the record has received notice of the subpoena. The details of the notice procedure are beyond the scope of this analysis.

Law Enforcement

The regulation allows you to disclose PHI without patient consent for certain law enforcement issues. State law may have a different provision for handling this situation or may not allow such a disclosure to occur without patient consent.

Pursuant to process/ required by law, Identification and Location Information, Victims of Crime, Decedents, Crime on Premises, Reporting Crime in Emergencies

Expected Impact [High]

The federal regulation defines numerous circumstances and procedures under which disclosures for law enforcement purposes may be made.

State law defines with specificity the circumstances under which disclosures to law enforcement authorities may be made. Only those law enforcement disclosures that are permitted under both state law and the

federal regulation appear to be permissible. Applicable federal procedures must be followed for those disclosures.

NOTE: This is a confusing and highly technical area. You can probably continue to make law enforcement disclosures that were allowed by state law prior to HIPAA, but new federal procedures will apply. Checking with other authorities is recommended.

State Law Citation

R.I. General Laws 5-37.3-4(a), (b), (b)(3), (9), (13), (19)

Highlight of State Provision

Except as provided in the Confidentiality of Healthcare Information Act or as specifically provided by the law, a patient's confidential healthcare information shall not be released or transferred without the patient's written consent. No consent is required in the following situations: 1) to qualified personnel for the purpose of conducting scientific research, audits, program evaluations, insurance underwriting, or similar studies, provided that personnel shall not identify, directly or indirectly, any individual in any report, or otherwise disclose patient identities in any manner 2) to public health authorities for investigations into the causes of disease, the control of public health hazards,

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enforcement of sanitary laws, licensure of health professionals and facilities, review of healthcare such as that required by governmental agencies 3) by a provider to appropriate school authorities of disease, health screening and/or immunization information or when a school age child transfers from one school or school district to another 3) to the Medicaid fraud control unit of the attorney general's office for the investigation of criminal or civil wrongdoing by a provider relating provision of healthcare services to Medicaid eligible recipients; provided, that any information obtained is not admissible in any criminal proceeding against the patient.

Coroners, Health Examiners and Funeral Directors

The regulation allows you to disclose PHI without patient consent to coroners, health examiners and funeral directors. State law may have a different provision for handling this situation or may not allow such a disclosure to occur without patient consent.

Expected Impact [Low]

Federal law appears to be similar with respect to medical examiners.

However, the federal authority to make disclosures to funeral directors has no state equivalent in the Confidentiality of Healthcare Information Act. No conflict with respect to medical examiners. The lack of state authorization for disclosures to funeral directors appears to prohibit those disclosures.

NOTE: You may follow both the federal regulation and state law with respect to medical examiners, but disclosures to funeral directors do not appear to be allowed.

State Law Citation

R.I. General Laws 5-37.3-4(a), (b), (b)(10)

Highlight of State Provision

Except as provided in the Confidentiality of Healthcare Information Act or as specifically provided by the law, a patient's confidential healthcare information shall not be released or transferred without the patient's written consent. No consent is required for disclosure to the state medical examiner in the event of a fatality that comes under his or her jurisdiction.

National Security and Intelligence Activities

The regulation allows you to disclose PHI without patient consent for national security and intelligence activities. State law may have a different provision for handling this situation or may not allow such a disclosure to occur without patient consent.

Expected Impact [Medium]

The Confidentiality of Healthcare Information Act has no comparable disclosure authority.

NOTE: Follow the state law, which does not permit non-consensual disclosures related to military/veterans, national security/intelligence, protective services, and correctional institutions.

State Law Citation

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R.I. General Laws 5-37.3-4(a)

Highlight of State Provision

Except as provided in the Confidentiality of Healthcare Information Act or as specifically provided by the law, a patient's confidential healthcare information shall not be released or transferred without the written consent of the patient.

Protective Services for the President and Others

The regulation allows you to disclose PHI without patient consent for protective services for the President and others. State law may have a different provision for handling this situation or may not allow such a disclosure to occur without patient consent.

Expected Impact [Medium]

The Confidentiality of Healthcare Information Act has no comparable disclosure authority.

NOTE: Follow the state law, which does not permit non-consensual disclosures related to military/veterans, national security/intelligence, protective services, and correctional institutions.

State Law Citation

R.I. General Laws 5-37.3-4(a)

Highlight of State Provision

Except as provided in the Confidentiality of Healthcare Information Act or as specifically provided by the law, a patient's confidential healthcare information shall not be released or transferred without the written consent of the patient.

Inmates

The regulation allows you to disclose PHI without patient consent for inmates. State law may have a different provision for handling this situation or may not allow such a disclosure to occur without patient consent.

Correctional Institution

Expected Impact [Medium]

The Confidentiality of Healthcare Information Act has no comparable disclosure authority.

NOTE: Follow the state law, which does not permit non-consensual disclosures related to military/veterans, national security/intelligence, protective services, and correctional institutions.

State Law Citation

R.I. General Laws 5-37.3-4(a)

Highlight of State Provision

Except as provided in the Confidentiality of Healthcare Information Act or as specifically provided by the law, a patient's confidential healthcare information shall not be released or transferred without the written consent of the patient.

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Patient Rights

Right to Inspect and Copy

The regulation allows patients to view their PHI except for psychotherapy notes. The state law may have special provisions for patients to access their records and may have specific impact on the management of psychotherapy notes.

Records exempt from access requirements

Psychotherapy Notes

Expected Impact [Medium]

State law does not specifically mention psychotherapy notes, but the notes may be withheld if they meet the standard for harm. The federal regulation allows psychotherapy notes to be withheld without any showing of harm.

NOTE: Psychotherapy notes can be withheld only to the extent permitted under state law.

State Law Citation

R.I. General Laws 5-37-22(d)

Highlight of State Provision

If, in the physician's professional judgment, it would be injurious to the mental or physical health of the patient to disclose certain confidential healthcare information to the patient, the physician is not required to disclose or provide a summary of that information, but shall upon written request of the patient disclose that information to another physician designated by the patient.

Access Process

Procedure

Expected Impact [Low]

NOTE: There is no conflict between the federal regulation and state law with respect to access procedures. You may ask a patient for a written request for access.

State Law Citation

R.I. General Laws 5-37-22(d)

Highlight of State Provision

Upon written request by a patient, every physician shall have the option of either permitting the patient to examine or copy healthcare information, or provide the patient a summary of that information. If the patient is not satisfied with a summary provided by the physician, then the patient may request, and the physician shall provide, a copy of the entire record. At the time of the examination or copying of summary information, the physician is reimbursed for all reasonable copying expenses. If, in the physician's professional judgment, it would be injurious to the mental or physical health of the patient to disclose certain confidential healthcare information to the patient, the

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physician is not required to disclose or provide a summary of that information, but shall upon written request of the patient disclose that information to another physician designated by the patient.

Right to Amend

The regulation allows patients to amend their PHI. There are however, certain exceptions. The state law may have special provisions for patients to amend their records and may or may not have the same exceptions.

Denial

Created by Third Party, Not Part of Designated Record Set, Not Available

for Inspection, Accurate and Complete

We have not discovered any relevant state statutes for this section.

Implementation

Procedure

Expected Impact [Medium]

The state law amendment procedure only applies after a third party (not a healthcare provider) makes an adverse decision about a patient. The state amendment procedure is not comparable to or in conflict with the more general federal amendment procedure.

NOTE: Follow both the federal and state amendment provisions, as they both appear to be applicable.

State Law Citation

R.I. General Laws 5-37.3-5

Highlight of State Provision

Upon occurrence of an action by third party based on the patient's confidential healthcare information, which adversely affects a patient (such as denial of an application for an insurance policy, rejection of any claim for insurance benefits, etc) and upon the patient's written request of that patient or authorized representative, a third party shall transfer copies of that patient's confidential healthcare information to a physician designated in that written request. Prior to making this transfer, a third party may require payment of its actual cost of retrieval, duplication, and forwarding of that information. A physician who is recipient of this information, may review and disclose any or all of that information to the person at whose request that information was transferred, if the physician deems it to be in the best interests of the patient. After reviewing this healthcare information, a patient or authorized representative may request the third party to amend or remove any part believed to be in error, or request the addition of any recent information. Upon receiving such a request, the third party notifies the provider who was the source of that information, and when that provider agrees with that request, the third party returns that information to the provider for modification. Prior to making that return, a third party may require payment of its cost of notice, duplication, and return of that information. Except under court order, the third

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party shall not itself modify that information. A patient, after requesting and reviewing this healthcare information, has the right to place into the file at own cost, a statement about the correctness or relevance of existing information or the addition of new information. That statement shall at all times accompany that part of the information. When there is an unreasonable refusal to change the records, a person or authorized representative has the right to apply to the court to amend or remove any part of the healthcare information in a third party's possession which is believed to be erroneous.

Right to an Accounting of Disclosures

The regulation allows patients to request an accounting of disclosures of their PHI. The state law may have special provisions for patients to access this.

We have not discovered any relevant state statutes for this section.

Right to Request Restrictions

The regulation allows patients to request restrictions on their PHI. The state law may have special provisions for this issue.

We have not discovered any relevant state statutes for this section.

Right to Request Confidential Communications

The regulation allows patients to request confidential communications of their PHI. The state law may have special provisions for this issue.

We have not discovered any relevant state statutes for this section.

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Other Uses of Health Information

Revocation

According to the regulation, any other disclosures of PHI not covered by this notice require patient authorization. Also, a patient may revoke an authorization at any time. The state law may have special provisions for when patients may revoke an authorization.

Expected Impact [Medium]

State law does not recognize the federal provision that limits revocation of an authorization to the extent that action was taken in reliance on the authorization.

NOTE: Follow the state law with respect to revocation of authorizations.

State Law Citation

R.I. General Laws 5-37.3-4(d)

Highlight of State Provision

Consent forms for the release or transfer of confidential healthcare information shall contain in a clear and conspicuous manner: 1) a statement of the need for and proposed uses of that information; 2) a statement that all information is to be released or clearly indicating the extent of the information to be released; and 3) a statement that the consent for release or transfer of information may be withdrawn at any future time and is subject to revocation. Exceptions are where an authorization is in connection with an application for a life or health insurance policy in which case the authorization expires two years from the issue date of the insurance policy, and when signed in connection with a claim for benefits under any insurance policy the authorization is valid for the duration that the claim is pending. Any revocation is transmitted in writing.

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