



Dr. Roy D. Jennings Dentistry
2208 Commerce Dr.
Monroe, NC 28110

HIPAA NOTICE OF PRIVACY PRACTICES

**THIS NOTICE DESCRIBES HOW MEDICAL INFORMATION ABOUT YOU MAY BE USED
AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION UNDER
THE HIPAA OMNIBUS RULE OF 2013.**

PLEASE REVIEW IT CAREFULLY

OUR LEGAL DUTY

For purposes of this Notice, “us,” “we,” and “our” refers to the Name of this Healthcare Facility: Dr. Roy D. Jennings Dentistry, 2208 Commerce Dr., Monroe, NC 28110, and “you” or “your” refers to our patients (or their legal representatives as determined by us in accordance with state informed consent law). When you receive healthcare services from us, we will obtain access to your medical information (i.e., your health history). We are committed to maintaining the privacy of your health information and 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) requires us to maintain the confidentiality of all your healthcare records and other identifiable patient 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 health 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 healthcare services. If you have any questions about this Notice, please ask to speak to our HIPAA Privacy Officer.

Our doctors, clinical staff, employees, 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 caretaker/doctor is unavailable to assist you (i.e., illness, on-call coverage, vacation, etc.), we may provide you with the name of another healthcare 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.

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

Under the law, we must have your signature on a written, dated Consent Form and/or an Authorization Form of Acknowledgement 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/Acknowledgement 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 contact our 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 our Revocation Form in writing to us at our address listed above. 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/acknowledgement in order to prevent us from billing or collecting for those services, your revocation will have no effect because we relied on your authorization/acknowledgement to provide services before you revoked it).

General Rule – If you do not sign our authorization/acknowledgement form or if you revoke it, as a general rule (subject to exceptions described below under “Healthcare 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/acknowledgement 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 you signing an authorization/acknowledgement, but we may be forced to decline you as a new

patient or discontinue you as an active patient if you choose not to sign the authorization/acknowledgement or revoke it.

Healthcare Treatment, Payment, and Operations Rule

With your signed consent, we may use or disclose your PHI in order:

- **To provide you with or coordinate healthcare treatment and services.** For example, we may review your health history form to form a diagnosis and treatment plan, consult with other doctors about your care, delegate tasks to ancillary staff, call in prescriptions to your pharmacy, disclose needed information to your family or others so they may assist you with home care, arrange appointments with other healthcare 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.
- **To run our office, assess the quality of care our 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 otherwise 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, ask you to put your name on a sign-in sheet (we will cover your name just after checking you in), tell you about or recommend health-related products and complementary or alternative treatments that may interest you, review your PHI to evaluate our staff's performance, or have our Privacy Officer 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.

The **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 these 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 websites must post these Omnibus Rule changes on their sites by the effective date of the Omnibus Rule, as well as notify you by U.S. Mail by the

Omnibus Rule's effective date. Plans that do not post their NOPPs on their websites must provide you with information about Omnibus Rule changes within 60 days of these federal revisions.

- Psychotherapy Notes maintained by a healthcare provider must state in their NOPPs that they can allow "use and disclosure" of such notes only with your written authorization.

Special Rules

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

- **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 others.
- **For public health purposes**, such as prevention or control of disease, injury, or disability, or for reporting adverse reactions to anesthesia, ineffective or dangerous medications or products, suspected abuse, neglect, or exploitation of children, disabled adults, or the elderly, or incidents of domestic violence.
- **For federal or state government health-care oversight activities**, including civil rights laws, fraud and abuse investigations, audits, inspections, licensure, permitting, and other government programs.
- **For judicial, administrative, or law enforcement purposes**, such as in response to a warrant, subpoena, or court order, or to provide 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** when you have claimed health benefits for a work-related injury or illness.
- **For intelligence, counterintelligence, or other national security purposes**, including requests from Veterans Affairs, U.S. military command, other government authorities, or foreign military authorities.
- **For organ and tissue donation**, when you are an organ donor, to organizations handling procurement, donation, and transplantation.
- **For research projects** approved by an Institutional Review Board or a privacy board, ensuring confidentiality. Authorization will be required if the researcher is involved in your clinical care.
- **To create a de-identified information set** that does not personally identify you and cannot be connected to you.
- **To family members, friends, and others**, but only with your verbal permission if present, or under circumstances where it is reasonable to infer that you do not object (e.g., bringing someone into the operatory or allowing someone to pick up your records with written authorization). Emergency situations may also necessitate disclosure based on professional judgment.

Minimum Necessary Rule

Our staff will access or use your PHI only when it is necessary for their job responsibilities:

- Doctors uninvolved in your care will not access your PHI.
- Ancillary clinical staff caring for you will not access billing information.
- Billing staff will only access PHI needed to complete claims.
- Non-clinical staff, such as janitors, will not access PHI.

All team members and Business Associates (and their subcontractors) are trained in HIPAA Privacy Rules and sign strict confidentiality agreements. Your PHI is protected through multiple layers of security in our business relationships.

We disclose only the minimum necessary amount of PHI to others outside our staff to accomplish lawful purposes. However, there are instances when the entire contents of your medical record may be disclosed:

- To you (or your legal representatives) and anyone authorized by you.
- To healthcare providers for treatment purposes.
- To the U.S. Department of Health and Human Services during HIPAA investigations.
- To others as required by federal or state law.
- To our Privacy Officer or staff as necessary to resolve complaints or meet HIPAA-related requests.

Non-Routine Requests for PHI

Our Privacy Officer will review unusual or non-recurring requests to determine the minimum necessary PHI to disclose. Factors considered include:

- The amount of information being disclosed.
- The number of entities or individuals receiving the information.
- The importance and likelihood of further disclosure.
- Whether de-identified information could suffice.
- Available technology for confidentiality protection.
- Cost of implementing procedures to ensure security.

If a request for disclosure of your entire medical record is deemed unnecessary, we will ask the requestor to document their rationale, retain that documentation, and make it available to you upon request.

Incidental Disclosure Rule

We will take reasonable administrative, technical, and security safeguards to ensure the privacy of your PHI when we use or disclose it. For example:

- We shred all paper containing PHI.

- Employees are required to speak with privacy precautions when discussing PHI with you.
- We use computer passwords and change them periodically (e.g., when an employee leaves us).
- Firewall and router protections meet federal standards.
- PHI data is backed up off-site and encrypted to federal standards.
- Unauthorized access to areas where PHI is stored or filed is prohibited.
- Unsupervised business associates are required to sign Business Associate Confidentiality Agreements.

In the event of a breach in protecting your PHI, we will adhere to Federal Guidelines under the HIPAA Omnibus Rule Standard. This includes:

1. Evaluating the breach situation using the Omnibus Rule's 4-Factor Formula for Breach Assessment.
2. Documenting the situation and retaining records on file.
3. Reporting all breaches (other than those with a low probability of harm, as defined by the Omnibus Rule) to the U.S. Department of Health and Human Services at:
<https://www.hhs.gov/ocr/privacy/hipaa/administrative/breachnotificationrule/brinstruction.html>
4. Providing proper notification to you and any other relevant parties as required by HIPAA Law.

Business Associate Rule

Business Associates are defined as entities (non-employees) that, in the course of their work, directly or indirectly 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 are prohibited from re-disclosing it unless:

- Required to do so by law.
- You provide prior express written consent for re-disclosure.

Our Business Associate Agreements explicitly prohibit the violation of this re-disclosure prohibition. Under the HIPAA Omnibus Rule, Business Associates are required to:

- Sign a strict confidentiality agreement binding them to protect your PHI.
- Report any compromise of your PHI to us, you, the U.S. Department of Health and Human Services, and other required entities.
- Ensure that any subcontractors who may directly or indirectly have contact with your PHI also sign confidentiality agreements that meet Federal Omnibus Standards.

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 (classified as "super-confidential information" under the law), we will not disclose it under the General or Healthcare Treatment, Payment, and Operations Rules without your explicit authorization. This means:

- You must sign and properly complete our Consent Form, specifically initialing the type of super-confidential information you are authorizing for disclosure.
- If you do not provide this specific authorization, we will not disclose the information unless required to do so under the Special Rules (e.g., if disclosure is mandated by law).

If we disclose super-confidential information (either because you have authorized it or the Special Rules permit it), we will comply with state and federal laws requiring us to warn the recipient in writing that re-disclosure is prohibited.

Changes to Privacy Policies Rule

We reserve 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 making 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 / Acknowledgement Form (not a Consent or an Acknowledgement). If we need your Authorization, we must obtain it via a specific Authorization Form, which may be separate from any Authorization / Acknowledgement we may have obtained from you. We will not condition your treatment here on whether you sign the Authorization (or not).

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 healthcare, for the sale, transfer, merger, or consolidation of all or part of this facility 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 healthcare 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 Healthcare Covered Entity. Under Omnibus Rule we will obtain your written authorization prior to using your PHI or making any treatment or healthcare 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 this facility 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 recommendations 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 fundraising efforts attempted at this facility? However, we will offer the opportunity for you 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 Acknowledgement Form where you can choose to “opt out”. Our commitment to care and treat you will in no way affect your decision to participate or not participate in our fundraising efforts.

Improvements to Requirements for Authorizations Related to Research

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 got this Notice via email or website, you have the right to get, at any time, a paper copy by asking our Privacy Officer. Also, you have the following additional rights regarding PHI we maintain about you:

To Inspect and Copy

You have the right to see and get a copy of your PHI including, but not limited to, medical and billing records by submitting a written request to our Privacy Officer. Original records will not leave the premises, will be available for inspection only during our regular business hours, and only if our Privacy Officer 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 release of the copies on summary of payment of your outstanding balance for professional services if you have one). 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, it came from a confidential 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 health-care professional (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 a Business Associate Agreement is executed that prevents re-disclosure of your PHI without your consent by that outside professional.

To Request Amendment / Correction

If another doctor 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 and how to file a complaint with us if you disagree, that you may submit a written disagreement with our denial (and we may submit a written rebuttal and give you a copy of it), that you may ask us to disclose your initial request and our denial when we make future disclosure of PHI pertaining to your request, and that you may complain to us and the U.S. Department of Health and Human Services.

To an Accounting of Disclosures

You may ask us for a list of those who got 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 health-care-operations purposes). Your request must state in what form you want the list (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 how 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 us (i.e. you may not want us to disclose your surgery to family members or friends involved in paying for our services or providing your home care). 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. Also, in some circumstances we may be unable to grant your request (i.e. we are required by law to use or disclose your PHI in a manner that you want restricted, you signed an Authorization Form, which you may revoke, that allows us to use or disclose your PHI in the manner you want restricted; in an emergency).

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: to send appointment reminders in closed envelopes rather than by postcards, to send your PHI to a post office box instead of your home address, to communicate 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 Get More Information

We 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 will never penalize you for filing a complaint. To do so, please file a formal, written complaint within 180 days with:

The U.S. Department of Health & Human Services
Office of Civil Rights
200 Independence Ave., S.W.
Washington, DC 20201
877.696.6775

Or, submit a written Complaint form to us at the following address:

Dr. Roy D. Jennings Dentistry
2208 Commerce Dr.
Monroe, NC 28110
704-283-2998
HIPAA Privacy Officer: Dr. Roy D. Jennings
Email: FrontDesk@DrJenningsDDS.com

You may get your "HIPAA Complaint" form by calling our privacy officer.

These privacy practices are in accordance with the original HIPAA enforcement effective April 14, 2003, and updated to the Omnibus Rule effective September 23, 2013, and will remain in effect until we replace them as specified by Federal and/or State Law.