

KING OF PRUSSIA SURGERY CENTER, LLC

HIPAA NOTICE OF PRIVACY PRACTICES

Effective Date: January 1, 2020

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

PLEASE REVIEW IT CAREFULLY.

This notice ("Notice") is provided to you in accordance with the Health Insurance Portability and Accountability Act of 1996, and its implementing regulations, as amended by the Health Information Technology for Economic and Clinical Health Act (collectively, as amended from time to time, "HIPAA"). It is designed to tell you how we may, under Federal law, use or disclose your health information.

King of Prussia Surgery Center, LLC (sometimes referred to in this Notice as the "Center", "we" or "us") is required by law to provide you with this Notice of our legal duties and privacy practices with respect to your "protected health information" (as defined under HIPAA) that we maintain ("Health Information"). HIPAA places certain obligations upon us with regard to your Health Information and requires that we keep confidential any Health Information that identifies you. We take this obligation seriously and when we need to use or disclose your Health Information, we will comply with the full terms of this Notice.

**I. USES AND DISCLOSURES OF YOUR HEALTH INFORMATION THAT DO NOT REQUIRE
YOUR AUTHORIZATION.**

We are permitted by law to use and disclose your Health Information without your authorization under certain circumstances, as described below. This means that we do not have to ask you before we use or disclose your Health Information for purposes such as to provide you with treatment, seek payment for the services we provide to you, for our health care operations or as otherwise permitted under law.

- **Treatment, Payment and Health Care Operations.**

- o **Treatment.** We may use and disclose your Health Information to provide you with medical treatment or services. For example, we may use results of laboratory tests (such as urine or blood tests) and other Health Information that we create or receive to determine the best

treatment for you. We may disclose your Health Information to, or receive your Health Information from, physicians, physician assistants, nurses, technicians, students, and other personnel who are involved in your care. For example, a physician who you see outside of the Center, may need information relating to the treatment you received from the Center in order to ensure that you receive the proper care. We may also use your Health Information to notify you of appointments and to inform you of available treatment options and alternatives.

- o **Payment** We may use and disclose your Health Information to obtain payment for the treatment and services we provide to you, from you, the government, an insurance company or other third party. For example, we may also tell your insurer or governmental payor about a treatment you are going to receive to obtain prior approval that your plan or the government will cover the cost of the treatment.

- o **Health Care Operations** We may use and disclose your Health Information to manage our operations or the operations of another provider or payor. These uses and disclosures are necessary to run the 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 for training and evaluating the performance of our staff and health care professionals, quality assurance purposes, financial or billing audits, legal matters, and business planning and development. We may also combine Health Information about many of our patients to decide what additional services that we should offer, what services are not needed, and whether certain new treatments are effective. We may also disclose information in order to comply with reporting requirements under Federal, State, or local law. We may remove information that identifies you from certain of your Health Information so others may use it to study health care and health care delivery without learning your identity.

- **Business Associates** The Center may engage certain persons or entities to assist with or perform functions on behalf of the Center that requires access to certain Health Information for that purpose. In such event, we will require such person or entity to agree in writing to keep your Health Information confidential. For example, the Center may engage a billing company to bill and or collect on patient accounts for services provided by the Center.

- **To Other Healthcare Providers** We may disclose your Health Information to other health care professionals where it may be required by them to treat you, to obtain payment for the services they provided to you or to perform their own health care operations.

Disclosures to Relatives, Close Friends, Caregivers We may disclose your Health Information to family members and relatives, close friends, caregivers or other individuals that you may identify so long as we: (a) obtain your approval (in writing, electronically or orally); (b) provide you with the opportunity to object to the disclosure and you do not object; or (c) reasonably infer that you would not object to the disclosure.

If you are not present or, due to your incapacity or an emergency, you are unable to agree or object to a use or disclosure of your Health Information, we may exercise our professional judgment to determine whether such use or disclosure would be in your best interests. In such event, we will disclose only the information that we believe is directly relevant to such person's involvement with your care or payment related to your care. We will also disclose your Health Information in order to notify or assist with notifying such persons of your location, general condition or death. You may, at any time, request that we do not disclose your Health Information to any of these individuals. In such event, we may require you to submit such request in writing, and we will exercise our professional judgment with respect to complying with such request.

- **Public Health Activities** We may disclose your Health Information for certain public health activities as required by law, including, without limitation:

- (a) to report Health Information to public health authorities for the purpose of preventing or controlling disease, injury or disability;

- (b) to report certain immunization information where required by law, such as to the State immunization registry or to your child's school;

- (c) to report births and deaths;

- (d) to report child abuse to public health authorities or other government authorities authorized by law to receive such reports;

- (e) to report information about products and services under the jurisdiction of the U.S. Food and Drug Administration, such as reactions to medications;

- (f) to notify you and other patients of any product or medication recalls that may affect you;

- (g) to alert a person who may have been exposed to a communicable disease or may otherwise be at risk of contracting or spreading a disease or condition; and

- (h) to report information to your employer as required under laws addressing work-related illnesses and injuries or workplace medical surveillance.

- **Health Oversight Activities** We may disclose your Health Information to a health oversight agency such as Medicaid or Medicare that oversees health care systems and delivery, to

assist with audits or investigations designed for ensuring compliance with such government health care programs.

- **Victims of Abuse, Neglect, Domestic Violence** Where we have reason to believe that you are or may be a victim of abuse, neglect or domestic violence, we may disclose your Health Information to the proper governmental authority, including, without limitation, social or protective service agencies, that are authorized by law to receive such reports.
- **Judicial and Administrative Proceedings** We may disclose your Health Information pursuant to a court order, subpoena or other lawful process in the course of a judicial or administrative proceeding. For example, we may disclose your Health Information in the course of a lawsuit you have initiated against another for compensation or damage for personal injuries you received to that person or his/her insurance carrier.
- **Law Enforcement Officials** We may disclose your Health Information to police or other law enforcement officials as may be required or permitted by law or pursuant to a court order, subpoena or other lawful process, such as to police in order to identify a suspect, fugitive, material witness or missing person. We may also disclose your Health Information to police where it may concern a death we believe is a result of criminal conduct or due to criminal conduct on our premises, or where it would be necessary in an emergency to report a crime, identify a victim of a crime, or identify or locate the person who may have committed a crime.
- **Decedents** We may disclose your Health Information to medical coroners for purposes of identifying or determining cause of death or to funeral directors in order for them to carry out their duties as permitted or required by law.
- **Workers' Compensation** We may use or disclose your Health Information to the extent necessary to comply with State law for workers' compensation or other similar programs, for example, regarding a work-related injury you received.
- **Research** We may use or disclose your Health Information under certain circumstances without your written authorization for research purposes where the research committee has waived the authorization requirement.
- **Fundraising Communications** From time to time, we may contact you by phone, email or in writing to solicit tax-deductible contributions to support our activities. In doing so, we may disclose to our fundraising staff certain demographic information about you, such as your name, address and phone number, as well as certain other limited information. You have a right to opt-out of receiving these communications and may do so at any time.

- **Health or Safety** We may use or disclose your Health Information where necessary to prevent or lessen threat of imminent, serious physical violence against you or another identifiable individual, or a threat to the general public.
- **Military and Veterans** For members of the armed forces and veterans, we may disclose your Health Information as may be required by military command authorities. If you are a foreign military personnel member, your Health Information may also be released to appropriate foreign military authority.
- **Specialized Government Functions** We may disclose your Health Information to governmental units with special functions under certain circumstances. For example, your Health Information may be disclosed to any of the U.S. Armed Forces or the U.S. Department of State.
- **National Security and Intelligence Activities** We may disclose your Health Information to authorized Federal officials for purpose of intelligence, counterintelligence and other national security activities that may be authorized by law.
- **Protective Services for the President and Others** We may disclose your Health Information to authorized Federal officials for purposes of providing protection to the President of the United States, other authorized persons or foreign heads of state or for purposes of conducting special investigations.
- **Inmates** If you are an inmate in a correctional institution or otherwise in the custody of law enforcement, we may disclose your Health Information to the correctional institution or law enforcement official(s) where necessary: (a) for the institution to provide health care; (b) to protect your health and safety or the health and safety of others; or (c) for the safety and security of the correctional institution.
- **Organ and Tissue Procurement** If you are an organ donor, we may disclose your Health Information to organizations that facilitate or procure organs, tissue or eye donations or transplantation.
- **As Required by Law** We may use or disclose your Health Information in any other circumstances other than those listed above where we would be required by Federal, State or local law or regulation to do so.
- **HIE Participation** We may use or disclose your Health Information in connection with one or more electronic Health Information Exchanges (each an “HIE”) in which we participate for your treatment, to ascertain whether you have health insurance and what it may cover, and to evaluate and improve the quality of medical care provided to all of our patients. Other health care providers, such as physicians, hospitals and other health care facilities,

may also have access to your information in the HIEs for similar purposes to the extent permitted by law. You have the right to “opt-out” or decline to participate in any HIE in which we participate and, if you do opt-out, we will not further use or disclose any of your Health Information in connection with the HIEs. To “opt-out” or decline to participate in HIEs, please notify the Center’s Privacy Officer in writing using the contact information provided in Article VIII of this Notice.

II. USES AND DISCLOSURES OF YOUR HEALTH INFORMATION THAT REQUIRE YOUR WRITTEN AUTHORIZATION

In general, we will need your specific written authorization on our HIPAA Authorization Form to use or disclose your Health Information for any purpose other than those listed above in Article I. We will seek your specific written authorization to use and disclose the following information unless the use or disclosure without your written authorization is otherwise permitted or required by law, as described above:

1. **Information Related to Emancipated Treatment of a Minor** If you are a minor who sought emancipated treatment from us, such as treatment related to your pregnancy or treatment related to your child, or a sexually transmitted disease, we must obtain your specific authorization prior to disclosing any of your Health Information related to such treatment to another person, including, without limitation, your parent(s) or guardian(s), unless such disclosure is otherwise permitted by applicable State laws or Federal laws.

2. **Marketing Activities** In most cases, we must obtain your specific written authorization in order to use any of your Health Information to provide you with marketing materials by mail, email or telephone; however, we are not required to obtain your written authorization in the following situations: (a) to provide you with marketing materials during face-to-face meetings; (b) to contact you about services or products that relate to your treatment, case management, or care coordination; and (c) to contact you regarding alternative treatments, therapies, providers or care settings. If you do authorize us to send you marketing materials, you have a right to revoke such authorization at any time. If you wish to revoke your authorization, please notify the Center’s Privacy Officer in writing using the contact information provided in Article VIII of this Notice.

3. **Psychotherapy Notes** If we maintain psychotherapy notes with your patient records, we generally must obtain your specific written authorization prior to disclosing such psychotherapy notes unless otherwise permitted by law. Nevertheless, there are certain purposes for which we may disclose psychotherapy notes, without obtaining your

authorization, including, without limitation: (a) to carry out certain treatment, payment or healthcare operations (e.g., use for the purposes of your treatment, for our own training, and to defend ourselves in a legal action or other proceeding brought by you); (b) to the Secretary of the Department of Health and Human Services to determine our compliance with the law; (c) as required by law; (d) for health oversight activities authorized by law; (e) to medical examiners or coroners as permitted by State law; or (f) for the purposes of preventing or lessening a serious or imminent threat to the health or safety of a person or the public.

4. Activities Where We Receive Money for Giving Your Health Information to a Third-Party. For certain activities in which we would receive remuneration, directly or indirectly, from a third-party in exchange for your Health Information, we must obtain your specific written authorization prior to doing so. We will not require your authorization for such activities if they relate to your treatment, public health or research purposes. If you do provide us with your authorization, you have a right to revoke your authorization at any time. If you wish to revoke your authorization, please contact the Center's Privacy Officer in writing using the contact information provided in Article VIII of this Notice.

5. Special Protections for HIV, Alcohol and Substance Abuse, Mental Health and Genetic Information Certain State and Federal laws may require special privacy protections that restrict the use and disclosure of certain health information, including HIV-related information, alcohol and substance abuse information, mental health information, and genetic information. If your service involves this information, you may contact our office for more information about these protections. Generally, we will seek your authorization prior to disclosing such information unless otherwise permitted by applicable State and Federal law.

III. YOUR RIGHTS

1. Right to Request Additional Restrictions Under certain circumstances, you have the right to request restrictions on the uses and disclosures of your Health Information, such as:

- (a) For treatment, payment and health care operations;
- (b) To individuals involved in your care or payment related to your care; or
- (c) To notify or assist individuals' locating you or obtaining information about your condition.

Although we will carefully consider all requests for additional restrictions on how we will use or disclose your Health Information, we may not (and are not required to) agree to your

requested restrictions, with one exception. Upon your request, we will not disclose your Health Information to your health plan if (i) the disclosure is for the purpose of carrying out payment or health care operations and is not otherwise required by law, and (ii) the Health Information pertains solely to a health care item or service for which you or your representative have paid us for in full and out-of-pocket. To be considered by the Center, all requests for such restrictions on use and disclosure must be in writing and must be submitted to the Center's Privacy Officer using the contact information provided in Article VIII of this Notice.

2. Right to Confidential Communications You have the right to make a written request to receive your Health Information by an alternative and reasonable means of communication or at alternative locations, and we will try to accommodate such requests to the extent reasonable.

3. Right to Inspect/Copy Health Information You have the right to inspect and request copies of your Health Information that we maintain in an electronic designated record set; however, we may deny such request under limited circumstances. You may request a copy of such Health Information in any reasonable electronic format that is readily producible by us. We will notify you if we are denying your request and you can appeal that denial. We may charge you a reasonable fee for paper copies of your Health Information or the amount of our reasonable labor costs for a copy of your Health Information in an electronic format.

4. Right to Notice of Breach We are required by law to protect the privacy and security of your Health Information through appropriate safeguards. We will notify you in the event a breach occurs involving your unsecured Health Information and inform you of what steps you may need to take to protect yourself.

5. Right to Paper Copy of Notice of Privacy Practices You may, at any time, request a paper copy of this Notice from the Center's Privacy Officer, even if you previously agreed to receive this Notice by email or other electronic format.

6. Right to Revoke Authorization After providing the Center with your authorization to use and disclose your Health Information, you may, at any time revoke, such authorization, regardless of whether your initial authorization was given verbally or in writing. You are generally required to revoke your authorization in writing, which must be sent to the Center's Privacy Officer using the contact information provided in Article VIII of this Notice. Such request for revocation will be granted, except to the extent we have already taken action in reliance upon your authorization.

7. Right to Request Amendment You may request that we amend, or change, your Health Information that we maintain by making such request to the Center's Privacy Officer in

writing, using the contact information provided in Article VIII of this Notice. We may deny your request under certain circumstances, in which case we will provide you with a written notice explaining such denial. If you object to such denial, you can file a statement of disagreement that will be included with your Health Information that you believe is incorrect or incomplete.

8. Right to an Accounting You may request an accounting of certain disclosures we have made of your Health Information within the period of 6 years from the date of your request for the accounting. The first accounting we provide to you in any 12-month period will be without charge to you for that service. We may charge you a reasonable fee to cover the cost for each subsequent request for an accounting within the same 12-month period. To request an accounting of the applicable disclosures of your Health Information, you must submit such request to the Center's Privacy Officer in writing, using the contact information provided in Article VIII of this Notice.

IV. OUR DUTIES

We are required by law to maintain the privacy of your Health Information and to provide you with a copy of this Notice. We are also required to abide by the terms of this Notice.

HIPAA generally does not "pre-empt" (or take precedence over) applicable State laws that provide greater privacy protections to individuals than those provided under HIPAA. Therefore, to the extent State law applies that is more stringent than HIPAA, we may be required to operate under that applicable State privacy standard.

V. CHANGES TO THIS NOTICE

We reserve the right to amend this Notice at any time and to make the new Notice provisions applicable to all your Health Information, even if the Health Information was created prior to the effective date of the change to the Notice. If we do change this Notice, we will only make changes to the extent permitted by law. We will also make the revised Notice available to you by posting it in a place where individuals seeking services from us will be able to read the Notice, as well as on our website provided in Article IX of this

Notice. You may obtain the new Notice in hard copy, as well, by requesting a copy from the Center's Privacy Officer.

VI. COMPLAINTS TO THE GOVERNMENT

You may make complaints to the Secretary of the U.S. Department of Health and Human Services if you believe your privacy rights with respect to your Health Information have been violated.

We will not to retaliate against you for any complaint you make to the Center or to the government about our privacy practices.

VII. GENERAL

This Notice is not intended to create any contractual or other rights between you or any third party and the Center, independent of those rights expressly established under the Federal Privacy Rule under HIPAA.

VIII. CONTACT INFORMATION

You may contact the Center about our privacy practices by writing or calling the Center's Privacy Officer.

KING OF PRUSSIA SURGERY CENTER, LLC

950 PULASKI DRIVE, SUITE 140

KING OF PRUSSIA, PA 19406

ATTN: PRIVACY OFFICER

Phone: (610) 798-6054

You may contact the U.S. Department of Health and Human Services at:

Office for Civil Rights U.S. Department of Health and Human Services

150 S. Independence Mall West

Suite 372, Public Ledger Building

Philadelphia, PA 19106-9111

Phone: (800) 368-1019

TDD: (800) 537-7697

Fax: (202) 619-3818

Email: ocrmail@hhs.gov