

White Birch Oral Surgery, PLLC
44 Dover Point Road, Unit C
Dover, NH 03820

POLICY ON EXERCISING PATIENT RIGHTS RELATED TO
PROTECTED HEALTH INFORMATION

POLICY:

White Birch Oral Surgery, PLLC (White Birch) will respond appropriately to patients' requests to exercise the rights granted to them by the Health Insurance Portability and Accountability Act of 1996 (HIPAA) in accordance with state and federal laws and regulations. All terms used in the Policy shall have the same meaning ascribed to them under the HIPAA Privacy Rule.

PURPOSE:

1. Patients are granted numerous rights as regards their protected health information (PHI) by HIPAA:
2. The right to inspect their PHI and to obtain a copy of it;
3. The right to request an amendment to their PHI;
4. The right to an accounting of disclosures maybe by White Birch;
5. The right to request restrictions on the uses and disclosures of their PHI made by White Birch;
6. The right to request that White Birch communicate with them about their PHI at an alternative location (e.g., at work instead of at home) or via alternative means (e.g., mail only); and
7. The right to receive a paper copy of White Birch's Notice of Privacy Practices even if the patient has requested the Notice electronically.

Each of these rights is described in some detail in the White Birch's Notice of Privacy Practices, including a description of any limitations to a specific right. In addition, some of the rights require action on the part of the patient before White Birch can respond. This Policy describes each of the rights granted to patients under HIPAA, what the patient must do to exercise each right, further details about the limitations, if any, associated with each right, and how White Birch will respond to patients who want to exercise their rights.

PROCEDURES:

1. **Right to Inspect and Receive a Copy of the Patient's PHI.** Patients have the right to inspect and to obtain a copy of their PHI, White Birch must act on the request for access no later than thirty (30) days after receipt of the request. This right, however, has some limitations
 - a) A patient must request to access, inspect, or obtain a copy of his/her PHI in writing (see 1.b below);
 - b) The patient may only access, inspect, and/or obtain a copy of his/her PHI in a "designated record set." The designated record set does not include, and the patient may not access:
 1. PHI that is compiled in reasonable anticipation of, or for us in, a civil, criminal, or administrative action or proceeding;

2. PHI that is subject to the Clinical Laboratory Improvements Amendments of 1988 (CLIA); and
 3. PHI was obtained from someone other than a health care provider under the promise of confidentiality and the access requested would be reasonably likely to reveal the source of the information.
- c) White Birch can provide a summary of the patient's PHI in lieu of granting access to all the patient's PHI if, in the professional judgment of the patient's provider, providing the patient with unlimited access to his/her PHI would endanger the life or physical safety of the patient or another person. In such case, the patient has the right to have the denial reviewed by a licensed health care provider who is designated by White Birch to act as a reviewing official and who did not participate in the original decision to deny. White Birch must provide or deny access in accordance with the determination of the reviewing officer.
- d) If the patient wants to access or inspect his/her PHI, White Birch can:
1. Require the patient to come to White Birch's office during normal business hours in order to access or inspect his/her PHI; and
 2. Have a records custodian or other employee be physically present for the access or inspection.
2. **Right to Request Amendments/Right to an Accounting of Disclosures/Right to Request Restrictions.** A patient's request to exercise any of these rights will be processed by the HIPAA Privacy Officer within the timeframes required by law once a written request from the patient is received by the HIPAA Privacy Officer. White Birch shall act upon the patient's request within the time frame required in HIPAA. A patient has the right to restrict the disclosure of PHI if the disclosure is to be a health plan for purposes of carrying out of payment or health care operations (but not treatment) and the PHI pertains solely to a health care item or service for which the health care provider involved has been paid out of pocket in full.
 3. **Request for Communications at an Alternative Location or by Alternative Means.** Patients may request White Birch communicate with them about medical matters in a certain way (e.g., by mail only) or at a certain location (e.g., at work). The individual receiving a request from the patient for communications at an alternative location or by alternative means should ask the patient to submit the request in writing.
 4. **Right to a Paper Copy of the White Birch's Notice of Privacy Practices.** Any person who requests a copy of the White Birch Notice of Privacy Practices should be given a copy.
 5. **Document Retention.** All documentation relating to requests for a patient's PHI will be maintained for a minimum of six (6) years.