Privacy Notice

This notice is required by the Privacy Regulations adopted pursuant to the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA as amended by the Health Information Technology for Economic and Clinical Health Act of 2009 (HITECH) and as further amended on January 17, 2013 under the Omnibus Rule of 2013).

This notice describes how medical information about your child may be used and disclosed, and how you can get access to this information. **Please review it carefully. The effective date of this notice was April 14, 2003 and has been revised effective July 1, 2013.**

If you have any questions about this notice, please contact the Children's Healthcare of Atlanta Privacy Officer at 404-250-KIDS.

Who will follow this notice:

This notice describes the privacy practices of Children's related to medical information generated at Children's. This notice applies to Children's Healthcare of Atlanta and:

- All departments and units of Children's
- Any member of a volunteer group we allow to help you or your child while your child is at Children's
- All employees, professional staff and other personnel at Children's
- Business Associates of Children's such as patient safety organizations, health information organizations or providers of data transmission services

Children's entities that will abide by this notice include, but are not limited to:

- Children's Healthcare of Atlanta at Egleston and affiliated locations
- Children's Healthcare of Atlanta at Hughes Spalding and HSOC
- Children's Healthcare of Atlanta at Scottish Rite and affiliated locations
- Marcus Autism Center
- The Children's Healthcare of Atlanta Foundation
- The Children's Surgery Center at Meridian Mark
- Children's Healthcare of Atlanta Specialty Services
- Other entities affiliated with Children's

* This notice is written using the subject "your child." For emancipated minors or patients older than 18 years of age and for employees at Children's receiving care from Employee Health, this notice also applies and, in these situationts, "you" should be substituted for "your child."

Entities that are not part of Children's Healthcare of Atlanta, but are integral to the care of patients at Children's, include but are not limited to: the Emory Clinic, Children's Diagnostic Imaging Associates, and Pediatric Emergency Medical Associates. Information may be shared among these entities for treatment, payment or hospital operations purposes, according to written agreements that require these entities to treat the information as confidential. In addition, Children's and members of our Medical Staff participate in the organized healthcare arrangement described below. Children's and members of the Medical Staff may share information about patients with each other as necessary to carry out their treatment, payment and healthcare operations related to the organized healthcare arrangement.

OUR PLEDGE REGARDING MEDICAL INFORMATION:

We understand that medical information about your child and your child's health is personal. We are committed to protecting medical information about your child. We create a record of the care and services your child receives at Children's. We need this record to provide your child with quality care and to comply with certain legal requirements. This notice applies to all of the records of your child's care created or maintained by Children's, whether made by Children's personnel or your child's personal doctor while at Children's. Your child's personal doctor and other doctors involved in your child's care may have different policies or notices regarding the doctor's use and disclosure of your child's medical information created in the doctor's office.

This notice will tell you about the ways in which we may use and disclose medical information about your child. We will also describe your rights and certain obligations we have regarding the use and disclosure of medical information.

We are required by law to:

- Make sure medical information that identifies your child is kept private;
- Give you this notice of our legal duties and privacy practices with respect to medical information about your child; and
- Follow the terms of the notice that is currently in effect.

How we may use and disclose medical information about your child:

The following categories describe different ways that we use and disclose medical 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 these categories.

1. For treatment. We may use medical information about your child to provide your child with medical treatment or services. We may disclose medical information about your child to doctors, nurses, technicians or other personnel at Children's (employed or approved by Children's to participate in patient care at Children's) who are involved in taking care of your child at Children's. For example, a doctor treating your child for a broken leg may need to know if your child has diabetes because diabetes may slow the healing process. In addition, the doctor may need to tell the dietician if your child has diabetes so we can arrange for appropriate meals. Different departments at Children's also may share medical information about your child in order to coordinate the care your child needs, such as prescriptions, lab work and X-rays. We may also disclose medical information about your child to people outside of Children's who may be involved in your child's medical care after you leave Children's, such as family members and clergy. We may disclose information about your child's care to any doctor identified as a provider of medical care to your child, even if that doctor is not a direct participant in a given episode of care at Children's. For example, it is routine for Children's to provide information about your child's care to your child's primary care provider (PCP). Children's believes that family support is important to the care of a child. Accordingly, at Children's there are many support service staff workers, such as child life workers, social workers and chaplains, who are active participants in the care of families at Children's, and these professionals routinely have access to and document in medical records.

2. For payment. We may use and disclose medical information about your child so that the treatment and services your child receives at Children's may be billed and payment may be collected from you, an insurance company or a third party. For example, we may need to give your health plan information about a procedure your child received at Children's so your health plan will pay Children's or reimburse you. We also may tell your health plan about a treatment your child is going to receive to obtain prior approval or to determine whether your plan will cover the treatment.

3. For healthcare operations. We may use and disclose medical information about your child for hospital operations. These uses and disclosures are necessary to run Children's and make sure all of our patients receive quality care. For example, we may use medical information to review our treatment and services and to evaluate the performance of our staff in caring for your child. We also may combine medical information about many Children's patients to decide what additional services Children's should offer, what services are not needed, and whether certain new treatments are effective. We also may disclose information to doctors, nurses, technicians, medical students and other Children's personnel for review and learning purposes. We also may combine the medical information we have with medical information from other healthcare providers to compare how we are doing and see where we can make improvements in the care and services we offer. We may remove information that indentifies your child so others may use the medical information to study healthcare and healthcare delivery. Finally, we may share information about your child with clinical managers or clinicians caring for other children at Children's if this information could be important to these individuals in order to protect other patients at Children's or to comply with the regulations of governmental agencies.

4. With the Children's medical staff. Doctors and other healthcare providers who are members of the Children's Medical Staff work together in an organized healthcare arrangement to provide medical services to patients. These teams may share patient health information with each other to carry out treatment, payment and healthcare operations relating to patients at Children's.

5. Business associates. During the course of providing treatment to your child, obtaining payment for your child's care and conducting normal hospital operations, Children's works with business partners. For example, Children's works with computer software and hardware companies. Though every reasonable attempt will be made by Children's to limit access by business partners to patient information, it is impossible to prevent all such access. Therefore, Children's requires of all business partners contractual agreements that require these business partners to limit their access to patient information to that which is necessary or unavoidable. Furthermore, our contracts with business partners require that all access to patient information that does occur will be managed according to strict principles of confidentiality and privacy. These partners are required to follow the same privacy laws as Children's, including protecting your information and taking appropriate measures in the event of a breach.

6. Appointment reminders. Children's may use and disclose medical information to contact you as a reminder that your child has an appointment for treatment or medical care at Children's.

7. Treatment alternatives. We may use and disclose medical information to tell you about or recommend possible treatment options or alternatives that our staff have determined to possibly be of benefit to your child.

8. Children's services. We may use medical information about your child to generate notices of additional services available to your child at Children's.

9. Marketing activities. We must also obtain your written permission (authorization) prior to using your PHI to send you any marketing materials. We may not sell your PHI without your written authorization. However, we may communicate with you about some products or services related to your treatment, case management, care coordination, alternative treatments, therapies, healthcare providers, or care settings without your permission. Marketing activities do not include a communication made to you to provide refill reminders or otherwise communicate about a drug or biologic that is currently being prescribed for you. Communications for activities such as providing information about a generic equivalent of a drug being prescribed to you, as well as adherence communications encouraging you to take your prescribed medication as directed are excluded from marketing activities.

In situations where marketing communications involve financial compensation, Children's will obtain a valid authorization from you before using or disclosing PHI for such purposes. The disclosure will indicate that we are receiving financial compensation from a third party. Additionally, where we have an arrangement with a business associate (including a subcontractor, who receives financial compensation from a third party in exchange for making a communication about a product or service, such communication also requires your prior authorization.

10. Fundraising activities. We may use your child's demographic information, the dates on which your child was treated at Children's, the department in which your child was treated, the outcome of your child's treatment, your child's treating physician and your child's insurance status to contact you in an effort to raise money for Children's and its operations. We may disclose this same information to the Children's Healthcare of Atlanta Foundation so that the Foundation may contact you in raising money for Children's. If you do not want Children's to contact you for fundraising efforts, you have the right to opt-out of these communications.

11. The Children's directory. We may include certain limited information about your child in the Children's directory while your child is a patient at Children's. This information may include your child's name, location in Children's and your family's religious affiliation. The directory information, except for religious affiliation, also may be released to people who ask for your child by name. Your religious affiliation may be given to clergy members, such as a priest or rabbi, even if they do not ask for your child by name. This is so your family, friends and clergy can visit your child at Children's and so that we may provide appropriate spiritual support to you and your child. If you do not wish for the fact that your child is a patient at Children's to be disclosedto someone asking about your child, you can have your child designated as a "privacy patient." You may do this by simply asking your child's nurse to place such a designation by your child's name in the Children's computer system. Locations with the primary purpose of treatment for substance abuse or psychiatric-related concerns will default all patients to "privacy patient" status and information will not be released via the Children's Directory.

12. Members of the media. A one-word condition and location of your child may be released to members of the media only if the inquiry specifically contains your child's name. No information will be given to a member of the media if a request does not include your child's name.

13. Individuals involved in your child's care. We may release medical information about your child to a friend or family member who is actively involved in your child's medical care. We also may release medical information to someone who helps pay for your child's care. This would be the minimum information necessary to facilitate payment.

14. Disaster relief. We may disclose medical information about your child to any entity assisting in a disaster relief effort so that your family can be notified about your child's condition, status and location.

15. Research. Under certain circumstances, we may use and disclose medical information about your child for research purposes. For example, a research project may involve comparing the health and recovery of all patients who received one medicine to those who received another, for the same condition. All research projects must be approved through a special approval process. Uses and disclosures of medical information about your child for research purposes fall under specific rules determined by confidentiality laws. In some instances, federal law allows us to use your child's medical information for research without your authorization, provided we get approval from the special review board. These studies will not affect your child's treatment or welfare, and your child's medical information will continue to be protected. We may disclose medical information about your child to researchers preparing to conduct a research project. For example, we may allow researchers to review patient records to help them determine if a particular research project will be successful. We always require that researchers honor the confidential nature of your child's medical information. Finally, it is required that all approved research studies that are published remove specific identifiers from the results; that is, in no way will a reader of the publication be able to identify your child with the medical information included in the publication.

16. As required by law. We will disclose medical information about your child when required to do so by federal, state or local law.

17. To avert a serious threat to health or safety. We may use and disclose medical information about your child when necessary to prevent a serious threat to your child's health and safety or to the health and safety of others. Any disclosure, however, would only be to someone able to help prevent the threat. For example, if the Emergency department of another hospital calls Children's and requires information about your child to treat your child in an emergency, the necessary information will be released to that Emergency department.

Special situations:

18. Psychotherapy notes. Psychotherapy notes are notes recorded (in any medium) by a mental health professional for the purpose of documenting or analyzing the contents of conversation during a private counseling session or a group, joint, or family counseling session involving you and/

or your treatment. Psychotherapy notes are separated from the rest of the your medical record and exclude medication prescription and monitoring, counseling session start and stop times, the modalities and frequencies of treatment furnished, results of clinical tests, and any summary of the following items: diagnosis, functional status, the treatment plan, symptoms, prognosis, and progress to date. Psychotherapy notes may not be disclosed without your authorization except in the following limited circumstances:

- Use or disclosure in supervised mental health training programs for students, trainees, or practitioners;
- Use or disclosure by the covered entity to defend a legal action or other proceeding brought by the individual;
- Use or disclosure that is required by law;
- Use or disclosure that is permitted:
  - for legal and clinical oversight of the psychotherapist who made the notes;
  - to prevent or lessen a serious and imminent threat to your health and safety and for the health or safety of the public.

19. Organ and tissue donation, implants and selected pharmaceutical recipients. If your child is an organ donor, we may release medical information to organizations that manage organ procurement or organ, eye or tissue transplantation or to an organ donation bank, as necessary to facilitate organ or tissue donation and transplantation. If your child is the recipient of an implant, a selected pharmaceutical or other invasive therapy involved in a safety review, we may release information to organizations, such as governmental agencies or pharmaceutical companies, when it is clearly in the best interest of your child's health and safety.

20. Military and veterans. If you are a member of the armed forces, we may release medical information about your child as required by military command authorities. We also may release medical information about foreign military personnel to the appropriate foreign military authorities.

21. Workers' compensation. We may release medical information about your child for workers' compensation or similar programs. These programs provide benefits for work-related injuries or illness.

22. Public health activities. We may disclose medical information about your child 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 reactions to medicines or problems with products;
- To notify people of recalls of products they may be using;
- 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 when required or authorized by law.

23. Health oversight activities. We may disclose medical 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 healthcare system, government programs and compliance with civil rights laws.

24. Lawsuits and disputes. If you are involved in a lawsuit or a dispute, we may disclose information about your child in response to a court or administrative order. We also may disclose medical information about your child in response to a subpoena, search warrant, discovery request or other lawful process by someone else involved in the dispute.

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

- In response to a court order, subpoena, warrant, summons or similar process;
- To identify or locate a suspect, fugitive, material witness or missing person;
- About the victim of a crime if, 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 Children's; 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.

26. Coroners, medical examiners and funeral directors. We may release medical information to a coroner or medical examiner. This may be necessary, for example, to identify a deceased person or determine the cause of death. We also may release medical information about Children's patients to funeral directors as necessary to carry out their duties.

27. National security and intelligence activities. We may release medical information about your child to authorized federal officials for intelligence, counterintelligence and other national security activities authorized by law.

28. Protective services for the president and others. We may disclose medical information about your child to authorized federal officials so they may provide protection to the President, other authorized persons or foreign heads of state or to conduct special investigations.

29. Inmates. If your child is an inmate of a correctional institution or under the custody of a law enforcement official, we may release medical information about your child to the correctional institution or law enforcement official. This release would be necessary: (1) for the institution to provide your child with healthcare; (2) to protect your child's health and safety or the health and safety of others; or (3) for the safety and security of the individuals housed in the correctional institution.

30. Breaches. In the event of a known or suspected violation of your privacy, we may disclose facts including some patient information to you, investigating authorities, and/or the U.S. Department of Health and Human Services. We may also share information regarding the breach with the news media, but would not provide them with any identifiable information about you or your child.

31. Health information exchange. Children's participates in certain electronic Health Information Exchanges (HIEs) which allow your child's medical information to be shared electronically with other hospitals, doctors, and/or medical persons or facilities involved in your child's treatment. We may share clinical information with other providers - including your medical history, diagnoses, notes, test results, current medications, allergies, immunizations and other clinical information vital to your child's care. We may also receive and maintain medical information about your child from other physicians who have provided your child with medical care. Providers need access to as much useful information as possible while treating their patients and viewing your child's medical history helps providers make better decisions about your child's care. For example, if your child is admitted to the hospital on an emergency basis and you cannot provide important information about his/her health condition, access to the HIEs in which Children's participates will help those who need to treat your child at the hospital. You have the right to opt out of these HIEs at any time. Additional information and Opt-Out forms can be found on our website, www.choa.org/hie.

Your rights regarding medical information about your child:

You have the following rights regarding medical information we maintain about your child:

1. Right to inspect and copy. You have the right to inspect and obtain a copy of medical information that may be used to make decisions about your child's care. This includes medical and billing records in physical form or electronic copy. To inspect and/or copy medical information that may be used to make decisions about your child, you must submit your request in writing to the manager of Medical Records at Children's at Egleston, Children's at Hughes Spalding or Children's at Scottish Rite (or his/her designee). If you request a copy of the information, we may charge a fee for the costs of copying, mailing or other supplies associated with your request. We may deny your request to inspect and copy in certain, very limited circumstances. If you are denied access to medical information, you may request that the denial be reviewed. Another licensed healthcare professional chosen by Children's will review your request and the denial. The person conducting the review will not be the person who denied your original request. We will comply with the outcome of the review.

2. Right to request third-party disclosure. You have the right to request that information regarding your child's care be sent to a third party. Your request must be signed, in writing and must clearly designate the third party to whom Children's should send the requested information. We may charge a fee for the costs of copying, mailing or other supplies associated with your request.

3. Right to amend. If you feel that medical information we have about your child is incorrect or incomplete, you may ask us to change the information. You have the right to request a change for as long as the information is kept

by or for Children's. To request a change, your request must be made in writing and submitted to the Children's Privacy Officer.

Due to the technology used to store information and the laws requiring Children's to retain information in its original text, Children's may not be able to permanently delete information, even if it is identified as incorrect. If Children's decides that it should correct or add information, it will correct or add information to your records and note that the new information takes the place of the old information. The old information may remain in your record. Children's will tell you when the information has been added or corrected. Children's will also tell its business associates that need to know about the change to your protected health information.

Your request for amendment must provide a reason to support your request; outlining what information needs to be changed and why the information is incorrect. We may deny your request for a change 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 change;
- Is not part of the medical information kept by or for Children's;
- Is not part of the information which you would be permitted to inspect and copy; or
- Is already accurate and complete.

If your request if denied, Children's will send communication of the denial in writing. The denial will explain why your request was denied and your right to submit a written statement of why you disagree with Children's denial. Children's denial will also tell you how to submit a complaint to Children's or to the Secretary of the Department of Health and Human Services. If you send Children's a written statement of disagreement with the denial, Children's can file a written reply to your statement. Children's will provide you with a copy of any written reply. If you file a written statement disagreeing with the denial, Children's must include your request for an amendment, the denial, and your written statement of disagreement and any reply when Children's discloses the protected health information that you asked to be changed. Even if you do not send Children's a written statement explaining why you disagree with the denial, you can ask that your request and Children's denial be attached to all future disclosures of the protected health information that you wanted changed.

4. Right to an accounting of disclosures. You have the right to request an "accounting of disclosures." This is a list of the disclosures we made of medical information about your child. Exceptions: Disclosures as a result of a valid authorization and disclosure to individuals made as part of activities 1 to 17, 23, 25, and 30 above may not be available (every therapist, nurse, etc. involved in your child's care; every audit of care provided, etc.) and may not, therefore, be included in the accounting of disclosures provided to you. To request this list or accounting of disclosures, you must submit your request in writing to the Children's Privacy Officer. Your request must state a time period, which may not be longer than six years and may not include dates before April 26, 2003. The first list you request within a 12-month period will be free of charge. For additional lists, we may charge you for the costs of providing the list. We will notify you of the cost prior to providing the list, and you may choose to withdraw or modify your request at that time—before any costs are incurred.

5. Right to request restrictions. You have the right to request a restriction or limitation on the medical information we use or disclose about your child. You also have the right to request a limit on the medical information we disclose about your child to someone who is involved in your child's care or who pays for your child's care, such as a family member or friend. For example, you could ask that we not use or disclose information about a surgery your child had to a specific family member who is not a legal guardian. We are not required to agree to all of your requests. In particular, we will not agree if we have any concern that this could compromise our ability to provide appropriate care to your child. Also, we cannot agree to deny access to your child's records by a parent, legal guardian or the child himself, if the child is older than age 18. You do have the right to restrict disclosures of medical information to a health plan if the disclosure is for payment or healthcare operations and pertains to a healthcare item or service for which you have paid out-of-pocket in full. To request restrictions, you must make your request in writing to the Children's Privacy Officer. In your request, you must tell us: (1) what information you want to limit; (2) whether you want to limit our use, disclosure or both; (3) to whom you want the limits to apply.

6. Right to request confidential communications. You have the right to request that we communicate with you about your child's medical 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. We will make reasonable efforts to comply. We reserve the right to take back our agreement should we feel this is necessary to protect your child. To request confidential communications, you must make your request in writing to the Children's Privacy Officer. We will not ask you the reason for your request. We will make reasonable efforts to accommodate all reasonable requests. Your request must specify how or where you wish to be contacted.

7. Right to a paper copy of this notice. You have the right to a paper copy of this notice. You may ask us to give you a copy of this notice at any time. Even if you have agreed to receive this notice electronically, you are still entitled to a paper copy of this notice. You may obtain a copy of this notice at our website, www.choa.org, or to obtain a paper copy of this notice, contact the Children's Privacy Officer.

8. Right to be notified following a breach of unsecured medical information. You have a right to and will receive notifications of breaches affecting your child's medical information. A breach means the access, use or disclosure of your child's unsecured protected health information in a manner not permitted under HIPAA. If this occurs, you will be provided information about the breach, information about the steps Children's has taken to minimize harm as a result of the breach and how you can lessen any harm as a result of the breach.

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 medical information we already have about your child, as well as any information we receive in the future. We will post a copy of the current notice at Children's. The notice will contain on the last page, in the bottom left-hand corner, the effective date. In addition, each time your child registers at or is admitted to Children's for treatment or healthcare services as an inpatient or outpatient, we will offer you a copy of the current notice in effect.

Complaints:

If you believe your privacy rights have been violated, contact a Children's patient representative to assist you in filing a written complaint to the Children's Privacy Officer. Alternatively, you may submit a complaint in writing by mail to the Children's Privacy Officer using the address of either Children's at Egleston, Children's at Hughes Spalding or Children's at Scottish Rite.

All complaints must be in writing.

You may also send a written complaint to the U.S. Department of Health and Human Services at:

Region IV, Office for Civil Rights, DHHS

61 Forsyth Street, SW, Suite 16T70

Atlanta, GA 30303-8909

FAX (404) 562-7881

Complaints filed directly with the Secretary must: (1) be in writing; (2) contain the name of the entity against which the complaint is lodged; (3) describe the relevant problems; and (4) be filed within 180 days of the time you became or should have become aware of the problem.

Neither you nor your child will be penalized in any way for filing a complaint.

Other uses of medical information:

Other uses and disclosures of medical information not covered by this notice or state or federal laws that apply to Children's will be made only with your written permission. If you provide us permission to use or disclose medical information about your child, you may revoke that permission, in writing, at any time. If you revoke your permission, we will no longer use or disclose medical information about your child for the reasons covered by your written authorization. Children's is unable to take back any disclosures we have already made prior to your revocation of permission to disclose.

Children's Healthcare of Atlanta at Hughes Spalding is owned by Grady Health System® and managed by HSOC Inc., an affiliate of Children's.

Children's Healthcare of Atlanta Surgery Center at Meridian Mark Plaza, LLC is an affiliate of Children's. It is a joint venture with Children's at Scottish Rite as the majority owner with physician investors as partners.

Some physicians and affiliated healthcare professionals on the Children's Healthcare of Atlanta team are independent providers and are not our employees.

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