



For our patients. For the future.

Dear CapitalCare patient:

We have always worked very hard to protect the privacy of your personal health information. Public Health laws in New York State have very strict provisions relating to the confidentiality of health information and the Federal Government has issued new regulations that will help create standards for privacy and security across the country, and across all health organizations.

The new Federal regulation, known as the Health Insurance Accountability and Portability Act of 1996 (HIPAA) also requires that we post this information on our website. If you wish, you may print this acknowledgement form sign it and bring it with you to your next office visit. If you prefer, our staff will present you with a paper copy and ask you to acknowledge receipt of this information at your next visit.

Please take the time to read this notice carefully. If you have any questions or concerns with, or difficulty understanding any of the information or the provisions contained in this notice, please contact CapitalCare. Contact information can be found in the final paragraph of the attached notice.

Yours truly,

Louis S. Snitkoff, MD, FACP  
Chief Privacy Officer

**CAPITALCARE MEDICAL GROUP, LLC  
NOTICE OF PRIVACY PRACTICES  
ACKNOWLEDGEMENT**

I, (print name) \_\_\_\_\_, a patient of CapitalCare Medical Group, LLC, have been furnished with a copy of CapitalCare's Notice of Privacy Practices effective April 14, 2003. I hereby acknowledge receipt of this notice.

\_\_\_\_\_  
Signature of Patient  
(or parent or guardian, if applicable)

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Address



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## **CAPITALCARE MEDICAL GROUP, LLC NOTICE OF PRIVACY PRACTICES**

**THIS NOTICE DESCRIBES HOW HEALTH RELATED INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED, AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY. THIS IS YOUR COPY; KEEP IT WITH YOUR HEALTH RELATED RECORDS FOR FUTURE REFERENCE.**

### **Understanding Your Health-Related Information**

Each time you visit CapitalCare, a confidential record of your visit is made. Typically, this record contains your symptoms, examination and test results, diagnoses, treatments and plans for future care or treatments. This information, often referred to as your medical record, serves as:

- a basis for planning your care and treatment;
- a means of communication among the many health professionals who are involved with your care;
- a document describing the care you received;
- a means by which you or a third-party payer can verify that services billed were actually provided;
- a tool in educating health professionals; and
- a tool by which CapitalCare can assess and continually work to improve the services that CapitalCare renders.

Understanding what is in your medical record, and how your health information is used, helps you to:

- ensure its accuracy;
- better understand who, what, when, where, and why others may access your health-related information; and
- make more informed decisions when authorizing disclosure to others.

### **Examples of Disclosures for Treatment, Payment and Health Operations**

CapitalCare is a health care provider that may transmit your health-related information in electronic form in connection with treatment, payment and operations activities, and thus is a covered entity for purposes of the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”). CapitalCare is required to furnish this notice to you, and to furnish you with an adequate description of the uses of your health-related information that are permitted under HIPAA and other laws.

#### **CapitalCare will use your health-related information for your treatment**

*For example:* Information obtained by a nurse, physician, or other member of CapitalCare’s health care team will be recorded in your medical record and used to determine the course of treatment that should work best for you. CapitalCare will also provide a subsequent health care provider with copies of various reports that should assist him or her in treating you.

## **CapitalCare will use your health-related information for payment**

*For example:* A bill for services provided to you by CapitalCare may be sent to you or a third-party payer. The information on or accompanying the bill may include information that identifies you, as well as your diagnosis, procedures and supplies used.

## **CapitalCare will use your health-related information for its day-to-day health operations**

*For example:* Members of CapitalCare's health care team may use information in your medical record to assess the care and outcomes in your case and others like it. This information will then be used in an effort to continually improve the quality and effectiveness of the health care and service CapitalCare provides.

## **Other examples of how CapitalCare may use your health-related information**

*Business associates:* There are some services provided by CapitalCare through contracts with other entities. These services include: medical transcription services; professional health care compliance consultants; document storage and destruction services; vendors providing and servicing computer information systems; general and professional liability insurance carriers and brokers; financial statement auditors; attorneys and legal counselors. When these services are contracted, CapitalCare may disclose your health-related information to other entities so that they can perform the job we have contracted with them to do. To protect your health-related information, however, CapitalCare requires such entities appropriately to safeguard your health-related information.

*Notification:* CapitalCare may use or disclose health-related information to notify or assist in notifying a family member, personal representative, or another person responsible for your care, of your whereabouts and general condition in the event of a sudden illness or medical emergency.

*Communication with family:* Health professionals, using their best judgment, may disclose health-related information to a family member, other relative, close personal friend or any other person you identify, which is relevant to your care or payment for such care.

*Funeral directors:* CapitalCare may disclose health-related information to funeral directors, consistent with applicable law, to carry out their duties.

*Organ procurement organizations:* Consistent with applicable law, CapitalCare may disclose health-related information to organ procurement organizations or other related entities engaged for the purpose of tissue donation and transplant.

*Marketing:* CapitalCare may contact you to provide appointment reminders or information about treatment alternatives or other health-related benefits and services that may be of interest to you.

*Public health:* As required by law, CapitalCare may disclose your health-related information to public health or legal authorities charged with preventing or controlling disease, injury, or disability. For example, CapitalCare will disclose health-related information concerning certain communicable diseases, as required by law, to the New York State Department of Health. CapitalCare may also share immunization information with public health agencies that monitor immunization rates.

*Law enforcement:* As required by law, CapitalCare will disclose health-related information for law enforcement purposes or in response to a valid court order or subpoena. This includes mandatory reporting of child abuse, or suspected child abuse, to the Child Protective Service of the New York State Department of Social Services.

*Disability determinations:* CapitalCare may disclose health-related information to the extent necessary for determination on your behalf of medical disability in the event of illness or injury.

*Medical records audits or reviews:* CapitalCare may disclose health-related information if required to do so during the course of a medical record audit or review conducted from time to time by Medicare or other third-party payers.

## **Your Health-Related Information Rights**

Although your medical record is the physical property of CapitalCare, the health-related information in it belongs to you, and you enjoy numerous rights with respect to your health-related information. You have the right:

- to ask CapitalCare to restrict certain uses and disclosures of your health-related information; however, CapitalCare is not required to agree to any such restrictions;
- to receive confidential communications concerning your health-related information;
- to inspect and obtain a copy of your medical record;
- to amend your medical record;
- to obtain an accounting of the disclosures made by CapitalCare of your health-related information;
- to request a paper copy of this notice if it was furnished to you by electronic or other alternative means; and

to access your health-related information within a certain prescribed period of time, subject to certain limitations, and to request an appeal of a denial of access to your health-related information.

There may be other Federal and New York State laws that furnish you with additional rights. Simply because CapitalCare may disclose your health-related information under HIPAA does not mean that CapitalCare can necessarily disclose all of your health-related information without additional permission to do so. Additional permission may be required for CapitalCare to disclose, for example, information concerning HIV, drug abuse, alcohol abuse and/or mental health-related information.

### **Instances When New York Law Applies to Your Health-Related Information**

In certain instances, New York law that provides more stringent or extensive privacy protections than those applicable under HIPAA will supersede HIPAA's requirements. In such instances, CapitalCare will adhere to applicable New York law as it relates to your health-related information. Examples include:

*Access to health-related information:* You have the right to request access to your medical records, or the records of your minor child, and to receive such medical records within 10 days unless psychotherapy notes are involved or unless CapitalCare determines that release of the medical records could reasonably be expected to cause substantial harm to you, your child or to others. CapitalCare may impose its cost for making copies of your medical records, not to exceed \$0.75 per page, but you cannot be denied access due to your inability to pay. In the event CapitalCare denies access to the health-related information you requested, you are entitled to seek and obtain judicial review of CapitalCare's determination.

*HIV information:* CapitalCare will not disclose or cause to be disclosed any information relating to HIV except as authorized by the patient or as authorized by a qualified representative.

*Mental health information:* CapitalCare will recognize the guardian of a patient appointed by the Surrogate's Court to constitute a qualified person entitled to request mental health information. Any mental health information released by CapitalCare to a qualified person will be limited to that information which is relevant in light of the reason for the inspection. In the event CapitalCare denies access to the health-related information you requested, you are entitled to review by a medical records access review committee.

*Workers compensation:* CapitalCare may disclose your health-related information as authorized by, and to the extent necessary, to comply with the New York Workers' Compensation Law for purposes of reimbursement from your employer, an insurance carrier or a special fund.

## **CapitalCare's Responsibilities**

CapitalCare is required to:

- maintain the privacy of your health-related information;
- provide you with this notice as to CapitalCare's legal duties and CapitalCare's privacy practices with respect to health-related information CapitalCare collects and maintains about you;
- abide by the terms of this notice;
- notify you if CapitalCare is unable to agree to your requested restriction of health-related information;
- accommodate reasonable requests you may have to communicate health-related information by alternative means or at alternative locations; and
- disclose health-related information to the Secretary of the Department of Health and Human Services, when requested to do so by the Department of Health and Human Services, for purposes of determining CapitalCare's compliance with HIPAA.

CapitalCare reserves the right to change its practices, to change this notice and to make the new provisions applicable to your health-related information that CapitalCare maintains. Should CapitalCare's practices change, CapitalCare will make available to you a revised copy of this notice. In addition, CapitalCare will not use or disclose your health-related information without your authorization, except as described in this notice, or as otherwise required by law. Any authorization you provide to CapitalCare may be revoked by you at any time, to the extent that CapitalCare has not already relied on your earlier authorization.

### **For More Information or to Report a Problem**

If you have questions and would like additional information, you may contact Dr. Louis Snitkoff, CapitalCare's medical director and chief privacy officer, at 518-452-1337. If you believe your privacy rights have been violated, you can file a complaint with CapitalCare's medical director, the Secretary of United States Department of Health and Human Services (212-264-3885) ([www.hhs.org](http://www.hhs.org)), the United States Attorney for the Northern District of New York (518-431-0247) ([www.usaondny.org](http://www.usaondny.org)) or the New York State Department of Health (1-888-663-6114) ([www.health.state.ny.us](http://www.health.state.ny.us)). There will be no retaliation by CapitalCare for filing a complaint.

Effective date: 04/14/2003