

Children's Healthcare of Atlanta Privacy Notice

Updated: Oct. 2010

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.

If you have any questions about this notice, contact the Children's Healthcare of Atlanta privacy officer at 404-250-5437.

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
- 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 Inc.
- 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 Plaza LLC
- 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 situations, "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, the Emory-Children's Center 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 different things 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 created at Children's.

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 to 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 identifies 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 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 has 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. Fundraising Activities. We may use demographic and dates-of service information about your child 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 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 must notify the Children's privacy officer in writing.

10. 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 the fact that your child is a patient at Children's to be released to 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 being "privacy patient," and information will not be released via the Children's Directory.

11. 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.

12. 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 necessary information needed to facilitate payment.

13. 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.

14. 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, however, are subject to a special approval process. This process evaluates a proposed research project and its use of medical information, trying to balance the research needs with patients' needs for privacy of their medical information. Before we use or disclose medical information for research, the research project will have been approved through this research approval process. We may disclose medical information about your child to people 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 will require that researchers honor the confidential nature of your child's medical information. Finally, it will be a requirement of all approved research studies that any publication of results will only be permitted if there is full deidentification of the medical information; that is, in no way will it be possible for the reader of the publication to identify your child with the medical information disclosed in the publication.

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

16. 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 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:

17. 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.

18. 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.

19. 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.

20. Public Health Risks. 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.

21. 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.

22. 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.

23. 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.

24. 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.

25. 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.

26. 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.

27. 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.

28. 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.

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. 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 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. In addition, you must provide a sufficient reason to support your request. 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.

3. 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 14, 21, 23 and 28 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.

4. 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 your request. 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. If we agree with your request, we reserve the right to take back our agreement in order to protect your child. 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.

5. 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.

6. 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 www.choa.org; to obtain a paper copy of this notice, contact the Children's privacy officer.

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 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. You also may file a complaint with the U.S. Department of Health and Human Services. 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.