

Bella Skin Institute

Amendment to Notification of Privacy Practices- Per HIPAA Omnibus Final Rules and Regulations

1. The federal government has published the final regulations implementing the “Health Information Technology for Economic and Clinical Health (HITECH) Act”, as part of the HIPAA Omnibus rule. These changes are regarded as the most sweeping changes to the HIPAA Privacy and Security rules since they were first implemented. Please read the following changes to our Privacy policies:
 - a. **New breach notification requirements:** Breaches are now presumed reportable unless it is determined that there is “low probability of Protected Health Information (PHI) compromise”.
 - b. **Disclosures to health plans:** You may request that we do not disclose certain information to health plans about care you receive which you have paid for “out of pocket”, unless for treatment purposes or in the rare events the disclosure is required by law. This request must be in submitted in writing so that we flag that information for non-disclosure. If you do not notify us, we may assume that all information in the chart can be disclosed to your health plan upon request.
 - c. **Marketing communications:** We will ask for your permission (written authorization) to send you promotional/ marketing communications regarding third party services/products. By law, we do not have to ask for your permission if; we receive no compensation for the communication, the communication is face-to-face, the communication involves a drug or biologic you are currently being prescribed, the communication involves general health promotion rather than a promotion of a product or service, the communication involves government sponsored programs. Please note under the new HIPAA changes: you may “opt-out” of any communications regarding our practices marketing, fundraising, and promotional communications at any time. Please submit the “opting-out” in writing to us so that we may promptly complete your request.
 - d. **Sales of PHI:** the new rules clarify that the prohibition on the sale of PHI in the absence of your written authorization extends to licenses or lease agreements, and to the receipt of financial in-kind benefits.
 - e. **Childhood immunizations:** does not apply to this practice
 - f. **Decedents:** we may make relevant disclosures to the deceased family and friends under essentially the same circumstances such disclosures were permitted when the patient was alive; that is when these individuals were involved in providing care or payment for care.
 - g. **Copies of e-PHI:** we have 30 days to respond to your written request for his or her PHI with one 30 day extension, regardless of where the records are kept. We are able to scan these documents and email them to an email provided by you, but you must know that this may not be the most protected form of transmission. Hard copies are permitted only when you reject all readily reproducible e-formats.
 - h. **Emailing PHI:** we must consider transmission security and may send PHI in unencrypted emails only if you are advised of the risk and still request that form of transmission.
 - i. **Charging for copies of PHI or e-PHI:** costs may be charged are labor costs, paper costs (hard copies), cost of portable media (if USB or memory stick or CD), assuming state law does not set a lower reimbursement rate. We may also impose a separate charge for creating an affidavit of completeness.
 - j. **Research authorizations:** the new rule permits us to combine conditioned and unconditioned authorizations for research participation, provided you can opt-in to the unconditioned research activity. Moreover, there authorizations may encompass future research.