

## **NOTICE OF PRIVACY PRACTICES**

*Effective Date: April 10, 2015*

**THIS NOTICE DESCRIBES HOW MEDICAL INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY.**

Integrated Medical Solutions, LLC (“IMS”) serves as a Federal contractor of comprehensive medical services to U.S. Department of Justice, Federal Bureau of Prisons (“FBOP” or “Bureau”) institutions. This Notice serves as a notice for IMS. We will follow the terms of this Notice and may share health information with our network of healthcare providers and the FBOP for purposes of facilitating treatment, payment and health care operations as described in this Notice and as required under the Health Insurance Portability and Accountability Act of 1996, for the federal inmates that reside at FBOP institutions under contract with IMS (hereafter referred to as “you,” “your,” or “inmate”). This Notice has been updated in accordance with the HIPAA Omnibus Rule and is effective as of the date noted above. This Notice applies to all protected health information (“PHI”) as defined by the federal regulations.

### **UNDERSTANDING YOUR HEALTH RECORD/INFORMATION**

Each time IMS receives notice or request for medical services from the FBOP concerning an inmate; a record of the notice/request is created. Typically, this record contains an inmate’s date of service, symptoms, examination and test results, diagnoses and treatment. This information may be used or disclosed to:

- Schedule care and treatment with medical providers.
- Communicate with medical providers who contribute to an inmate’s care.
- Serve as a legal document.
- Receive payment from the FBOP.
- Comply with state and federal laws that require IMS to disclose an inmate’s PHI.

Understanding what is in your record and how PHI is used helps you to: ensure its accuracy, better understand who, what, when, where and why others may access your PHI, and make more informed decisions when authorizing disclosures to others.

### **OUR DUTIES REGARDING YOUR HEALTH INFORMATION**

IMS respects the confidentiality of your health information and recognizes that information about your health is personal. IMS is committed to protecting your health information. IMS is also required by law to protect the privacy of your PHI. Although an inmate does not have a right to notice of privacy practices under 45 C.F.R. §164.520(a)(3), IMS maintains a copy of this Notice on its website for informational purposes.

This Notice explains how, when and why IMS typically uses and discloses health information and IMS’ privacy practices regarding your health information. In our Notice, IMS

refers to our uses and disclosures of health information as our “Privacy Practices.” PHI generally includes information that we create or receive that identifies you and your past, present or future health status or care or payment for healthcare services you receive from healthcare providers. IMS is obligated to abide by these Privacy Practices as of the effective date listed above.

IMS may, however, change its Privacy Practices in the future and specifically reserves our right to change the terms of this Notice and our Privacy Practices. IMS will communicate any changes in our Notice and Privacy Practices as described at the end of this Notice. Any changes that IMS makes in our Privacy Practices will affect any PHI that we maintain.

Generally, our Privacy Practices strive:

- To make sure that health information that identifies you is kept private;
- To post this Notice of our Privacy Practices and legal duties with respect to protected health information; and
- To follow the terms of the Notice that is currently in effect.

## **HOW WE MAY USE AND DISCLOSE HEALTH INFORMATION ABOUT YOU**

IMS uses and discloses your PHI in a variety of circumstances and for different reasons. IMS must use and disclose your health information:

- To you or someone who has the legal right to act on your behalf if authorized under FBOP policies and procedures;
- To the secretary of the Department of Health and Human Services; and
- When required by law.

IMS has the right to use and disclose your information:

- To a doctor, a hospital, or healthcare provider so you can receive medical care and to coordinate your receipt of such medical care;
- For payment activities, including claims payment for medical services provided to you by healthcare providers;
- For healthcare operations activities including processing your enrollment in IMS’ systems, responding to inquiries and requests for services on your behalf by the FBOP, coordinating your care, resolving claim(s) disputes, conducting medical management, improving quality, and reviewing the competence of healthcare professionals;
- To FBOP to perform their functions including but not limited to managing your care and payment for medical services;
- To public health agencies if there is a serious health or safety threat;
- To appropriate authorities when there are issues about abuse, neglect, or domestic violence;
- In response to a court or administrative order, subpoena, discovery request, or other lawful process;

- For law enforcement purposes, to military authorities and as otherwise required by law;
- To assist in disaster relief efforts;
- For compliance programs and health oversight activities;
- To fulfill IMS' obligations under any worker's compensation law or contract;
- To avert a serious and imminent threat to your health or safety or the health or safety of others;
- For research purposes in limited circumstances;
- For procurement, banking, or transplantation of organs, eyes or tissue; and
- To a coroner, medical examiner or funeral director.

**All Other Uses and Disclosures Require Your Prior Written Authorization.**

For situations not generally described in our Notice, we will ask for your written authorization before we use or disclose your health information. You may revoke that authorization, in writing, at any time to stop future disclosures of your information. Information previously disclosed, however, will not be requested to be returned nor will your revocation affect any action that we have already taken. In addition, if we collected the information in connection with a research study, we are permitted to use and disclose that information to the extent it is necessary to protect the integrity of the research study.

**YOUR RIGHTS REGARDING YOUR HEALTH INFORMATION**

This portion of our Notice describes your individual privacy rights regarding your health information and how you may exercise those rights.

**Requesting Restrictions of Certain Uses and Disclosures of Health Information.**

You may request, in writing, a restriction on how we use or disclose your protected health information for your treatment, for payment of your health care services, or for activities related to IMS' contractual obligations to the FBOP. You may also request a restriction on what health information we may disclose to someone who is involved in your care, such as a family member or friend provided such a request does not conflict with FBOP policies and procedures concerning release of inmate health records. To make a request to Integrated Medical Solutions, LLC, please contact the Privacy Office Director at (817) 477-0400.

*We are not required to agree to your request.* Additionally, any restriction that we may approve will not affect any use or disclosure that we are legally required or permitted to make under the law.

**Inspecting and Obtaining Copies of Your Health Information.**

Pursuant to IMS' contracts with the FBOP, IMS must comply with the Privacy Act of 1974 and follow the FBOP's policies and procedures concerning the release of medical information of current and former incarcerated individuals set forth in the FBOP's March 2, 2015, Program

Number 6090.04 entitled *Health Information Management*. The following sections of Program Number 6090.04 are restated below for informational purposes:

**a. Incarcerated Inmate Review of Health Record.** The following procedures apply to the release of health records to an inmate who is currently incarcerated in a Bureau institution:

An inmate seeking review of copies of his or her health records must complete an Inmate Request to Staff Member (BP-A0418) in order to review or receive copies of the record. The BP-A0148 will be addressed to the HSA or his/her designee.

Prior to review of records by an inmate (or copies to be given to an inmate), Health Services staff will review the records to determine if a legitimate security concern exists (i.e. whether there is any information which, if disclosed to the inmate, might reasonably be expected to harm the inmate or another person). The reviewer may have to consult the institution physician in evaluating records for release.

Currently incarcerated inmates may review their records, including laboratory results or other HIV-related information, but may not receive a copy. HIV-related health records may be forwarded to a third party of the inmate's choosing outside the institution, provided the inmates authorize the disclosure in writing.

The HSA/Designee will make the copies in a reasonable amount of time and give them to the inmate. An administrative note in EHR or paper chart will be made with the following information:

- Date of release.
- Number of copies.
- Items released (as an example, this can be accomplished by notations such as "SF-600 dates inclusive of 01-01-93 thru 03-06-94").
- Items withheld.
- Signature.

The original BP-A0148 will be filed in section 6 of the paper health record or EHR document manager.

If information is withheld from the inmate, he/she will be provided a copy of the administrative note denying the release and advised that he/she may send a Freedom Of Information Act (FOIA) request for the withheld records to:

Central Office, Office of General Counsel  
Freedom of Information (FOI) Section  
320 First Street, NW  
Washington, DC 20534

If the inmate makes an FOIA request, a copy of the records withheld and the administrative note will be forwarded to the Regional Office. The Regional Counsel's Office will conduct a review of the document(s) that the institution has indicated on the administrative note were not released.

Regional Counsel staff members, in coordination with the Regional Health Systems Administrator, if necessary, will determine whether the document(s) will be released to the inmate, or exempted from mandatory disclosure to the inmate under the provisions of FOIA. Under all circumstances, the Regional Counsel's Office will make any direct release of records to the inmate and/or inform the inmate of the denial(s) and his/her appeal rights.

A system will be maintained for tracking requests for releasing medical information, including:

- Patient name and number.
- Requester name.
- Date requests received.
- Disposition of requests (date).
- Number of pages copied.
- Number of pages withheld.
- Fee, if any.

The Bureau has limited facilities to reproduce copies of x-ray, xerography, and ultrasonography films. Therefore, when copies are requested, the HSA/designee will estimate the current costs for reproduction from a community source. The requesting inmate will be financially responsible for these costs and will provide a mailing address for a physician he/she chooses to receive the films.

Due to security and property restrictions, the films will not be allowed in inmate housing units.

**b. Inmates Released from Federal Custody or in Residential Reentry Centers (RRCs).** The following procedures apply to the release of health records to an inmate who has been released from Federal custody or is currently housed in a RRC.

If an inmate seeking copies of his/her health records sends his/her request directly to the institution, the request will be returned to the inmate with instruction to make written request to [Central Office, Office of General Counsel, Freedom of Information (FOI) Section, 320 First Street, NW, Washington, DC 20534]. The inmate will be further instructed that he/she must provide a signature that is notarized or signed under penalty of perjury to establish his/her identity along with the written request for records.

The Office of General Counsel's (OGC) FOIA/Privacy Act Section will log all proper inmate requests, as indicated above, to review and/or copy health records. Upon receiving such a request, staff members will determine that the inmate is currently housed in a RRC or released from Federal custody and where the inmate was last designated.

The request will then be forwarded to the appropriate Regional Office, which will contact the institution where the inmate was last housed and coordinate the release of records to the inmate. When the Regional Office contacts the institution, the Regional Office will have determined from the requesting inmate what medical information he/she is seeking.

A copy of laboratory results showing HIV status may be released to an inmate released from Federal custody. However, a copy of laboratory results or other health records showing HIV status will not be given to an inmate housed in a RRC; he/she will be orally advised of, and may review, the results while still housed in a Federal institution.

HIV-related health records may be forwarded to a third party the inmate chooses, provided the inmate authorizes the disclosure in writing.

The HSA/Designee will make the copies and forward them to the Regional Office. The Regional Office will release the records directly to the inmate.

*See, Health Information Management, FBOP Program Statement Number 6090.04, pp. 5 - 8.*

If you have any questions concerning your desire to look at and obtain a copy of your health information you must make your request in writing. For IMS, please submit your request to Privacy Officer Director at 1485 Heritage Parkway, Mansfield, Texas 76063.

**Any request made to IMS for an inmate's or former inmate's medical records will be forwarded to the Contracting Officer's Technical Representative at the FBOP institution where the inmate is or the former inmate was incarcerated.**

If FBOP policies and procedures allow for release of health information to you, we may charge a fee for copying or preparing a summary of requested health information. IMS will respond to your request for health information within 30 days of receiving your request unless your health information is not readily accessible or the information is maintained in an off-site storage location.

### **Requesting a Change in Your Health Information.**

You may request, in writing, a change or addition to your health information. To make a request to Integrated Medical Solutions, LLC, please submit your request to the Privacy Office Director at 1485 Heritage Parkway, Mansfield, Texas 76063. The law limits your ability to change or add to your health information. These limitations include whether we created or include the health

information within our medical records or if we believe that the health information is accurate and complete without any changes. Under no circumstances will we erase or otherwise delete original documentation in your health information.

### **Obtaining a Notice of Our Privacy Practices.**

This Notice is provided to explain and inform you of IMS' Privacy Practices. You may view this Notice on IMS' website: [www.imsi-usa.com](http://www.imsi-usa.com). You may request a paper copy at any time by contacting IMS' Privacy Office Director at (817) 477-0400.

### **CHANGES TO THIS NOTICE**

We reserve the right to change this Notice concerning our Privacy Practices affecting all the health information that we now maintain, as well as information that we may receive in the future. We will make a revised Notice available to you upon request and by posting on our website: [www.imsi-usa.com](http://www.imsi-usa.com).

### **COMPLAINTS**

We welcome an opportunity to address any concerns that you may have regarding the privacy of your health information. If you believe that the privacy of your health information has been violated, you may file a complaint with IMS' Privacy Office Director at 1485 Heritage Parkway, Mansfield, Texas 76063 or (817) 477-0400. You also may file a complaint with the Secretary of the U.S. Department of Health and Human Services.

### **YOU WILL NOT BE PENALIZED OR RETALIATED AGAINST FOR FILING A COMPLAINT**