



## **NOTICE OF PRIVACY PRACTICES**

Health Insurance Portability and Accountability Act of 1996 (HIPAA)

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

### Purpose of this Notice

In the course of doing business, Gary M. Berke gathers and retains personal information. Mr. Berke and his office staff understand the importance of keeping this information confidential and secure. This Notice describes how Mr. Berke protects confidentiality of your personal information. Mr. Berke has implemented policies and procedures in accordance with Federal and State confidentiality and privacy laws to protect your privacy. Mr. Berke is obligated to maintain the privacy and confidentiality of your personal information. Mr. Berke is also obligated to provide you with notice of its legal obligations to maintain the privacy of your personal information and to provide you notice of its policies and procedures about privacy and confidentiality. These policies and procedures apply to past, present and future patients of Mr. Berke and past, present and future personal information.

### What is "Personal Information"?

"Personal information" is information that identifies who you are and relates to, your past, present or future physical or mental health or condition, the provision of health care to you, or past, present, or future payment for the provision of health care to you. Personal information does not include information about you that is publicly available, or that is available or reported in summary form, but does not identify who you are.

### Types of Uses and Disclosures of Personal Information Made by Mr. Berke

Federal law allows Mr. Berke to use and disclose your personal information in order to provide health care services to you as well as to bill and collect payments for the health care services provided to you by participating physicians. Federal law allows Mr. Berke to use and disclose your personal information as necessary in connection with the health care operations of his practice. For example, Mr. Berke may use your personal information to authorize services or treatments, and to facilitate those services or treatments. Mr. Berke may disclose your personal information to health plans or other responsible parties to receive payment for services provided to you. Certain governmental agencies may also request access to your personal information in order to monitor the activities of certain physicians, providers, or to monitor your health plan or insurance company. Mr. Berke may disclose your personal information in connection with court orders or subpoenas.

While Federal law allows Mr. Berke to use and disclose your personal information, the law requires these providers to obtain your written consent to do so. Therefore, the first time you see Mr. Berke you will be asked to sign a consent form allowing him to use and disclose your personal information in connection with your treatment, the payment for your treatment, and the physician's health care operations. You have the right to restrict certain disclosures of PHI to a health plan where you pay out of pocket in full for the healthcare item or service.



Mr. Berke is also allowed by law to use and disclose your personal information without your consent or authorization for the following purposes:

1. When required by law;
2. For public health activities, such as reports about communicable diseases or work-related health issues;
3. In reports about child abuse, domestic violence, or neglect;
4. For health oversight activities, such as reports to government agencies that are responsible for licensing physicians or other health care providers;
5. In connection with court proceedings or proceedings before administrative agencies;
6. For law enforcement purposes, such as responding to a court order or subpoena;
7. For research, with the approval of certain oversight entities; otherwise, use and disclosure of your personal information for research requires your authorization;
8. To avert a serious threat to the health or safety of a person or the public;
9. For national security and intelligence activities, including the protection of the President;
10. In connection with services provided under worker's compensation laws;

Mr. Berke may disclose your personal information to your family members who are involved in your care without either your consent or your authorization. However, you must be provided with an opportunity to object prior to the disclosure.

All other uses and disclosures of your personal information will be made by Mr. Berke only with your written authorization. Including use and disclosure of PHI for marketing purposes.

#### How We Protect Personal Information

Mr. Berke restricts access to your personal information to only those employees who need access in order to provide services to our patients. We have established and maintain appropriate physical, electronic and procedural safeguards to protect your personal information against unauthorized use or disclosure. We have established a training program that employees of Mr. Berke must complete and update annually.

#### Authorizations

If an authorization is needed, Mr. Berke will provide you with an authorization form for you or your personal representative to complete. When you receive the form, please fill it out and send it to the following address:

Berke Prosthetics and Orthotics  
2001 Winward Way Suite 100  
San Mateo, CA 94404  
ATTN: Medical Records

#### Your Individual Rights



### **Access to Personal Information**

As a matter of federal and state law, you have the right to review and copy your personal information received and retained by Mr. Berke. If you desire to access your personal information, you must notify Mr. Berke in writing. We will respond to your request and provide a time and place, within normal business operating hours, for your inspection of the personal information Mr. Berke has in his possession.

If you request a copy of the information held by Mr. Berke, a copy can be provided. We reserve the right to charge a reasonable fee for copying your personal information, as allowed by applicable law.

### **Right to Amend Personal Information**

State and federal law allows you the right to amend your personal information held by Mr. Berke. A request to amend your personal information must be submitted to Mr. Berke in writing, and the amendment must be no longer than 250 words in length. Mr. Berke will attach your amendment to the record(s) of your personal information. Your amended personal information will be made available for your review upon request.

### **Right to Receive an Accounting of Disclosures**

State and federal law provide you the right to request an accounting of all disclosures of your personal information made by Mr. Berke that are not directly related to your treatment, payment for your treatment, or health care operations outlined above. You may request an accounting in writing. Mr. Berke will provide this accounting to you within a reasonable period of time after your request and in accordance with the policies and procedures established by Mr. Berke. You have the right to be notified following a breach of unsecured PHI.

### **Right to Receive this Notice**

You have the right to request and receive a copy of this Notice in writing. You may contact the office of Mr. Berke for a copy, and one will be provided to you at no charge.

### **Right to Request Restriction on Disclosure of Personal Information**

State and federal law permits you to request restrictions on the use and disclosure of your personal information by Mr. Berke. Mr. Berke reserves the right to accept or reject your request for restriction. All requests must be made in writing. Upon receipt, Mr. Berke will review the request and notify you of its decision to either accept or reject the request. Even if Mr. Berke agrees to honor your request to restrict the use and disclosure of your personal information, Mr. Berke may cease to honor that restriction without your consent, upon notice to you. In that event, Mr. Berke will continue to honor the request for a restriction in connection with all personal information, which Mr. Berke received or created prior to termination of the restriction. However, Mr. Berke will not be obligated to honor the restriction after it provides you notice that it will cease to do so. If you agree to terminate, then Mr. Berke may use and disclose all of your personal information in its possession in accordance with applicable law. All requests for restrictions, which are agreed to by Mr. Berke, will be made part of your personal information and be made available for your review upon proper request.

### **Right to Confidential Communications**

You have the right to request that Mr. Berke provides your personal information to you in a confidential manner. For example, you may request that Mr. Berke sends your personal information by alternate means or to an alternate address, such as by telephone to a different telephone number or to an office address rather than your home address. Also, you may, for example, request that your personal information be sent in a sealed envelope rather than a postcard.



### **Right to Complain**

Mr. Berke is obligated to comply with the privacy practices set forth in this Notice. If you believe that Mr. Berke has violated this privacy policy, you have the right to file a complaint with Mr. Berke, your Health Plan, the California Department of Managed Care or the United States Department of Health and Human Service, Office of Civil Rights.

### **Contacting Mr. Berke Regarding Your Rights**

If you should have any questions regarding your rights or wish to make any of the above requests or complaints, you should direct your inquiries to:

Berke Prosthetics and Orthotics  
2001 Winward Way Suite 100  
San Mateo, CA 94404

### **Rights Reserved by Mr. Berke**

Mr. Berke reserves all of the rights expressed above. Mr. Berke further reserves the right to amend or change the terms of this Notice at any time and to make the provisions of the new notice effective for all personal information we maintain. You may request updates to this Notice.

### **Effective Date**

The effective date of this Notice is February 6, 2018