

SUMMARY OF OUR NOTICE OF PRIVACY PRACTICES

Carolina Musculoskeletal Institute, PA

Effective Date: April 14, 2003

THIS NOTICE DESCRIBES HOW HEALTH INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION

Please review the full Notice of Privacy Practices (NPP) which is attached. If you have any questions about this notice, please contact James Hawkins, Practice Administrator at (803) 649-0563.

WHO WILL FOLLOW THIS NOTICE:

- Carolina Musculoskeletal Institute, PA

This notice describes our privacy practices. All these entities, sites, and locations follow the terms of this notice. In addition, these entities, sites, and locations may share health information with each other for treatment, payment, or health care operations purposes described in this notice.

OUR PLEDGE REGARDING HEALTH INFORMATION:

We understand that health information about you and your health care is personal. We are committed to protecting health information about you. We create a record of the care and services you receive from us. We need this record to provide you with quality care and to comply with certain legal requirements. This notice applies to all of the records of your care generated by this health care practice, whether made by your personal doctor or others working in this office. This notice will tell you about the ways in which we may use and disclose health information about you. We also describe your rights to the health information we keep about you, and describe certain obligations we have regarding the use and disclosure of your health information.

We are required by law to:

- make sure that health information that identifies you is kept private;
- give you this notice of our legal duties and privacy practices with respect to health information about you; and
- follow the terms of the notice that is currently in effect.

HOW WE MAY USE AND DISCLOSE HEALTH INFORMATION ABOUT YOU.

The following categories describe different ways that we use and disclose health information. By coming for care, you give us the right to use your information for treatment, to get reimbursed for your care, and to operate our organization.

There are also various other ways in which we may use or disclose your information:

- **Appointment Reminders**
- **Research**
- **To Allow Oversight of the Quality of the Healthcare We Provide**
- **To Allow Workers' Compensation Claims**
- **As Required by Subpoena in Lawsuits and Disputes**
- **Various Uses as Required by Law or to Avert a Serious Threat to Health or Safety**

The full details for all these uses are contained in the full NPP.

YOUR RIGHTS REGARDING HEALTH INFORMATION ABOUT YOU.

You have the following rights regarding health information we maintain about you:

- **Right to Inspect and Copy**
- **Right to Amend**
- **Right to an Accounting of Disclosures**
- **Right to Request Restrictions**
- **Right to Request Confidential Communications**
- **Right to a Paper Copy of This Notice**

Information on how to exercise these rights can be seen in the NPP or can be obtained from James Hawkins, Practice Administrator at (803) 649-0563.

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 health information we already have about you as well as any information we receive in the future. We will post a copy of the current notice in our facility. The notice will contain on the first page, in the top right-hand corner, the effective date. In addition, each time you register for treatment or health care services, we will offer you a copy of the current notice in effect.

COMPLAINTS

If you believe your privacy rights have been violated, you may file a complaint with us or with the Secretary of the Department of Health and Human Services. To file a complaint with us, contact James Hawkins, Practice Administrator. All complaints must be submitted in writing. **You will not be penalized for filing a complaint.**

OTHER USES OF HEALTH INFORMATION.

Other uses and disclosures of health information not covered by this notice or the laws that apply to us will be made only with your written permission. If you provide us permission to use or disclose health information about you, you may revoke that permission, in writing, at any time. If you revoke your permission, we will no longer use or disclose health information about you for the reasons covered by your written authorization. You understand that we are unable to take back any disclosures we have already made with your permission, and that we are required to retain our records of the care that we provided to you.

HIPAA NOTICE OF PRIVACY PRACTICES

Carolina Musculoskeletal Institute, PA

Effective Date: April 14, 2003

THIS NOTICE DESCRIBES HOW HEALTH INFORMATION ABOUT YOU 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, please contact James Hawkins, Practice Administrator at (803) 649-0563.

WHO WILL FOLLOW THIS NOTICE:

- Carolina Musculoskeletal Institute, PA

This notice describes our privacy practices. All these entities, sites, and locations follow the terms of this notice. In addition, these entities, sites, and locations may share health information with each other for treatment, payment, or health care operations purposes described in this notice.

OUR PLEDGE REGARDING HEALTH INFORMATION:

We understand that health information about you and your health care is personal. We are committed to protecting health information about you. We create a record of the care and services you receive from us. We need this record to provide you with quality care and to comply with certain legal requirements. This notice applies to all of the records of your care generated by this health care practice, whether made by your personal doctor or others working in this office. This notice will tell you about the ways in which we may use and disclose health information about you. We also describe your rights to the health information we keep about you, and describe certain obligations we have regarding the use and disclosure of your health information.

We are required by law to:

- make sure that health information that identifies you is kept private;
- give you this notice of our legal duties and privacy practices with respect to health information about you; and
- follow the terms of the notice that is currently in effect.

HOW WE MAY USE AND DISCLOSE HEALTH INFORMATION ABOUT YOU.

The following categories describe different ways that we use and disclose health 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 the categories.

For Treatment. We may use health information about you to provide you with health care treatment or services. We may disclose health information about you to doctors, nurses, technicians, health students, or other personnel who are involved in taking care of you. They may work at our offices, at the hospital if you are hospitalized under our supervision, or at another doctor's office, lab, pharmacy, or other health care provider to whom we may refer you for consultation, to take x-rays, to perform lab tests, to have prescriptions filled, or for other treatment purposes. For example, a doctor treating you for a broken leg may need to know if you have diabetes because diabetes may slow the healing process. In addition, the doctor may need to tell the dietitian at the hospital if you have diabetes so that we can arrange for appropriate meals. We may also disclose health information about you to an entity assisting in a disaster relief effort so that your family can be notified about your condition, status and location.

For Payment: We may use and disclose health information about you so that the treatment and services you receive from us may be billed to and payment collected from you, an insurance company, or a third party. For example, we may need to give your health plan information about your office visit so your health plan will pay us or reimburse you for the visit. We may also tell your health plan about a treatment you are going to receive to obtain prior approval or to determine whether your plan will cover the treatment.

For Health Care Operations: We may use and disclose health information about you for operations of our health care practice. These uses and disclosures are necessary to run our practice and make sure that all of our patients receive quality care. For example, we may use health information to review our treatment and services and to evaluate the performance of our staff in caring for you. We may also combine health information about many patients to decide what additional services we should offer, what services are not needed, whether certain new treatments are effective, or to compare how we are doing with others and to see where we can make improvements. We may remove information that identifies you from this set of health information so others may use it to study health care delivery without learning who our specific patients are.

Appointment Reminders: We may use and disclose health information to contact you as a reminder that you have an appointment. Please let us know if you do not wish to have us contact you concerning your appointment, or if you wish to have us use a different telephone number or address to contact you for this purpose.

Research. Under certain circumstances, we may use and disclose health information about you for research purposes. For example, a research project may involve comparing the health and recovery of all patients who received one medication 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 health information, trying to balance the research needs with patients' need for privacy of their health information. Before we use or disclose health information for research, the project will have been approved through this research approval process; but we may disclose health information about you to people preparing to conduct a research project. For example, we may help potential researchers look for patients with specific health needs, so long as the health information they review does not leave our facility. We will almost always ask for your specific permission if the researcher will have access to your name, address, or other information that reveals who you are, or will be involved in your care.

As Required By Law. We will disclose health information about you when required to do so by

federal, state, or local law.

To Avert a Serious Threat to Health or Safety. We may use and disclose health information about you when necessary to prevent a serious threat to your health and safety or the health and safety of the public or another person. Any disclosure, however, would only be to someone able to help prevent the threat.

Military and Veterans. If you are a member of the armed forces or separated/discharged from military services, we may release health information about you as required by military command authorities or the Department of Veterans Affairs as may be applicable. We may also release health information about foreign military personnel to the appropriate foreign military authorities.

Workers' Compensation. We may release health information about you for workers' compensation or similar programs. These programs provide benefits for work-related injuries or illness.

Public Health Risks. We may disclose health information about you 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 child abuse or neglect;
- to report reactions to medications or problems with products;
- to notify people of recalls of products they may be using;
- to notify person or organization required to receive information on FDA-regulated products;
- 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 if you agree or when required or authorized by law.

Health Oversight Activities. We may disclose health 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 health care system, government programs, and compliance with civil rights laws.

Lawsuits and Disputes. If you are involved in a lawsuit or a dispute, we may disclose health information about you in response to a court or administrative order. We may also disclose health information about you in response to a subpoena, discovery request, or other lawful process by someone else involved in the dispute, but only if efforts have been made to tell you about the request or to obtain an order protecting the information requested.

Law Enforcement. We may release health information if asked to do so by a law enforcement official:

- in reporting certain injuries, as required by law, gunshot wounds, burns, injuries to perpetrators of crime;
- in response to a court order, subpoena, warrant, summons or similar process;

- to identify or locate a suspect, fugitive, material witness, or missing person:
 - Name and address
 - Date of birth or place of birth;
 - Social security number;
 - Blood type or rh factor;
 - Type of injury;
 - Date and time of treatment and/or death, if applicable; and
 - A description of distinguishing physical characteristics.
- about the victim of a crime, if the victim agrees to disclosure or 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 our facility; 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.

Coroners, Health Examiners and Funeral Directors. We may release health information to a coroner or health examiner. This may be necessary, for example, to identify a deceased person or determine the cause of death. We may also release health information about patients to funeral directors as necessary to carry out their duties.

National Security and Intelligence Activities. We may release health information about you to authorized federal officials for intelligence, counterintelligence, and other national security activities authorized by law.

Protective Services for the President and Others. We may disclose health information about you to authorized federal officials so they may provide protection to the President, other authorized persons or foreign heads of state or conduct special investigations.

Inmates. If you are an inmate of a correctional institution or under the custody of a law enforcement official, we may release health information about you to the correctional institution or law enforcement official. This release would be necessary (1) for the institution to provide you with health care; (2) to protect your health and safety or the health and safety of others; or (3) for the safety and security of the correctional institution.

YOUR RIGHTS REGARDING HEALTH INFORMATION ABOUT YOU.

You have the following rights regarding health information we maintain about you:

Right to Inspect and Copy: You have the right to inspect and copy health information that may be used to make decisions about your care. Usually, this includes health and billing records.

To inspect and copy health information that may be used to make decisions about you, you must submit your request in writing to James Hawkins, Practice Administrator. If you request a copy of the information, we may charge a fee for the costs of copying, mailing or other supplies and services associated with your request.

We may deny your request to inspect and copy in certain very limited circumstances. If you are denied access to health information, you may request that the denial be reviewed. Another licensed health care professional chosen by our practice will review your request and the denial. The person conducting the review will not be the person who denied your request. We will comply with the outcome of the review.

Right to Amend. If you feel that health information we have about you is incorrect or

incomplete, you may ask us to amend the information. You have the right to request an amendment for as long as we keep the information. To request an amendment, your request must be made in writing, submitted to James Hawkins, Practice Administrator, and must be contained on one page of paper legibly handwritten or typed in at least 10 point font size. In addition, you must provide a reason that supports your request for an amendment.

We may deny your request for an amendment 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 amendment;
- is not part of the health information kept by or for our practice;
- is not part of the information which you would be permitted to inspect and copy; or
- is accurate and complete.

Any amendment we make to your health information will be disclosed to those with whom we disclose information as previously specified.

Right to an Accounting of Disclosures. You have the right to request a list accounting for any disclosures of your health information we have made, except for uses and disclosures for treatment, payment, and health care operations, as previously described.

To request this list of disclosures, you must submit your request in writing to James Hawkins, Practice Administrator. Your request must state a time period which may not be longer than six years and may not include dates before April 14, 2003. The first list you request within a 12 month period will be free. For additional lists, we may charge you for the costs of providing the list. We will notify you of the cost involved and you may choose to withdraw or modify your request at that time before any costs are incurred. We will mail you a list of disclosures in paper form within 30 days of your request, or notify you if we are unable to supply the list within that time period and by what date we can supply the list; but this date will not exceed a total of 60 days from the date you made the request.

Right to Request Restrictions. You have the right to request a restriction or limitation on the health information we use or disclose about you for treatment, payment, or health care operations. You also have the right to request a limit on the health information we disclose about you to someone who is involved in your care or the payment for your care, such as a family member or friend. For example, you could ask that we restrict a specified nurse from use of your information, or that we not disclose information to your spouse about a surgery you had.

We are not required to agree to your request for restrictions if it is not feasible for us to ensure our compliance or believe it will negatively impact the care we may provide you. If we do agree, we will comply with your request unless the information is needed to provide you emergency treatment. To request a restriction, you must make your request in writing to James Hawkins, Practice Administrator. In your request, you must tell us what information you want to limit and to whom you want the limits to apply; for example, use of any information by a specified nurse, or disclosure of specified surgery to your spouse.

Right to Request Confidential Communications. You have the right to request that we communicate with you about health 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 to a post office box.

To request confidential communications, you must make your request in writing to James

Hawkins, Practice Administrator. We will not ask you the reason for your request. We will accommodate all reasonable requests. Your request must specify how or where you wish to be contacted.

Right to a Paper Copy of This Notice. You have the right to obtain a paper copy of this notice at any time. However, at the time of first service rendered after April 14, 2003, it is required that you receive a paper copy. To obtain a copy, please request it from James Hawkins, Practice Administrator.

You may also obtain a copy of this notice either from our website, www.cmi.md, or by requesting a copy of this notice be sent through electronic mail to jahawkins@cmi.md. If we know that the electronic message has failed to be delivered, a paper copy of the notice will be provided. Even if you have received a notice electronically, you still retain the right to receive a paper copy upon request.

If the first service delivery is delivered electronically, other than by telephone, we provide electronic notice in the same medium, automatically and contemporaneously in response to a first request for service.

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 health information we already have about you as well as any information we receive in the future. We will post a copy of the current notice in our facility. The notice will contain on the first page, in the top right-hand corner, the effective date. In addition, each time you register for treatment or health care services, we will offer you a copy of the current notice in effect.

COMPLAINTS

If you believe your privacy rights have been violated, you may file a complaint with us or with the Secretary of the Department of Health and Human Services. To file a complaint with us, contact James Hawkins, Practice Administrator. All complaints must be submitted in writing. **You will not be penalized for filing a complaint.**

OTHER USES OF HEALTH INFORMATION.

Other uses and disclosures of health information not covered by this notice or the laws that apply to us will be made only with your written permission. If you provide us permission to use or disclose health information about you, you may revoke that permission, in writing, at any time. If you revoke your permission, we will no longer use or disclose health information about you for the reasons covered by your written authorization. You understand that we are unable to take back any disclosures we have already made with your permission, and that we are required to retain our records of the care that we provided to you.

Acknowledgement of Receipt of this Notice

We will request that you sign a separate form or notice acknowledging you have received a copy of this notice. If you choose, or are not able to sign, a staff member will sign their name, date. This acknowledgement will be filed with your records.

Acknowledgement of Receipt of Notice of Privacy Practices

I, _____, have received the Notice of Privacy Practices from Carolina Musculoskeletal Institute, PA.

X _____

Date: _____

In lieu of patient signature, I, _____, a staff member of Carolina Musculoskeletal Institute, PA, state that _____ has been given our current Notice of Privacy Practices.

X _____

Date: _____

State Law Information for Notice of Privacy Practices

Carolina Musculoskeletal Institute, PA

State: SC

Your state's laws regarding Protected Health Information must be considered along with the HIPAA Privacy Regulation when updating your organization's policies and procedures. We are providing the information below as a guide to what those other considerations may be. Consult your state's laws to make sure you are meeting all of the requirements.

Summary

South Carolina statutes have a great impact on the Notice of Privacy Practices. Though there are no provisions on the actual format of the NPP, there are many restrictions on non-consensual disclosures. Carefully read each state provision and our "Expected Impact" and then incorporate appropriate language into your policy. Seek outside counsel if anything is unclear.

General Issues of Concern

According to the HIPAA Privacy Regulation, you are required to give a copy of a Notice of Privacy Practices to each patient at the first encounter after April 14, 2003. The state law may have additional provisions on content, presentation requirements, and may note some exceptions to the federal requirements.

We have not discovered any relevant state statutes for this section.

Use and Disclosure of Protected Health Information

Use and Disclosure of Protected Health Information

The following sections describe different portions of the Notice of Privacy Practices. The state law may or may not allow the same categories for access or they may add additional restrictions in disclosing information for the categories. For each category you need to take a careful look at the state statutes and change the category accordingly. This may require you to remove some categories, add more categories, or revise the explanation in the category.

For Treatment

According to the HIPAA Privacy Regulation, a healthcare provider may release PHI without patient authorization for the purpose of treatment. State law may limit what information can be disclosed, if this information can be released without authorization, and under what circumstances the information can be released without authorization.

Expected Impact [High]

The federal regulation allows for treatment disclosures without consent. The state Physicians' Patient Records Act appears to require written consent for most disclosures. Other state, and perhaps federal, laws may permit non-consensual disclosures in some circumstances.

NOTE: There are many uncertainties about how state law and the federal regulation interact. Past practice may be your best guide because if any non-consensual treatment disclosures are permitted under state law, the disclosures will probably be allowed under the federal regulation. You may need advice from other authorities.

State Law Citation

S.C. Code 44-115-40

Highlight of State Provision

Except as otherwise provided by law, a physician shall not honor a request for the release of copies of medical records without the receipt of express written consent of the patient.

For Payment

According to the regulation, a healthcare provider may release PHI without patient authorization for the purpose of payment. State law may limit what information can be disclosed, if this information can be released without authorization, and under what circumstances the information can be released without authorization.

Expected Impact [High]

The federal regulation allows for payment disclosures without consent. The state Physicians' Patient Records Act appears to require written consent for most disclosures. Other state, and perhaps federal, laws may permit non-consensual disclosures in some circumstances.

NOTE: There are many uncertainties about how state law and the federal regulation interact. Past practice may be your best guide because if any non-consensual payment disclosures are permitted under state law, the disclosures will probably be allowed under the federal regulation. You may need advice from other authorities.

State Law Citation

S.C. Code 44-115-40

Highlight of State Provision

Except as otherwise provided by law, a physician shall not honor a request for the release of copies of medical records without the receipt of express written consent of the patient.

For Healthcare Operations

According to the regulation, a healthcare provider may release PHI without patient authorization for the purpose of healthcare operations. State law may limit what information can be disclosed, if this information can be released without authorization, and under what circumstances the information can be released without authorization.

Expected Impact [High]

The federal regulation allows for disclosure for healthcare operations without consent. The state Physicians' Patient Records Act appears to require written consent for most disclosures. Other state, and perhaps federal, laws may permit non-consensual disclosures in some circumstances.

NOTE: There are many uncertainties about how state law and the federal regulation interact. Past practice may be your best guide because if any non-consensual healthcare operations disclosures are permitted under state law, the disclosures will probably be allowed under the federal regulation. You may need advice from other authorities.

State Law Citation

S.C. Code 44-115-40

Highlight of State Provision

Except as otherwise provided by law, a physician shall not honor a request for the release of copies of medical records without the receipt of express written consent of the patient.

Health-Related Services and Treatment Alternatives

According to the regulation, a healthcare provider may disclose health information to tell the patient about health-related services or to recommend possible treatment options, as long as the patient has the right to accept or reject such a disclosure. State law may have a different provision for handling this situation.

Marketing

Uses and Disclosures With Individual Involvement

Expected Impact [High]

The federal regulation allows for some marketing disclosures without consent. The state Physicians' Patient Records Act appears to require written consent for most disclosures. Other state, and perhaps federal, laws may permit non-consensual disclosures in some circumstances.

NOTE: There are many uncertainties about how state law and the federal regulation interact. Past practice may be your best guide because if some marketing disclosures are permitted under state law, it is possible that they may be allowed under the federal regulation, although the conditions may be different. You may need advice from other authorities.

State Law Citation

S.C. Code 44-115-40

Highlight of State Provision

Except as otherwise provided by law, a physician shall not honor a request for the release of copies of medical records without the receipt of express written consent of the patient.

Fundraising Activities

According to the regulation, a healthcare provider may disclose health information to contact patients in an effort to raise money for not-for-profit operations as long as the patient has the right to accept or reject such a disclosure. State law may have a different provision for handling this situation.

Expected Impact [Medium]

The federal regulation allows for limited fundraising disclosures without consent. The state Physicians' Patient Records Act appears to require written consent for most disclosures. Other state, and perhaps federal, laws may permit non-consensual disclosures in some circumstances.

NOTE: There are many uncertainties about how state law and the federal regulation interact. Past practice may be your best guide because if some fundraising disclosures are permitted under state law, it is possible that they may be allowed under the federal regulation, although the conditions may be different. You may need advice from other authorities.

State Law Citation

S.C. Code 44-115-40

Highlight of State Provision

Except as otherwise provided by law, a physician shall not honor a request for the release of copies of medical records without the receipt of express written consent of the patient.

Research

According to the regulation, under certain circumstances a healthcare provider may release PHI without patient consent for the purpose of research. State law may limit what information can be disclosed, if this information can be released without authorization, and under what circumstances the information can be released without

authorization.

Expected Impact [High]

The federal regulation allows for many disclosures without consent. The state Physicians' Patient Records Act appears to require written consent for most disclosures. Other state, and perhaps federal, laws may permit non-consensual disclosures in some circumstances.

NOTE: This is an uncertain area. It is not clear whether disclosures authorized under the federal regulation without patient consent now qualify as "otherwise provided by law." You may need advice from other authorities.

State Law Citation

S.C. Code 44-115-40

Highlight of State Provision

Except as otherwise provided by law, a physician shall not honor a request for the release of copies of medical records without the receipt of express written consent of the patient.

Organ and Tissue Donation

According to the regulation, a healthcare provider may release PHI without patient consent for the purpose of organ and tissue donation. State law may limit what information can be disclosed, if this information can be released without authorization, and under what circumstances the information can be released without authorization.

Expected Impact [High]

The federal regulation allows for many disclosures without consent. The state Physicians' Patient Records Act appears to require written consent for most disclosures. Other state, and perhaps federal, laws may permit non-consensual disclosures in some circumstances.

NOTE: This is an uncertain area. It is not clear whether disclosures authorized under the federal regulation without patient consent now qualify as "otherwise provided by law." It is not clear whether the state law applies to information in a medical record as well as a copy of the medical record. You may want to consult other authorities for more definitive advice on disclosures related to organ donation.

State Law Citation

S.C. Code 44-115-40

Highlight of State Provision

Except as otherwise provided by law, a physician shall not honor a request for the release of copies of medical records without the receipt of express written consent of the patient.

As Required By Law

The regulation allows you to disclose PHI when required by federal, state, or local law. State law may have additional provisions when releasing information for such a

purpose.

Expected Impact [Low]

NOTE: Both the federal regulation and state law allow for disclosures without consent when required by law, although the federal regulation may attach some additional procedural requirements to some types of disclosure.

State Law Citation

S.C. Code 44-115-40

Highlight of State Provision

Except as otherwise provided by law, a physician shall not honor a request for the release of copies of medical records without the receipt of express written consent of the patient.

To Avert a Serious Threat to Health or Safety

The regulation allows you to disclose PHI without patient consent for the purpose of health and safety. State law may have a different provision for handling this situation or may not allow such a disclosure to occur without patient consent.

Expected Impact [High]

The federal regulation allows for many disclosures without consent. The state Physicians' Patient Records Act appears to require written consent for most disclosures. Other state, and perhaps federal, laws may permit non-consensual disclosures in some circumstances.

NOTE: This is an uncertain area. It is not clear whether disclosures authorized under the federal regulation without patient consent now qualify as "otherwise provided by law." You may need advice from other authorities.

State Law Citation

S.C. Code 44-115-40

Highlight of State Provision

Except as otherwise provided by law, a physician shall not honor a request for the release of copies of medical records without the receipt of express written consent of the patient.

Military and Veterans

The regulation allows you to disclose PHI without patient consent as required by military command authorities of the Department of Veterans Affairs. State law may have a different provision for handling this situation or may not allow such a disclosure to occur without patient consent.

Expected Impact [High]

The federal regulation allows for many disclosures without consent. The state Physicians' Patient Records Act appears to require written consent

for most disclosures. Other state, and perhaps federal, laws may permit non-consensual disclosures in some circumstances.

NOTE: This is an uncertain area. It is not clear whether disclosures authorized under the federal regulation without patient consent now qualify as "otherwise provided by law." You may need advice from other authorities.

State Law Citation

S.C. Code 44-115-40

Highlight of State Provision

Except as otherwise provided by law, a physician shall not honor a request for the release of copies of medical records without the receipt of express written consent of the patient.

Worker's Compensation

The regulation allows you to disclose PHI without patient consent for Worker's Compensation programs. State law may have a different provision for handling this situation or may not allow such a disclosure to occur without patient consent.

We have not discovered any relevant state statutes for this section.

Public Health Risks

The regulation allows you to disclose PHI without patient consent for public health activities which are listed in this category. State law may have a different provision for handling this situation or may not allow such a disclosure to occur without patient consent.

Public Health Activities

Expected Impact [High]

The federal regulation allows for public health disclosures without consent. The state Physicians' Patient Records Act appears to require written consent for most disclosures. Other state, and perhaps federal, laws may permit non-consensual disclosures in some circumstances.

NOTE: There are many uncertainties about how state law and the federal regulation interact. Past practice may be your best guide because if some public health disclosures are permitted under state law, it is likely that they are allowed under the federal regulation. You may need advice from other authorities.

State Law Citation

S.C. Code 44-115-40

Highlight of State Provision

Except as otherwise provided by law, a physician shall not honor a request for the release of copies of medical records without the receipt of express written consent of the patient.

Victims of Abuse, Neglect or Domestic Violence

Expected Impact [High]

The federal regulation allows for many disclosures without consent. The state Physicians' Patient Records Act appears to require written consent for most disclosures. Other state, and perhaps federal, laws may permit non-consensual disclosures in some circumstances. Federal procedures governing disclosures of information about victims of abuse, neglect or domestic violence will apply to any disclosures allowed under state law.

NOTE: There are many uncertainties about how state law and the federal regulation interact. Past practice may be your best guide because if some disclosures are permitted under state law, it is likely that they may be allowed under the federal regulation, although the procedures may be different. You may need advice from other authorities.

State Law Citation

S.C. Code 44-115-40

Highlight of State Provision

Except as otherwise provided by law, a physician shall not honor a request for the release of copies of medical records without the receipt of express written consent of the patient.

Health Oversight Activities

The regulation allows you to disclose PHI without patient consent for certain health oversight activities. State law may have a different provision for handling this situation or may not allow such a disclosure to occur without patient consent.

Expected Impact [High]

The federal regulation allows for public health disclosures without consent. The state Physicians' Patient Records Act appears to require written consent for most disclosures. Other state, and perhaps federal, laws may permit non-consensual disclosures in some circumstances.

NOTE: There are many uncertainties about how state law and the federal regulation interact. Past practice may be your best guide because if some public health disclosures are permitted under state law, it is likely that they are allowed under the federal regulation. You may need advice from other authorities.

State Law Citation

S.C. Code 44-115-40

Highlight of State Provision

Except as otherwise provided by law, a physician shall not honor a request for the release of copies of medical records without the receipt of express written consent of the patient.

Lawsuits and Disputes

The regulation allows you to disclose PHI without patient consent for lawsuits and disputes. State law may have a different provision for handling this situation or may not

allow such a disclosure to occur without patient consent.

Judicial and Administrative Proceedings

Expected Impact [High]

The federal regulation allows for disclosures in response to court orders under procedures that require notice to the patient in some circumstances.

NOTE: This is an uncertain area. The federal procedures for disclosures in response to court orders appear to be applicable, but there appears to be no conflict between the federal regulation and state law regarding court orders. There is more uncertainty for subpoenas and other legal process.

State Law Citation

S.C. Code 44-115-40, 44-115-150

Highlight of State Provision

Except as otherwise provided by law, a physician shall not honor a request for the release of copies of medical records without the receipt of express written consent of the patient. However, this provision does not invalidate the authority of a court to issue a subpoena or of a licensing or disciplinary board of this state to obtain these records as provided by law.

Law Enforcement

The regulation allows you to disclose PHI without patient consent for certain law enforcement issues. State law may have a different provision for handling this situation or may not allow such a disclosure to occur without patient consent.

Law Enforcement

Expected Impact [Medium]

If law or court order requires the disclosures, there does not appear to be a conflict between the federal regulation and state law. However, it is not clear that disclosures in response to administrative requests that are permitted under the federal regulation are allowed under state law.

NOTE: This is an uncertain area. It is not clear whether disclosures authorized under the federal regulation without patient consent now qualify as "otherwise provided by law." You may need advice from other authorities.

State Law Citation

S.C. Code 44-115-40, 44-115-150

Highlight of State Provision

Except as otherwise provided by law, a physician shall not honor a request for the release of copies of medical records without the receipt of express written consent of the patient. However, this provision does not invalidate the authority of a court to issue a subpoena or of a licensing or disciplinary board of this State to obtain these records as provided by law.

There are several types of disclosures that have a similar impact when compared to the regulation. We have grouped them together

and listed the expected impact below.

Identification and Location Information

Victims of Crime

Decedents

Crime on Premises

Reporting Crime in Emergencies

Expected Impact [High]

The federal regulation allows for many disclosures without consent. The state Physicians' Patient Records Act appears to require written consent for most disclosures. Other state, and perhaps federal, laws may permit non-consensual disclosures in some circumstances.

NOTE: This is an uncertain area. It is not clear whether disclosures authorized under the federal regulation without patient consent now qualify as "otherwise provided by law." You may need advice from other authorities.

State Law Citation

S.C. Code 44-115-40

Highlight of State Provision

Except as otherwise provided by law, a physician shall not honor a request for the release of copies of medical records without the receipt of express written consent of the patient.

Coroners, Health Examiners and Funeral Directors

The regulation allows you to disclose PHI without patient consent to coroners, health examiners and funeral directors. State law may have a different provision for handling this situation or may not allow such a disclosure to occur without patient consent.

Expected Impact [High]

The federal regulation allows for many disclosures without consent. The state Physicians' Patient Records Act appears to require written consent for most disclosures. Other state, and perhaps federal, laws may permit non-consensual disclosures in some circumstances.

NOTE: This is an uncertain area. It is not clear whether disclosures authorized under the federal regulation without patient consent now qualify as "otherwise provided by law." You may need advice from other authorities.

State Law Citation

S.C. Code 44-115-40

Highlight of State Provision

Except as otherwise provided by law, a physician shall not honor a request for the release of copies of medical records without the receipt of express written consent of the patient.

National Security and Intelligence Activities

The regulation allows you to disclose PHI without patient consent for national security and intelligence activities. State law may have a different provision for handling this situation or may not allow such a disclosure to occur without patient consent.

Expected Impact [High]

The federal regulation allows for many disclosures without consent. The state Physicians' Patient Records Act appears to require written consent for most disclosures. Other state, and perhaps federal, laws may permit non-consensual disclosures in some circumstances.

NOTE: This is an uncertain area. It is not clear whether disclosures authorized under the federal regulation without patient consent now qualify as "otherwise provided by law." You may need advice from other authorities.

State Law Citation

S.C. Code 44-115-40

Highlight of State Provision

Except as otherwise provided by law, a physician shall not honor a request for the release of copies of medical records without the receipt of express written consent of the patient.

Protective Services for the President and Others

The regulation allows you to disclose PHI without patient consent for protective services for the President and others. State law may have a different provision for handling this situation or may not allow such a disclosure to occur without patient consent.

Expected Impact [High]

The federal regulation allows for many disclosures without consent. The state Physicians' Patient Records Act appears to require written consent for most disclosures. Other state, and perhaps federal, laws may permit non-consensual disclosures in some circumstances.

NOTE: This is an uncertain area. It is not clear whether disclosures authorized under the federal regulation without patient consent now qualify as "otherwise provided by law." You may need advice from other authorities.

State Law Citation

S.C. Code 44-115-40

Highlight of State Provision

Except as otherwise provided by law, a physician shall not honor a request for the release of copies of medical records without the receipt of express written consent of the patient.

Inmates

The regulation allows you to disclose PHI without patient consent for inmates. State law may have a different provision for handling this situation or may not allow such a disclosure to occur without patient consent.

Correctional Institution

Expected Impact [High]

The federal regulation allows for many disclosures without consent. The state Physicians' Patient Records Act appears to require written consent for most disclosures. Other state, and perhaps federal, laws may permit non-consensual disclosures in some circumstances.

NOTE: This is an uncertain area. It is not clear whether disclosures authorized under the federal regulation without patient consent now qualify as "otherwise provided by law." You may need advice from other authorities.

State Law Citation

S.C. Code 44-115-40

Highlight of State Provision

Except as otherwise provided by law, a physician shall not honor a request for the release of copies of medical records without the receipt of express written consent of the patient.

Patient Rights

Right to Inspect and Copy

The regulation allows patients to view their PHI except for psychotherapy notes. The state law may have special provisions for patients to access their records and may have specific impact on the management of psychotherapy notes.

Psychotherapy Notes

Expected Impact [Low]

Psychotherapy notes can apparently be withheld only if they meet the federal standard of harm for patient access. However, no information can be withheld from the patient's attorney.

NOTE: You may withhold psychotherapy notes only under the federal exemption for harm to the patient. However, no information can be withheld from the patient's attorney.

State Law Citation

S.C. Code 44-115-60

Highlight of State Provision

A physician may refuse to release a copy of the entire medical record and may furnish instead a summary when he has a reasonable belief that release of the information contained in the entire record would cause harm to the well-being of the patient or another person who has given information about the patient to the physician, or where release of the information is otherwise prohibited by law. However, a physician may not refuse to release the entire record or a portion of it, if the information is requested by a licensed attorney representing the patient, and the request is accompanied by a written authorization signed by the patient.

Access Procedure

Expected Impact [Low]

The federal regulation allows a provider to require that a request for access be in writing. The state law does the same.

NOTE: There is no conflict between the federal regulation and state law on access procedures. You may ask a patient for a written request before providing access to medical records.

State Law Citation

S.C. Code 44-115-30

Highlight of State Provision

A patient or his legal representative has a right to receive a copy of his medical record when accompanied by a written authorization from the patient.

Right to Amend

The regulation allows patients to amend their PHI. There are however, certain exceptions. The state law may have special provisions for patients to amend their records and may or may not have the same exceptions.

We have not discovered any relevant state statutes for this section.

Right to an Accounting of Disclosures

The regulation allows patients to request an accounting of disclosures of their PHI. The state law may have special provisions for patients to access this.

We have not discovered any relevant state statutes for this section.

Right to Request Restrictions

The regulation allows patients to request restrictions on their PHI. The state law may have special provisions for this issue.

We have not discovered any relevant state statutes for this section.

Right to Request Confidential Communications

The regulation allows patients to request confidential communications of their PHI. The state law may have special provisions for this issue.

We have not discovered any relevant state statutes for this section.

Other Uses of Health Information

Revocation

According to the regulation, any other disclosures of PHI not covered by this notice require patient authorization. Also, a patient may revoke an authorization at any time. The state law may have special provisions for when patients may revoke an authorization.

We have not discovered any relevant state statutes for this section.