

# Notice of Privacy Practices

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.

Tin RX Pharmacy, Inc. (Pharmacy) will ask you to sign an Acknowledgement that you have received this Notice of Privacy Practices (Notice). This Notice describes how Tin RX Pharmacy, Inc. may use and disclose your protected health information in accordance with the HIPAA Privacy Rule. It also describes your rights, and Tin RX Pharmacy, Inc. duties, with respect to protected health information about you.

## **Section A: Uses and Disclosures of Protected Health Information**

### **1. Treatment, Payment and Health Care Operations**

- a. The Pharmacy may use your health information to provide treatment. This may involve receiving or sharing health information with other health care providers such as your physician, and your health information may be communicated in writing, orally, or via electronic transmission or facsimile. This may also include receiving prescription orders from prescribers so that we may dispense prescription medications to you. We may share your health information with other health care providers who are treating you to coordinate the different things you need, such as medications, lab work, appointments, etc. We may also use your information to contact you to provide treatment-related services, such as refill reminders, treatment alternatives and other health related services that may be of benefit to you.
- b. The Pharmacy may use your PHI to obtain payment. This may include sending claims for payment to your insurance or third-party payer. It may also include providing health information to the payer to resolve issues of claim coverage.
- c. The Pharmacy may use your health information in our Pharmacy operations. This may include monitoring the quality of care that our employees provide to you and for training purposes.

### **2. Permitted or Required Uses and Disclosures**

- a. Tin Rx Pharmacy, Inc. may disclose your protected health information to a family member, other relative, close personal friend or other person you identify as being involved in your health care. This includes allowing such persons to pick up filled prescriptions, medical supplies or medical records on your behalf. However, you may opt to limit this disclosure by providing Tin Rx Pharmacy, Inc. with your preference (please see Section B below for more information). But if you are not able to tell us your preference, for example if you are unconscious, we may go ahead and share your information if we believe it is in your best interest. We may also share your information when needed to lessen a serious and imminent threat to health or safety.

- b. The Pharmacy also has contracted entities (Business Associates) that perform some services for us that require access to your protected health information. Examples may include companies that route claims to your insurance company or that reconcile the payments we receive from your insurance. However, we require all our Business Associates to apply appropriate safeguards to any protected health information they receive or create.
- c. Under certain circumstances the Pharmacy may be required to disclose health information as required or permitted by federal or state laws. These include, but are not limited to:
  - i. To the Food and Drug Administration (FDA) relating to adverse events regarding drugs, foods, supplements and other health products or for post -marketing surveillance to enable product recalls, repairs or replacement.
  - ii. To public health or legal authorities charged with preventing or controlling disease, injury or disability.
  - iii. To law enforcement agencies as required by law or in response to a valid subpoena or other legal process.
  - iv. To health oversight agencies (e.g., licensing boards) for activities authorized by law such as audits, investigations and inspections necessary for Pharmacy licensure and for monitoring of health care systems.
  - v. In response to a court order, administrative order, subpoena, discovery request or other lawful process by another person involved in a dispute involving a patient, but only if efforts have been made to tell the patient about the request or to obtain an order protecting the requested health information.
  - vi. As authorized by and as necessary to comply with laws relating to worker's compensation or similar programs established by the law.
  - vii. Whenever required to do so by law.
  - viii. To a Coroner or Medical Examiner when necessary. Examples include: identifying a deceased person or to determine a cause of death.
  - ix. To Funeral Directors to carry out their duties.
  - x. To organ procurement organizations or other entities engaged in procurement, banking or transplantation of organs for the purpose of tissue donation and transplant.
  - xi. To notify or assist in notifying a family member, personal representative or another person responsible for the patient's care of the patient's location or general condition.
  - xii. To a correctional institution or its agents if a patient is or becomes an inmate of such an institution when necessary for the patient's health or the health and safety of others.
  - xiii. When necessary to prevent a serious threat to the patient's health and safety or the health and safety of the public or another person.

- xiv. As required by military command authorities when the patient is a member of the armed forces and to appropriate military authority about foreign military personnel.
- xv. To authorized officials for intelligence, counterintelligence and other national security activities authorized by law.
- xvi. 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.
- xvii. To a government authority, such as social service or protective services agency, if Pharmacy reasonably believes the patient to be a victim of abuse, neglect or domestic violence but only to the extent required by law, if the patient agrees to the disclosure or if the disclosure is allowed by law and we believe it is necessary to prevent serious harm to the patient or to someone else or the law enforcement or public official that is to receive the report represents that it is necessary and will not be used against the patient.

**3. Authorized Use and Disclosure**

Use or disclosure other than those previously listed or as permitted or required by law, will not be made unless we obtain your written Authorization in advance. You may revoke any such Authorization in writing at any time. Upon receipt of a revocation, we will cease using or disclosing protected health information about you unless we have already taken action based on your Authorization.

**4. More Stringent Laws**

Notwithstanding the foregoing, California state laws that are more stringent than, and not contrary to, HIPAA shall take precedence. Please refer to section D of this Notice for the laws that may apply.

**Section B: Patient's Rights**

**1. Restriction Requests**

- a. You have a right to request a restriction be placed on the use and disclosure of your protected health information for purposes of carrying out treatment, payment or health care operations. Restrictions may include requests for not submitting claims to your insurance or third-party payer or limitations on which persons may be considered personal representatives.
- b. Tin RX Pharmacy, Inc. is not required to accept restrictions other than payment related uses not required by law that have been paid in full by the individual or representative other than a health plan.
- c. If we agree to the requested restrictions, they shall be binding until you request that they be modified or terminated.
- d. Requests for restrictions, or modification or termination of restrictions must be submitted in writing to the **Privacy Officer** listed in Section E of this Notice.

**2. Alternative Means of Communication**

- a. You have a right to receive confidential communications of protected health information by alternate methods or at alternate locations upon reasonable request. Examples of alternatives may be sending information to a phone or mailing address other than your home.

- b. Tin RX Pharmacy, Inc. shall make reasonable accommodation to honor requests.
- c. Requests must be submitted in writing to the **Privacy Officer** listed in Section D of this Notice.

### **3. Access to Protected Health Information**

- a. You have a right to inspect and copy your protected health information.
- b. The designated record set will usually include prescription and billing records. You have the right to request the protected health information in the designated record set for as long as we maintain your records.
- c. You have the right to request that your protected health information be provided to you in an electronic format if available.
- d. Requests must be submitted in writing to the **Privacy Officer** listed in Section D of this Notice.
- e. Any costs or fees associated with copying, mailing or preparing the requested records will be charged prior to granting your request.
- f. Tin RX Pharmacy, Inc. may deny your request for records in limited circumstances. In case of denial, you may request a review of the denial for most reasons. Requests for review of a denial must also be submitted to the **Privacy Officer** listed in Section D of this Notice.

### **4. Amendments to Health Information**

- a. If you believe that your protected health information is incomplete or incorrect, you may request an amendment to your records. You may request amendment to any records for as long as we maintain your records.
- b. Requests must be submitted in writing to the **Privacy Officer** listed in Section D of this Notice.
- c. Requests must include a reason that supports the amendment to your health information.
- d. Tin RX Pharmacy, Inc. may deny amendment requests in certain cases. In case of denial, you have the right to submit a Statement of Disagreement. We have the right to provide a rebuttal to your statement.

### **5. Accounting of Uses and Disclosures**

- a. You have the right to request an accounting of uses and disclosures that are not for treatment, payment or health care operations. This accounting may include up to the six years prior to the date of request and will not include an accounting of disclosures to yourself, your personal representatives or anything authorized by you in writing. Other restrictions may apply as required in the Privacy Rule.
- b. Requests must be submitted in writing to the **Privacy Officer** listed in Section D of this Notice.
- c. The first accounting in any 12-month period will be provided to you at no cost. Any additional requests within the same 12-month period will be charged a fee to cover the cost of providing the accounting. This fee amount will be provided to you prior to completing the request. You may choose to withdraw your request to avoid paying this fee.

### **6. Notice of Privacy Practices**

- a. You have a right to receive a paper copy of this Notice even if you previously agreed to receive a copy electronically.
- b. Please submit a request to the **Privacy Officer** listed in Section E of this Notice.

### **Section C: Tin RX Pharmacy, Inc. Duties**

1. The Pharmacy is required by law to maintain the privacy of protected health information, to provide individuals with notice of its legal duties and privacy practices with respect to protected health information, and to notify affected individuals following a breach of unsecured protected health information.
2. The Pharmacy is required to abide by the terms of this Notice. The Pharmacy reserves the right to change the terms of this Notice and to make the new notice provisions effective for all protected health information that we maintain. Any such revised Notice will be made available upon request.

### **Section D: State Specific Requirements**

#### **Disclosure of Medical Information by Providers – California**

##### **1. Prohibition of Unauthorized Disclosure of Medical Information**

- a. The Pharmacy shall not disclose medical information regarding a patient of the provider of health care or an enrollee or subscriber of a health care service plan without first obtaining an authorization, except as provided in subdivision (b) or (c).
- b. The Pharmacy shall disclose medical information if the disclosure is compelled by any of the following:
  - (1) By a court pursuant to an order of that court.
  - (2) By a board, commission, or administrative agency for purposes of adjudication pursuant to its lawful authority.
  - (3) By a party to a proceeding before a court or administrative agency pursuant to a subpoena, subpoena *duces tecum*, notice to appear, or any provision authorizing discovery in a proceeding before a court or administrative agency.
  - (4) By a board, commission, or administrative agency pursuant to an investigative subpoena.
  - (5) By an arbitrator or arbitration panel, when arbitration is lawfully requested by either party, pursuant to a subpoena *duces tecum*, or another provision authorizing discovery in a proceeding before an arbitrator or arbitration panel.
  - (6) By a search warrant lawfully issued to a governmental law enforcement agency.
  - (7) By the patient or the patient's representative.
  - (8) By a medical examiner, forensic pathologist, or coroner, when requested in the course of an investigation by a medical examiner, forensic pathologist, or coroner's office, the purpose of which may include, but not limited to: identifying the decedent or locating next of

kin, or when investigating deaths that may involve public health concerns, organ or tissue donation, child abuse, elder abuse, suicides, poisonings, accidents, sudden infant deaths, suspicious deaths, unknown deaths, or criminal deaths, or upon notification of, or investigation of, imminent deaths that may involve organ or tissue donation, or when otherwise authorized by the decedent's representative.

(9) When otherwise specifically required by law.

c. The Pharmacy may disclose medical information as follows:

- (1) The information may be disclosed to providers of health care, health care service plans, contractors, or other health care professionals or facilities for purposes of diagnosis or treatment of the patient. This includes, in an emergency situation, the communication of patient information by radio transmission or other means between emergency medical personnel at the scene of an emergency, or in an emergency medical transport vehicle, and emergency medical personnel at a licensed health facility.
- (2) The information may be disclosed to an insurer, employer, health care service plan, hospital service plan, employee benefit plan, governmental authority, contractor, or other person or entity responsible for paying for health care services rendered to the patient, to the extent necessary to allow responsibility for payment to be determined and payment to be made. If (A) the patient is, by reason of a comatose or other disabling medical condition, unable to consent to the disclosure of medical information and (B) no other arrangements have been made to pay for the health care services being rendered to the patient, the information may be disclosed to a governmental authority to the extent necessary to determine the patient's eligibility for, and to obtain, payment under a governmental program for health care services provided to the patient. The information may also be disclosed to another provider of health care or health care service plan as necessary to assist the other provider or health care service plan in obtaining payment for health care services rendered by that provider of health care or health care service plan to the patient.
- (3) The information may be disclosed to a person or entity that provides billing, claims management, medical data processing, or other administrative services for providers of health care or health care service plans or for any of the persons or entities specified in paragraph (2). However, information so disclosed shall not be further disclosed by the recipient in a way that would violate this part.
- (4) The information may be disclosed to organized committees and agents of professional societies or of medical staffs of licensed hospitals, licensed health care service plans, professional standards review organizations, independent medical review organizations and their selected reviewers, utilization and quality control peer review organizations, contractors, or persons or organizations insuring,

responsible for, or defending professional liability that a provider may incur, if the committees, agents, health care service plans, organizations, reviewers, contractors, or persons are engaged in reviewing the competence or qualifications of health care professionals or in reviewing health care services with respect to medical necessity, level of care, quality of care, or justification of charges.

- (5) The information in the possession of the Pharmacy may be reviewed by a private or public body responsible for licensing or accrediting the Pharmacy. However, no patient-identifying medical information may be removed from the premises except as expressly permitted or required elsewhere by law, nor shall that information be further disclosed by the recipient in a way that would violate this part.
- (6) The information may be disclosed to a medical examiner, forensic pathologist, or county coroner in the course of an investigation by a medical examiner, forensic pathologist, or coroner's office when requested for all purposes not included in paragraph (8) of subdivision (b). A medical examiner, forensic pathologist, or coroner shall not disclose the information contained in the medical record obtained pursuant to this paragraph to a third party without a court order or authorization pursuant to paragraph (4) of subdivision (c) of subsection (1) of Section D of this document.
- (7) The information may be disclosed to public agencies, clinical investigators, including investigators conducting epidemiologic studies, health care research organizations, and accredited public or private nonprofit educational or health care institutions for bona fide research purposes. However, no information so disclosed shall be further disclosed by the recipient in a way that would disclose the identity of a patient or violate this part.
- (8) If the Pharmacy that has created medical information as a result of employment-related health care services to an employee conducted at the specific prior written request and expense of the employer may disclose to the employee's employer that part of the information that:
  - (A) Is relevant in a lawsuit, arbitration, grievance, or other claim or challenge to which the employer and the employee are parties and in which the patient has placed in issue his or her medical history, mental or physical condition, or treatment, provided that information may only be used or disclosed in connection with that proceeding.
  - (B) Describes functional limitations of the patient that may entitle the patient to leave from work for medical reasons or limit the patient's fitness to perform his or her present employment, provided that no statement of medical cause is included in the information disclosed.
- (9) Unless The Pharmacy is notified in writing of an agreement by the sponsor, insurer, or administrator to the contrary, the information may be disclosed to a sponsor, insurer, or administrator of a group or

- individual insured or uninsured plan or policy that the patient seeks coverage by or benefits from, if the information was created by the provider of health care or health care service plan as the result of services conducted at the specific prior written request and expense of the sponsor, insurer, or administrator for the purpose of evaluating the application for coverage or benefits.
- (10) The Pharmacy may disclose health information to a health care service plan if it has a provider contract with that health care service plan and may be transferred among providers of health care that contract with the health care service plan, for the purpose of administering the health care service plan. Medical information shall not otherwise be disclosed by a health care service plan except in accordance with this part.
  - (11) This part does not prevent the disclosure by the Pharmacy to an insurance institution, agent, or support organization, subject to Article 6.6 (commencing with Section 791) of Chapter 1 of Part 2 of Division 1 of the Insurance Code, of medical information if the insurance institution, agent, or support organization has complied with all of the requirements for obtaining the information pursuant to Article 6.6 (commencing with Section 791) of Chapter 1 of Part 2 of Division 1 of the Insurance Code.
  - (12) The information relevant to the patient's condition, care, and treatment provided may be disclosed to a probate court investigator in the course of an investigation required or authorized in a conservatorship proceeding under the Guardianship-Conservatorship Law as defined in Section 1400 of the Probate Code, or to a probate court investigator, probation officer, or domestic relations investigator engaged in determining the need for an initial guardianship or continuation of an existing guardianship.
  - (13) The information may be disclosed to an organ procurement organization or a tissue bank processing the tissue of a decedent for transplantation into the body of another person, but only with respect to the donating decedent, for the purpose of aiding the transplant. For the purpose of this paragraph, "tissue bank" and "tissue" have the same meanings as defined in Section 1635 of the Health and Safety Code.
  - (14) The information may be disclosed when the disclosure is otherwise specifically authorized by law, including, but not limited to, the voluntary reporting, either directly or indirectly, to the federal Food and Drug Administration of adverse events related to drug products or medical device problems, or to disclosures made pursuant to subdivisions (b) and (c) of Section 11167 of the Penal Code by a person making a report pursuant to Sections 11165.9 and 11166 of the Penal Code, provided that those disclosures concern a report made by that person.
  - (15) Basic information, including the patient's name, city of residence, age, sex, and general condition, may be disclosed to a state-recognized or

- federally recognized disaster relief organization for the purpose of responding to disaster welfare inquiries.
- (16) The information may be disclosed to a third party for purposes of encoding, encrypting, or otherwise anonymizing data. However, no information so disclosed shall be further disclosed by the recipient in a way that would violate this part, including the unauthorized manipulation of coded or encrypted medical information that reveals individually identifiable medical information.
  - (17) For purposes of disease management programs and services, information may be disclosed as follows: (A) to an entity contracting with a health care service plan or the health care service plan's contractors to monitor or administer care of enrollees for a covered benefit, if the disease management services and care are authorized by a treating physician, or (B) to a disease management organization that complies fully with the physician authorization requirements of Section 1399.902 of the Health and Safety Code, if the health care service plan or its contractor provides or has provided a description of the disease management services to a treating physician or to the health care service plan's or contractor's network of physicians. This paragraph does not require physician authorization for the care or treatment of the adherents of a well-recognized church or religious denomination who depend solely upon prayer or spiritual means for healing in the practice of the religion of that church or denomination.
  - (18) The information may be disclosed, as permitted by state and federal law or regulation, to a local health department for the purpose of preventing or controlling disease, injury, or disability, including, but not limited to, the reporting of disease, injury, vital events, including, but not limited to, birth or death, and the conduct of public health surveillance, public health investigations, and public health interventions, as authorized or required by state or federal law or regulation.
  - (19) The information may be disclosed, consistent with applicable law and standards of ethical conduct, by a psychotherapist, if the psychotherapist, in good faith, believes the disclosure is necessary to prevent or lessen a serious and imminent threat to the health or safety of a reasonably foreseeable victim or victims, and the disclosure is made to a person or persons reasonably able to prevent or lessen the threat, including the target of the threat.
  - (20) The information may be disclosed as described in Business and Professions Code Section 56.103.
  - (21) (A) The information may be disclosed to an employee welfare benefit plan, which is formed under Section 302(c)(5) of the Taft-Hartley Act (29 U.S.C. Sec. 186(c)(5)), to the extent that the employee welfare benefit plan provides medical care, and may also be disclosed to an entity contracting with the employee welfare benefit plan for billing, claims management, medical data processing, or other administrative

services related to the provision of medical care to persons enrolled in the employee welfare benefit plan for health care coverage, if all of the following conditions are met:

- (i). The disclosure is for the purpose of determining eligibility, coordinating benefits, or allowing the employee welfare benefit plan or the contracting entity to advocate on the behalf of a patient or enrollee with a provider, a health care service plan, or a state or federal regulatory agency.
- (ii). The request for the information is accompanied by a written authorization for the release of the information submitted in a manner consistent with subdivision (a) and Section 56.11.
- (iii). The disclosure is authorized by and made in a manner consistent with the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191).
- (iv). Any information disclosed is not further used or disclosed by the recipient in any way that would directly or indirectly violate this part or the restrictions imposed by Part 164 of Title 45 of the Code of Federal Regulations, including the manipulation of the information in any way that might reveal individually identifiable medical information.

(B) For purposes of this paragraph, Section 1374.8 of the Health and Safety Code shall not apply.

(22) Information may be disclosed pursuant to subdivision (a) of Section 15633.5 of the Welfare and Institutions Code by a person required to make a report pursuant to Section 15630 of the Welfare and Institutions Code, provided that the disclosure under subdivision (a) of Section 15633.5 concerns a report made by that person. Covered entities, as they are defined in Section 160.103 of Title 45 of the Code of Federal Regulations, shall comply with the requirements of the Health Insurance Portability and Accountability Act (HIPAA) privacy rule pursuant to subsection (c) of Section 164.512 of Title 45 of the Code of Federal Regulations if the disclosure is not for the purpose of public health surveillance, investigation, intervention, or reporting an injury or death.

- d. Except to the extent expressly authorized by a patient, enrollee, or subscriber, or as provided by subdivisions (b) and (c) of this section, the Pharmacy and its subsidiaries and affiliates shall not intentionally share, sell, use for marketing, or otherwise use medical information for a purpose not necessary to provide health care services to the patient.
- e. Except to the extent expressly authorized by a patient or enrollee or subscriber or as provided by subdivisions (b) and (c) of this section, a contractor or corporation and its subsidiaries and affiliates shall not further disclose medical information regarding a patient of the Pharmacy to a person or entity that is not engaged in providing direct health care services to the patient or his or her provider of health care or health care service plan or insurer or self-insured employer.

- f. For purposes of this section, a reference to a “medical examiner, forensic pathologist, or coroner” means a coroner or deputy coroner as described in subdivision (c) of Section 830.35 of the Penal Code, or a licensed physician who currently performs official autopsies on behalf of a county coroner’s office or a medical examiner’s office, whether as a government employee or under contract to that office.

## **2. Authorized Disclosure of Medical Information**

- a. The Pharmacy may, in accordance with subdivision (c) or (d) of subsection (2) of Section D of this document, disclose to a family member, other relative, domestic partner, or a close personal friend of the patient, or any other person identified by the patient, the medical information directly relevant to that person's involvement with the patient's care or payment related to the patient's health care.
- b. The Pharmacy may use or disclose medical information to notify, or assist in the notification of, including identifying or locating, a family member, a personal representative of the patient, a domestic partner, or another person responsible for the care of the patient of the patient's location, general condition, or death. Any use or disclosure of medical information for those notification purposes shall be in accordance with the provisions of subdivision (c), (d), or (e) of subsection (2) of section D of this document, as applicable.
- c. (1) If the patient is present for, or otherwise available prior to, a use or disclosure permitted by subdivision (a) or (b) and has the capacity to make health care decisions, the Pharmacy may use or disclose the medical information if it does any of the following:
  - (A) Obtains the patient's agreement.
  - (B) Provides the patient with the opportunity to object to the disclosure, and the patient does not express an objection.
  - (C) Reasonably infers from the circumstances, based on the exercise of professional judgment, that the patient does not object to the disclosure.(2) If the patient is not present, or the opportunity to agree or object to the use or disclosure cannot practicably be provided because of the patient's incapacity or an emergency circumstance, the Pharmacy may, in the exercise of professional judgment, determine whether the disclosure is in the best interests of the patient and, if so, disclose only the medical information that is directly relevant to the person's involvement with the patient's health care. The Pharmacy and its pharmacists may use professional judgment and experience with common practice to make reasonable inferences of the patient's best interest in allowing a person to act on behalf of the patient to pick up filled prescriptions, medical supplies, X-rays, or other similar forms of medical information.
- d. The Pharmacy may use or disclose medical information to a public or private entity authorized by law or by its charter to assist in disaster relief efforts, for the purpose of coordinating with those entities the uses or disclosures permitted by subdivision(b). The requirements in subdivisions (c) and (d)

- apply to those uses and disclosures to the extent that the provider of health care, health care service plan, or contractor, in the exercise of professional judgment, determines that the requirements do not interfere with the ability to respond to the emergency circumstances.
- e. Nothing in this section shall be construed to interfere with or limit the access authority of Protection and Advocacy, Inc., the Office of Patients' Rights, or any county patients' rights advocates to access medical information pursuant to any state or federal law.

## **Section E: Contacting Us**

### **1. Additional Questions, Submitting Requests or Complaints**

- a. If you have questions about this Notice or how Tin RX Pharmacy, Inc. uses and discloses your protected health information please contact our **Privacy Officer** below.
- b. You may obtain forms needed for request submission from our pharmacy or from our **Privacy Officer**.
- c. If you believe your privacy rights have been violated you may file a complaint with our Privacy Officer or with the Secretary of Health and Human Services. You will not be retaliated against for filing a complaint.

### **2. Privacy Officer Information**

**Privacy Officer**  
**Tin RX Pharmacy, Inc.**  
**1015 S. Hackett Rd.**  
**Waterloo, IA 50701**  
**319--274--1040**

### **3. Secretary of Health and Human Services, Office for Civil Rights**

- a. For online complaint forms and contact information for the Regional OCR offices: <http://www.hhs.gov/ocr/privacy/index.html>
- b. Email: [OCRComplaint@hhs.gov](mailto:OCRComplaint@hhs.gov) for assistance or questions about complaint forms

**Version # 1617628--PAAS--2013--2.0**

**Effective Date**

**This Notice of Privacy Practices is effective as of**

**09--20--2013**