

# **NMS LABS**

## **NOTICE OF PRIVACY PRACTICES**

NMS Labs is committed to protecting the confidentiality and privacy of all laboratory and health information. It is our policy to be in compliance with the requirements of federal and Pennsylvania state law related to protecting the privacy of health information, including but not limited to the Standards for Privacy of Individually Identifiable Health Information (45 CFR, Parts 160 and 164 — commonly called the “HIPAA Privacy Rule”) and the Clinical Laboratories Improvement Amendments (“CLIA”). Accordingly, it is NMS Labs’ policy to release laboratory information only to authorized persons or their designees who ordered the testing, unless NMS Labs receives written permission from its client otherwise authorizing NMS Labs’ release. NMS Labs will comply with out-of-state regulations as applicable.

This notice explains how health information about you may be used or shared with others, as well as your privacy rights regarding this kind of information. The terms of this notice apply to health information created or received by NMS Labs.

NMS Labs is considered a covered entity, although it provides only indirect patient treatment in the form of laboratory testing services for its covered entity clients. Specifically, NMS Labs receives patient specimens from other covered entities (hospitals, laboratories, physician offices, state health agencies) for testing. NMS Labs, as a covered entity, is responsible to comply with all HIPAA Privacy Rule requirements and under these requirements is permitted to receive specimens, perform testing, and report results to other healthcare providers. In addition, the HIPAA Privacy Rule expressly permits NMS Labs to use or disclose your protected health information (“PHI”) without authorization, for treatment, payment, or healthcare operations. In addition, NMS Labs may disclose PHI for your treatment activities to another healthcare provider. NMS Labs may also disclose PHI to Public Health entities for disease control, injury prevention and other epidemiological activities as required by federal, state or local law. NMS Labs may disclose PHI to another covered entity or healthcare provider for payment activities. Payment activities may include: obtaining premiums, determining eligibility or coverage, coordination of benefits, billing and collections, medical necessity or coverage review, utilization review, or disclosing information to collection agencies. NMS Labs will make reasonable efforts so that no more than the “minimum necessary” PHI is used or disclosed.

As a general rule, the HIPAA Privacy Rule affords patients the right of access (*i.e.* to inspect and receive a copy) to their protected health information held by a covered entity. However, the HIPAA Privacy Rule specifically exempts a patient’s right to access certain protected health information that is subject to CLIA, such as NMS Labs’ laboratory results. Accordingly, pursuant to the HIPAA Privacy Rule, CLIA and Pennsylvania state laboratory licensure regulations, NMS Labs is permitted to release clinical laboratory test results only to the authorized person who ordered the test.

## **Pursuant to the HIPAA Privacy Rule, NMS Labs may use or disclose your lab test results for the following limited purposes:**

- **Treatment:** Since NMS Labs provides indirect treatment to patients, its laboratory test results may be used by the entity ordering your lab work to provide, coordinate, and manage your care and treatment.
- **Payment:** NMS Labs may use and disclose medical information about you so that the treatment and services you receive may be billed to, and payment may be collected from, you, an insurance company, or another third party.
- **Health Care Operations:** NMS Labs may use and disclose medical information about you for its own health care operations. Health care operations are the uses and disclosures of information that are necessary to run NMS Labs and to make sure that all of our clients receive quality care.
- **Research:** Federal law permits NMS Labs to use and disclose medical information about you for research purposes, including in connection with future research, either with your specific, written authorization or when the study has been reviewed for privacy protection by an Institutional Review Board or Privacy Board before the research begins. In some cases, researchers may be permitted to use information in a limited way to determine whether the study or the potential participants are appropriate. Pennsylvania law generally requires that we get your general consent before we disclose your health information to an outside researcher. We will make a good faith effort to obtain your consent or refusal to participate in any research study, as required by law, prior to releasing any identifiable information about you to outside researchers.
- **As Required by Law:** NMS Labs will disclose medical information about you when federal, state or local law requires us to do so.
- **To Avert a Serious Threat to Health or Safety:** NMS Labs may disclose medical 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. NMS Labs may only disclose under this circumstance to someone able to help prevent the threat.
- **To Business Associates:** Under certain circumstances, some services may be provided by or to NMS Labs through contracts with business associates. Examples of our business associates include NMS Labs' attorneys, consultants, collection agencies, and accreditation organizations. We may disclose information about you to our business associate so that they can perform the job we have contracted with them to do. To protect the information that is disclosed, each business associate is required to sign an agreement whereby they agree to appropriately safeguard the information and not to re-disclose the information unless specifically permitted by law.

## Your medical information may be released in the following special situations:

- **Organ and Tissue Donation:** We may release your medical information to organizations that handle organ procurement or organ, eye or tissue transplantation, or to an organ donation bank, as necessary to facilitate organ or tissue donation and transplantation. The information that NMS Labs may disclose is limited to the information necessary to make a transplant possible.
- **Military and Veterans:** If you are a member of the armed forces, NMS Labs will release medical information about you as requested by military command authorities if we are required to do so by law, or when we have your written consent. We may also release medical information about foreign military personnel to the appropriate foreign military authority as required by law or with written consent.
- **Workers' Compensation:** NMS Labs may release medical information about you for workers' compensation or similar programs. These programs provide benefits for work-related injuries or illness. Pennsylvania law generally requires that we get your general consent before we disclose your health information to the parties involved in the claim.
- **Public Health:** NMS Labs may disclose medical information to public health authorities about you for public health activities. These disclosures generally include the following examples, with respect to our services:
  - Preventing or controlling disease, injury or disability; -
  - Reporting reactions to medications or problems with products; -
  - Notifying a person who may have been exposed to a disease or may be at risk for contracting or spreading a disease or condition; or
  - Reporting to the FDA as permitted or required by law.
- **Health Oversight Activities:** NMS Labs may disclose medical information to a health oversight agency for health oversight activities that are authorized by law. These oversight activities include, for example, government audits, investigations, inspections, and licensure activities. 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, dispute, or other judicial proceeding, NMS Labs will disclose medical information about you only in response to a valid court order, administrative order, or a grand jury subpoena, or with your written consent.
- **Law Enforcement:** NMS Labs may release medical information if asked to do so by a law enforcement official in response to a valid court order, grand jury subpoena, or warrant, or with your written consent.

- **Coroners, Medical Examiners, and Funeral Directors:** NMS Labs may release medical information to a coroner or medical examiner in the case of certain types of death, and we must disclose health records upon the request of the coroner or medical examiner. This may be necessary, for example, to identify you or determine the cause of death. Other disclosures from your health record will require the consent of a surviving spouse, parent, a person appointed by you in writing, or your legally authorized representative.
- **National Security and Intelligence Activities:** NMS Labs will release medical information about you to authorized federal officials for intelligence, counter-intelligence, and other national security activities only as required by law or with your written consent.
- **Protective Services for the President and Others:** NMS Labs will disclose medical 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 only as required by law or with your written consent.
- **Inmates:** If you are an inmate of a correctional institution or under the custody of a law enforcement official, NMS Labs will release medical information about you to the correctional institution or law enforcement official only as required by law or with your written consent.
- **Genetic Information:** Genetic information is considered health information and may be used and disclosed by NMS Labs in the same fashion as other medical information may be used and disclosed, as described in this Notice. However, health plans are restricted as to the uses or disclosures that they may make with respect to your genetic information.
- **Right to an Accounting of Disclosures:** You have the right to request an “accounting of disclosures.” This is a list of the disclosures NMS Labs has made of medical information about you. If such disclosures are made through an electronic health record, you have the right to receive a list of these types of disclosures as well. This list will not include disclosures for treatment, payment, and health care operations; disclosures that you have authorized or that have been made to you; disclosures for facility directories; disclosures for national security or intelligence purposes; disclosures to correctional institutions or law enforcement with custody of you; disclosures that took place before April 14, 2003; and certain other disclosures.

To request this list of disclosures, you must submit your request in writing to NMS Labs, Privacy Officer. Your request must state a time period for which you would like the accounting. The accounting period may not go back further than six years from the date of the request, provided, however that with respect to disclosures through an electronic health record, the period is no longer than three (3) years. You may receive one free accounting in any 12-month period. We will charge you for additional requests.

- **Right to Request Restrictions:** You have the right to request a restriction or limitation on the medical 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 medical information we disclose about you to someone who is involved in the payment for your care, such as a family member or friend. We are not required to agree to your request. If we do agree, our agreement must be in writing, and we will comply with your request unless the information is needed to provide you emergency treatment. However, if you pay for your treatment in full, you have the right to restrict, unless otherwise prohibited by law, the disclosure of your medical information to your insurance company or health plan in connection with the services that are paid for in full by you and we must abide by your request in such circumstances. To request a restriction, you must make your request in writing to NMS Labs Privacy Officer. In your request, you must tell us (1) what information you want to limit; (2) whether you want to limit our use, disclosure, or both; and (3) to whom you want the limits to apply, for example, disclosures to your spouse or employer.
- **Right to a Paper Copy of This Notice:** You have the right to receive a paper copy of this notice. You may ask us to give you a copy of this notice any time. This notice is on our website: [www.nmslabs.com](http://www.nmslabs.com).
- **Right to Notice of a Breach:** You have the right to be notified of a data breach.

## **Changes to This Notice**

The effective date of this notice is April 1, 2003, as revised on September 23, 2013. NMS Labs reserves the right to change this notice. We reserve the right to make the revised or changed notice effective for medical information we already have about you, as well as any information we receive in the future. If the terms of this notice are changed, NMS Labs will post the revised notice on our website and in designated locations at NMS Labs.

## **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 NMS Labs, contact Margaret R. Beamer, Privacy Officer. All complaints must be submitted in writing. *You will not be penalized for filing a complaint.*

## **Other Uses of Medical Information**

Certain uses of your medical information, such as the use or disclosure of your information for marketing purposes are prohibited without your express authorization. We also cannot sell your health information without your permission. Except as described in this Notice, NMS Labs will not use or disclose your protected health information without a specific written authorization from you. If you provide us with this written authorization to use or disclose medical information about you, you may revoke that authorization, in writing, at any time. If you revoke your authorization, we will no longer use or disclose medical information about you for the reasons covered by your written authorization, except to the extent we have already relied on your authorization. NMS Labs is unable to take back any disclosures we have already made with your permission, and NMS Labs is required to retain our records of the tests that we provided.