

# AK PAIN & SPINE CENTER

# NOTICE OF

# PRIVACY PRACTICES

Effective: August 2024 | Revised: June 2026

This Notice is provided to you pursuant to the privacy regulations enacted as a result of the Health Insurance Portability and Accountability Act of 1996 (HIPAA). This joint notice of privacy practices describes how your medical information may be used and disclosed and how you can get access to your information. This Notice applies to all your medical information created or maintained by AK Pain and Spine Center (hereafter also referred to as “AKPS” or “the practice.” Please review this notice carefully.

## WHAT IS PROTECTED HEALTH INFORMATION (PHI)?

“Protected Health Information” or “PHI” means information that identifies you individually and relates to your past, present, or future physical or mental health condition and/or related health care services.

## AT A GLANCE

- ✓ We are committed to your privacy.
- ✓ We use and disclose PHI for treatment, payment, and health care operations.
- ✓ You have important rights regarding your PHI.
- ✓ We are required by law to protect your PHI.

## A. OUR COMMITMENT TO YOUR PRIVACY

AK Pain and Spine is committed to maintaining the privacy of your health information. We are required by law to (i) maintain the privacy of your health information; (ii) provide you with this notice of our legal duties and privacy practices with respect to your health information; (iii) follow the terms of the notice of privacy practices currently in effect; and (iv) notify you if there is a breach of your health information. We must also provide you with the following important information: (a) how we may use and disclose your health information; (b) your privacy rights; and (c) our obligations concerning the use and disclosure of your health information.

**This Notice of Privacy Practices is NOT an authorization.** Rather it describes how we, our Business Associates, and their subcontractors may use and disclose your Protected Health Information to carry out treatment, payment, or health care operations, and for other purposes as permitted or required by law. It also describes your rights to access and control your Protected Health Information.

“Protected Health Information” (“PHI”) means information that identifies you individually; including demographic information, and information that relates to your past, present, or future physical or mental health condition and/or related health care services.

The terms of this notice apply to all your PHI created or maintained by AK Pain and Spine. We reserve the right to revise or amend this Notice at any time. Any revision or amendment to this notice will be effective for all of your records that we created or maintained in the past and for any of your records that we may create or maintain in the future. We will post a copy of our current Notice online at [AKPainandSpine.com](http://AKPainandSpine.com).

You may request a copy of our most current Notice at any time.

## B. USE AND DISCLOSURE OF YOUR INDIVIDUALLY IDENTIFIABLE HEALTH INFORMATION (PHI)

**Treatment.** AKPS may use or share your PHI to provide medical treatment or services for you and manage and coordinate your medical care. AKPS may disclose your PHI to physicians and health care providers (including pharmacists), durable medical equipment (DME) vendors, surgery centers, hospitals, rehabilitation therapists, home health providers, laboratories, nurse case managers, worker’s compensation adjusters, etc. to ensure that your medical providers have the necessary information to diagnose and provide treatment to you. For example, a doctor treating you for a broken leg may need to know if you have diabetes because diabetes may affect the healing process. AKPS may also disclose your PHI to individuals who are directly involved in your care, including family members, friends or other care providers. If you participate in a virtual visit (telehealth), your information will be shared electronically via a secure transmission to facilitate the virtual visit.

**Payment.** AKPS may use and disclose your PHI in order to bill for services provided and collect payment from health plans or other entities. For example, we may disclose PHI to your health insurance plan so it will pay for your services, determine your eligibility for coverage, or to obtain prior approval from the insurer to cover payment for treatment. AKPS also may use and disclose your PHI to obtain payment from third parties that may be responsible for such costs, including family members. AKPS may also disclose your information to a collection agency to obtain overdue payment or to a regulatory agency or insurance company to determine whether the services we provided were medically necessary or appropriately billed.

**Health Care Operations.** AKPS and its providers may use and disclose your PHI to run our businesses, improve your care, and contact you when necessary. For example: We may use or disclose your PHI:(1) to conduct quality or patient safety activities, population-based activities relating to improving health or reducing health care costs, case management and care coordination, and contacting your health care providers and you with information about treatment alternatives; (2) when conducting training programs or performing accreditation, licensing, or credentialing activities; (3) when conducting or arranging for medical review, legal services, and auditing functions; and (4) for our proper management and administration, including customer service, resolving complaints, strategic planning, etc. In addition, we may use or disclose de-identified information or a limited data set for certain healthcare operations purposes. We may also record your visit in order to facilitate the documentation of your care by your provider via a scribe or virtual scribe service.

**Appointment Reminders, Check-In and Results.** AKPS may use and disclose your PHI to contact you and remind you of an appointment. AKPS may use a sign-in sheet at the registration desk and call you by name in the waiting room when your provider is ready to see you. AKPS

may also use your PHI to contact you about test results. AKPS may leave a message reminding you of an appointment or the results of certain tests but will leave the minimum amount of information necessary to communicate this information.

**Treatment Options and Health-Related Benefits and Services.** AKPS may use and disclose your PHI to inform you of treatment options or alternatives as well as certain health-related benefits or services that may be of interest to you. AKPS may also use and disclose your PHI to describe health-related products or services (or payment for such products or services) provided through your benefit plan or to offer information on other providers participating in a healthcare network that we participate in.

**Disclosures to Family or Friends.** AKPS may disclose your PHI to individuals involved in your care or treatment or responsible for payment of your care or treatment. If you are incapacitated, we may disclose your PHI to the person named in your Durable Power of Attorney for Health Care or your personal representative (the individual authorized by law to make health-related decisions for you). In the event of a disaster, your PHI may be disclosed to disaster relief organizations to coordinate your care and/or to notify family members or friends of your location and condition.

**Disclosures Required by Law.** AKPS will use and disclose your PHI when we are required to do so by federal, state or local law. For example, AKPS may disclose PHI to comply with child and elder abuse reporting laws or to report certain diseases, injuries or deaths to state or federal agencies.



## C. USE AND DISCLOSURE OF YOUR PHI IN CERTAIN SPECIAL CIRCUMSTANCES

**Public Health Reporting.** AKPS may disclose and may be required by law to disclose your PHI for certain public health purposes. For example, AKPS may disclose your PHI to the Food and Drug Administration (FDA) regarding the quality and safety of an FDA-regulated product or activity; to prevent or control disease; report births and deaths; to report child abuse and/or neglect; to report reactions to medications or problems with health products; to provide notification of recalls of products; or report a person who may have been exposed to a disease or may be at risk of contracting and/or spreading a disease or condition. In addition, AKPS may provide proof of immunizations to a school that requires a patient's immunization record prior to enrollment or admittance of a student if you have informally agreed to the disclosure for yourself or on behalf of your legal dependent.

**Health Oversight Activities.** AKPS may disclose your PHI to a health oversight agency for investigations, inspections, audits, surveys, licensure and disciplinary actions, and in certain civil, administrative, and criminal procedures or actions, or other health oversight activities as authorized by law.

**Lawsuits and Disputes.** AKPS may disclose your PHI in response to a court or administrative order, subpoena, request for discovery, or other legal processes. However, absent a court order, AKPS will generally disclose your PHI if you have authorized the disclosure or efforts have been made to inform you of the request or obtain an order protecting the information requested. Your information may also be disclosed if required for our legal defense in the event of a lawsuit.

**Law Enforcement.** AKPS may disclose your PHI if requested by a law enforcement official: (a) regarding a crime victim in certain situations, if we are unable to obtain the person's agreement; (b) about a death we believe resulted from criminal conduct; (c) regarding criminal conduct on our premises; (d) in response to a warrant, summons, court order, subpoena or similar legal process; (e) to identify/locate a suspect, material witness, fugitive or missing person; or (f) in an emergency, to report a crime (including the location or victim(s) of the crime, or the description, identity or location of the perpetrator).

**Deceased Patients.** AKPS may disclose your PHI to a medical examiner or coroner to identify a deceased individual or to identify the cause of death. In addition, we may disclose PHI necessary for funeral directors to fulfill their responsibilities.

**Organ and Tissue Donation.** AKPS may disclose your PHI to organizations that handle organ, eye or tissue procurement or transplantation, including organ donation or blood banks, as necessary to facilitate donation and transplantation if you are a donor.

**Research.** AKPS may use and disclose your PHI to researchers for the purpose of conducting research with your written authorization or when the research has been approved by an Institutional Review Board and is in compliance with law governing research. In certain situations, the need for your individual consent may be waived by a Privacy Board.

**Serious Threats to Health or Safety.** AKPS may use and disclose your PHI when necessary to reduce or prevent a serious threat to your health and safety or the health and safety of another individual or the public. Under these circumstances, we will only make disclosures to a person or organization able to help prevent the threat.

**Military, National Security, and other Specialized Government Functions:** If you are in the military or involved in national security or intelligence, AKPS may disclose your PHI to authorized officials. AKPS also may disclose your PHI to authorized federal officials in order to protect the President, other officials or foreign heads of state, or to conduct certain investigations.

**Workers' Compensation.** AKPS will disclose only the PHI necessary for worker's compensation in compliance with worker's compensation laws. This information may be reported to your employer and/or your employer's representative in the case of an occupational injury or illness.

**Inmates.** If you are an inmate or in the custody of a law enforcement official, AKPS may disclose your PHI to correctional institutions or law enforcement officials as necessary: (a) for the institution to provide health care services to you; (b) for the safety and security of the law enforcement officer or the correctional institution; and/or (c) to protect your health and safety or the health and safety of other individuals.

**Minors.** If you are a minor (generally an individual under 18 years old), we may disclose your PHI to your parent or guardian unless otherwise prohibited by law.



## D. YOUR PRIVACY RIGHTS REGARDING YOUR PHI

**Inspection and Copies.** You may request a copy of, or request to inspect, the PHI that is used to make decisions about you, including medical and billing records and laboratory and imaging reports. You have the right to obtain an electronic copy if it is readily producible by us in the form and format requested, or you may request that we provide a paper copy of your record. You may also request a summary of your record. We will provide your health information, to you or whomever you designate to receive it, usually within thirty (30) days of your request, or fifteen (15) days if your provider is in Texas. AKPS may charge a reasonable cost-based fee to cover the costs of copying, mailing, labor and

supplies associated with your request. AKPS may deny your request to inspect and/or copy in certain limited circumstances; however, you may request a review of our denial. There may be times that your provider, in his or her professional judgment, may not think it is in your best interest to have access to your medical record. Depending on the reason for the decision to deny a request, we may ask another licensed provider chosen by us to conduct a review of your request and its denial.

**Confidential Communications.** You may request in writing that we communicate with you in a specific way or send mail to a different address. For example, you may request that we contact you at home, rather than work or by mail. AKPS will accommodate all reasonable requests. You do not need to give a reason for your request. We will comply with your request if we are reasonably able to do so.

**Amendment.** You may request a correction or amendment of your PHI if you believe it is incorrect or incomplete. You may make a written request for a correction or amendment for as long as your PHI is maintained by or for AKPS. Requests must provide a reason or explanation that supports the request. AKPS will deny your request if it is not in writing or if, in the provider's opinion, the information is: (a) accurate and complete; (b) not part of the PHI maintained by or for AKPS; (c) not part of the PHI that you have the right to inspect and copy; or (d) not created by AKPS, unless the individual or entity that created the information is not available to amend the information. AKPS will notify you in writing within sixty (60) days if we cannot fulfill your request.

**Accounting of Disclosures.** You may request an accounting of certain disclosures that AKPS has made of your PHI. This accounting will list the disclosures that we have made of your PHI but will not include disclosures made for the purposes of treatment, payment, health care operations, disclosures required by law, and certain other disclosures (such as any you asked us to make). Your request must be in writing and state the time period for which you want the accounting (not to exceed six (6) years prior to the date you make the request). AKPS will provide one accounting a year for free but will charge a reasonable, cost-based fee if you ask for another one within twelve (12) months. AKPS will notify you of the costs involved with any additional request and you may withdraw your request before you incur any costs.

**Requests for Restrictions.** You have the right to request that AKPS not use or share your PHI for treatment, payment, or health care operations. We are not required to agree to your request, and we may say "no" if we believe it might affect your care. If you pay for a service or health care item out-of-pocket in full, you may ask us not to share that information for the purpose of payment or our operations with your health insurer. In that case, we will approve your request unless a law specifically requires us to share that information.

**Right to Receive a Notice of a Breach of Unsecured Medical Information.** You have the right to receive prompt notice in writing of a breach of your PHI that may have compromised the privacy or security of your information.

**Right to a Paper Copy of This Notice.** You have the right to receive a paper copy of this notice at any time even if you have agreed to receive the notice electronically. You may also obtain a copy of this notice at our website – [AKPainandSpine.com](http://AKPainandSpine.com).

**Right to File a Complaint.** If you believe your rights have been violated, you may file a complaint with us or with the Secretary of the Department of Health and Human Services ("HHS"), Office for Civil Rights, 200 Independence Avenue, S.W., Washington, D.C. 20201, calling 1-877-696-6775, or visiting [www.hhs.gov/ocr/privacy/hipaa/complaints/](http://www.hhs.gov/ocr/privacy/hipaa/complaints/). All complaints must be submitted in writing. You will not be penalized for filing a complaint.



## E. ADDITIONAL INFORMATION AND DIGITAL HEALTH SERVICES

**Patient Portal and Other Patient Electronic Correspondence.** AKPS may use and disclose your PHI through various secure patient portals that allow you to view, download and transmit certain medical and billing information and communicate with certain health care providers in a secure manner through the portal. For questions regarding our electronic communication services, please contact our office.

**Your Contact Information:** Home and Email Addresses/Phone Numbers. If you provide us with a home or email address, home/work/cell telephone number, or other contact information during any registration or administrative process we will assume that the information you provided us is accurate and that you consent to our use of this information to communicate with you about your treatment, payment for service and health care operations. You are responsible to notify us of any change of this information. AKPS reserves the right to utilize third parties to update this information for our records as needed.

**Email or Downloading PHI.** If you email us medical or billing information from a private email address (such as a Yahoo or Gmail), your information may not be secure in transmission. We therefore recommend you use your AKPS patient portal to communicate with us regarding your care and/or billing issues. If you request that AKPS email your PHI to a private email address, we will send it in an encrypted manner unless you request otherwise. AKPS is not responsible for the privacy or security of your PHI if you request that we send it to you in an unsecured manner or download or post it on a Dropbox, unencrypted USB drive, CD or other unsecure medium. In addition, AKPS is not responsible if your PHI is redisclosed, damaged, altered or otherwise misused by an authorized recipient. In addition, if you share an email account with another person (for example, your spouse/partner/roommate) or you choose to store, print, email, or post your PHI, it may not be private or secure.

**Sensitive Health Information.** Federal and state laws provide special protection for certain types of health information, including psychotherapy notes, information about substance use disorders and treatment, mental health and AIDS/HIV or other communicable diseases, and may limit whether and how we may disclose information about you to others.

**Substance Use Disorder Records and Information.** The confidentiality of patient records maintained by federally assisted substance use disorder rehabilitation programs is protected by Federal law and regulations. Generally, such programs may not disclose any information that would identify an individual as having or being treated for a substance use disorder unless:

the individual consents in writing;

the disclosure is allowed by a court order;

the disclosure is made to medical personnel in a medical emergency or to qualified personnel for research, audit, or program evaluation; or

as otherwise permitted by law.

(Notwithstanding the preceding, we may disclose certain information that could identify you as having a substance use disorder pursuant to paragraph 6, below.) Violation of these laws and regulations is a

crime. Suspected violations may be reported to appropriate authorities in accordance with Federal regulations. Federal law and regulations do not protect any information about a crime committed by a patient either at the program or against any person who works for the program or about any threat to commit such a crime. Federal laws and regulations do not prevent any information about suspected child abuse or neglect from being reported under state law to appropriate state or local authorities.

**Consent to Disclose Sensitive Health and Substance Use Disorder Information.** The AKPS Authorization & Consent to Treat form you sign as part of the registration process includes your consent to the release of federally assisted substance use disorder information, information regarding treatment of communicable diseases and mental health information for the purposes specified in this notice. If you do not wish for this information to be disclosed, you must notify us in writing and we will determine if it is feasible for us to accept your request.

**Incidental Disclosures.** Despite our efforts to protect your privacy, your PHI may be overheard or seen by people not involved in your care. For example, other individuals at your provider's office could overhear a conversation about you or see you getting treatment. Such incidental disclosures are not a violation of HIPAA.

**Business Associates.** Your PHI may be disclosed to individuals or entities who provide services to or on behalf of AKPS. Pursuant to HIPAA, AKPS requires these companies sign business associate or confidentiality agreements before we disclose your PHI to them. However, AKPS generally does not control the business, privacy, or security operations of our business associates.

**Authorization for Other Uses and Disclosures.** AKPS will obtain your written authorization for uses and disclosures that are not identified by this notice or otherwise required or permitted by applicable law. Any authorization you provide regarding the use and disclosure of your PHI may be revoked at any time in writing. After you revoke your authorization, we will no longer use or disclose your PHI for the reasons described in the authorization.

However, your revocation will not affect actions we have already taken; in other words, we are unable to take back any disclosures of PHI we have already made.

## E.10 AK PAIN & SPINE MOBILE APPLICATION

AK Pain & Spine offers a mobile application to support patient engagement, remote monitoring, and communication with our practice. Information collected through the mobile application is maintained in accordance with applicable federal and state privacy laws, including the Health Insurance Portability and Accountability Act of 1996 (HIPAA), when applicable.

**Data We Collect:** The AK Pain & Spine mobile application may collect the following categories of information: Health and Fitness Information, including pain-related information, symptoms, activity information, and other health information that you voluntarily enter into the application; Device Identifiers, including unique device identifiers and other technical identifiers necessary for authentication, security, and application functionality; App Information and Performance Data, including diagnostic information, crash logs, and application performance metrics used to maintain and improve the application; and Contacts, only if you grant permission, to enable specific application features that require access to your contacts.

**How We Use Your Information:** We use this information to provide and operate the mobile application's features; support your medical care and communication with AK Pain & Spine; maintain, troubleshoot, secure, and improve application performance; respond to technical support requests; and communicate with you regarding your care or your use of the application.

**How We Protect Your Information:** Information transmitted through the AK Pain & Spine mobile application is encrypted in transit using industry-standard encryption technologies. We implement reasonable administrative, technical, and physical safeguards designed to protect the confidentiality, integrity, and availability of your information.

**Disclosure of Mobile App Information:** AK Pain & Spine does not sell your personal information or share mobile application data with third parties for advertising or marketing purposes. Any disclosure of information collected through the mobile application will be made only as described in this Notice of Privacy Practices or as otherwise permitted or required by applicable law, including disclosures to authorized Business Associates that perform services on our behalf and are contractually required to safeguard your Protected Health Information.

**Retention of Information:** Information collected through the AK Pain & Spine mobile application is retained in accordance with AK Pain & Spine's record retention policies and applicable federal and state laws governing medical records.

## E.11 DATA RETENTION AND DELETION

AK Pain & Spine retains information collected through the mobile application for as long as your account remains active, as necessary to provide the application's services, and as required to comply with applicable federal and state laws, regulatory requirements, and medical record retention obligations.

You may request deletion of your personal information collected through the mobile application at any time by submitting a written request to [privacy@akpainandspine.com](mailto:privacy@akpainandspine.com).

Upon receipt of a verified deletion request, AK Pain & Spine will delete or de-identify your personal information to the extent permitted by applicable law. Certain information may be retained when required to comply with legal, regulatory, billing, auditing, patient safety, fraud prevention, medical record retention requirements, or as otherwise permitted or required by law.

Deletion of your mobile application data may result in the loss of access to certain features or services available through the application.

## F. CHANGES TO THIS NOTICE

**AKPS reserves the right to change this Notice at any time.** AKPS reserves the right to make the revised or changed Notice effective for medical information we already have about you, as well as for any information we receive in the future. AKPS will post the current Notice on our website at [AKPainandSpine.com](http://AKPainandSpine.com).

## § G. NO WAIVER

Under no circumstances will AKPS require an individual to waive his or her rights under the HIPAA Privacy Rule or the HIPAA Breach Notification Rule as a condition for receiving treatment.

## H. CONTACT/COMPLAINT INFORMATION

If you have any questions about this Notice or wish to file a privacy complaint, please contact:

Privacy Officer

255 Ed English Dr., Ste C

Shenandoah, TX 77385

ph: 281.896.0013

fax: 713.527.2527

email: [info@akpainandspine.com](mailto:info@akpainandspine.com)

**Privacy & Data Deletion Requests:** [privacy@akpainandspine.com](mailto:privacy@akpainandspine.com)

**You can file a complaint directly with the U. S. Department of Health and Human Services Office for Civil Rights** by sending a letter to: 200 Independence Avenue, S.W. Washington, D.C. 20201, calling 1-877-696-6775, or online at: [www.hhs.gov/ocr/privacy/hipaa/complaints/](http://www.hhs.gov/ocr/privacy/hipaa/complaints/)

**Texas Department of State Health Services Investigations, P. O. Box 141369, Austin, Texas 78714-1369.** More information is at: <https://dshs.texas.gov/hipaa/privacycomplaints.shtm>

We may not retaliate against you for filing a complaint.

## MOBILE APP PRIVACY

The AK Pain & Spine mobile application is designed to protect your health information using industry-standard administrative, technical, and physical safeguards. Information collected through the application is used only as described in this Notice of Privacy Practices and applicable law.