

University Renal and Hypertension Consultants, LLC
Renal Experts, PA
Dr Sonia Simoes
Headquarters Address: 390 New York Avenue, Newark NJ 07105

Telemedicine Informed Consent and Terms of Use
Effective 03/19/2020

Please do not use this site for emergency medical needs. If you experience a medical emergency, call 911 immediately!

Privacy

You acknowledge that you are consenting to receiving care via telemedicine/telehealth. The scope of care will be at the sole discretion of U.R.H.C.,LLC & Renal Experts, PA / Dr. Sonia Simoes who is treating you, with no guarantee of diagnosis, treatment or prescription. U.R.H.C.,LLC & Renal Experts, PA / Dr. Sonia Simoes will determine whether or not the condition being diagnosed and/or treated is appropriate for a telehealth encounter. You understand and agree that your interaction is not intended to take the place of any face-to-face appointments, when possible.

U.R.H.C.,LLC & Renal Experts, PA / Dr. Sonia Simoes is dedicated to maintaining the privacy of your protected health information ("PHI"). PHI is information about you that may be used to identify you, including but not limited to your name, health insurance identification number, date of birth or address, and that relates to (a) health or condition, (b) healthcare provided to you, or (c) payment for healthcare provided to you. In conducting its business, U.R.H.C.,LLC & Renal Experts, PA / Dr. Sonia Simoes will receive and create records containing your PHI. U.R.H.C.,LLC & Renal Experts, PA / Dr. Sonia Simoes is required by law to maintain the privacy of your PHI and to provide you with notice of our legal duties and privacy practices with respect to your PHI.

U.R.H.C.,LLC & Renal Experts, PA / Dr. Sonia Simoes must abide by the terms of this Notice while it is in effect. This current Notice takes effect on the date that it is signed and will remain in effect until U.R.H.C.,LLC & Renal Experts, PA / Dr. Sonia Simoes replaces it. U.R.H.C.,LLC & Renal Experts, PA / Dr. Sonia Simoes reserves the right to modify or change the terms of this Notice at any time. If U.R.H.C.,LLC & Renal Experts, PA / Dr. Sonia Simoes changes or modifies the terms of this Notice, the new terms will apply to all PHI that it maintains, including PHI that was created or received before the changes or modifications were made. The Notice will be available upon request.

Informed Consent For Services Performed Via Telemedicine/Telehealth

The delivery of healthcare through services using communication tools such as a cell/telephone, live two-way audio and video, remote patient monitoring, or other electronic means, is called "telemedicine". Telemedicine involves the use of electronic communications to enable healthcare providers who are remote from patients to provide care and services. The information gathered/accessed may be used for diagnosis, treatment, follow-up, therapy or education and may include information from existing medical history or records.

The communication systems used will incorporate network and software security protocols to protect your confidentiality and will include measures to secure the data against intentionally/unintentional corruptions or access. It is your responsibility to be in a secure/private location where your telemedicine/telehealth encounter can occur. Do not use telemedicine/telehealth services in a public location, or on a public computer where you can be overheard or others can see your personal information.

As with office-based face-to-face visits, a visit summary will be made available to you if you request. This summary can be kept for your records or shared with another healthcare provider of your choosing (e.g., specialist or other provider).

Benefits of Telemedicine

- Improved and increased access to care remotely.
- More efficient medical evaluation and management.
- Convenient.

Possible Risks of Telemedicine

As with any medical visit, office based or otherwise, there are potential risks associated. The risks may include:

- Delays in medical evaluation and consultation or treatment due to deficiencies or failure of technology;
- In very rare instances, unanticipated breach in security protocols e.g., poor security controls. You have the right to be notified in the event that U.R.H.C.,LLC & Renal Experts, PA / Dr. Sonia Simoes discovers a breach of unsecured PHI;

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- In rare cases, a lack of access to complete or comprehensive medical records, resulting in adverse drug interaction, allergic reactions or other negative outcomes;
 - Patient must disclose accurate, comprehensive/complete medical and medication history.

How To Receive Follow up Care

If at any time during the telehealth visit:

- You experience a health emergency and feel you need immediate care it may be necessary to call 911 or you may be directed to the nearest hospital/emergency room.
- You or your healthcare provider may experience telecommunication or equipment failure that prohibits the completion of visit, immediately contact the office directly to be connected to afterhours call line and your healthcare provider.

By agreeing to these *Terms of Use* and by accepting *Online Telemedicine/Telehealth Services* you agree and understand the following:

1. My healthcare provider has the right to discontinue the visit at any time if he/she feels it is necessary, or if it is determined that an in-person visit is needed.
2. The laws that protect privacy and confidentiality of medical information also apply to telemedicine/telehealth and that no information obtained in the use of telemedicine/telehealth which identifies me will be disclosed to researchers or other entities without my consent.
3. That you have the right to withhold or withdraw my consent to the use of telemedicine in the course of my care at any time, without affecting my right to future care or treatment.
4. That telemedicine involves electronic communications of my personal health information.
5. You may expect the anticipated benefits from the use of telemedicine/telehealth in your care but results from care/treatment cannot be guaranteed or assured.
6. Your health information may be shared with other individuals for treatment, payment and healthcare purposes.
 - a. Psychotherapy notes are maintained by the telemedicine healthcare clinician, but not shared with others. Only billing codes and visit summaries will be shared with others and you.
 - b. If you obtain psychotherapy services, you understand that your therapist has the right to limit the information provided to you, if in the therapist professional judgement sharing the information with you would be harmful to you.
7. Your healthcare information may be shared in the following circumstances:
 - c. A valid court order is issued for medical records;
 - d. Reporting suspected abuse, neglect or domestic violence;
 - e. Preventing or reducing serious threats to anyone's health or safety.
8. You may complain to U.R.H.C.,LLC & Renal Experts, PA / Dr. Sonia Simoes and to the Secretary of the Department of Health and Human Services if you believe that your privacy rights have been violated. U.R.H.C.,LLC & Renal Experts, PA / Dr. Sonia Simoes will not retaliate against you for filing a complaint. If you have any concerns, please contact our office.
9. You have the right to obtain a paper copy of this Notice from <Practice/Provider> at any time upon request.
10. You have the right to inspect and obtain a copy of your PHI. You must submit your request in writing by completing a HIPAA Authorization. There may be a fee for the cost of copying, mailing, labor and supplies, or as otherwise permissible by law. U.R.H.C.,LLC & Renal Experts, PA / Dr. Sonia Simoes may deny your request to inspect and/or copy your PHI in certain limited circumstances. In the event your request is denied you may request a review of the denial.

Charges for Services

You understand and agree that you are responsible for all charges related to your telehealth visit. You will pay for all services provided and agree that the charges are valid and appropriate.

Patient Consent to the Use of Telemedicine

Having read and understood the information provided above regarding telemedicine and understand the risk and benefits of telemedicine, I agree to Terms of Use, and give my informed consent to U.R.H.C.,LLC & Renal Experts, PA / Dr. Sonia Simoes to participate in a telemedicine healthcare visit in the course of my diagnosis and treatment.

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Patient Name

Date of Service

Patient or Parent/Guardian Signature

If Parent/Guardian;
Relationship to Patient

Date



March 2020

COVID-19 & HIPAA Bulletin
Limited Waiver of HIPAA Sanctions and Penalties During a Nationwide Public Health Emergency

The Novel Coronavirus Disease (COVID-19) outbreak imposes additional challenges on health care providers. Often questions arise about the ability of entities covered by the HIPAA regulations to share information, including with friends and family, public health officials, and emergency personnel. As summarized in more detail below, the HIPAA Privacy Rule allows patient information to be shared to assist in nationwide public health emergencies, and to assist patients in receiving the care they need. In addition, while the HIPAA Privacy Rule is not suspended during a public health or other emergency, the Secretary of HHS may waive certain provisions of the Privacy Rule under the Project Bioshield Act of 2004 (PL 108-276) and section 1135(b)(7) of the Social Security Act.

In response to President Donald J. Trump's declaration of a nationwide emergency concerning COVID-19, and Secretary of the U.S. Department of Health and Human Services (HHS) Alex M. Azar's earlier declaration of a public health emergency on January 31, 2020, Secretary Azar has exercised the authority to waive sanctions and penalties against a covered hospital that does not comply with the following provisions of the HIPAA Privacy Rule:

- the requirements to obtain a patient's agreement to speak with family members or friends involved in the patient's care. See 45 CFR 164.510(b).
- the requirement to honor a request to opt out of the facility directory. See 45 CFR 164.510(a).
- the requirement to distribute a notice of privacy practices. See 45 CFR 164.520.
- the patient's right to request privacy restrictions. See 45 CFR 164.522(a).
- the patient's right to request confidential communications. See 45 CFR 164.522(b).

The waiver became effective on March 15, 2020. When the Secretary issues such a waiver, it only applies: (1) in the emergency area identified in the public health emergency declaration; (2) to hospitals that have instituted a disaster protocol; and (3) for up to 72 hours from the time the hospital implements its disaster protocol. When the Presidential or Secretarial declaration terminates, a hospital must then comply with all the requirements of the Privacy Rule for any patient still under its care, even if 72 hours have not elapsed since implementation of its disaster protocol.

More on HIPAA Privacy and Disclosures in Emergency Situations

Even without a waiver, the HIPAA Privacy Rule always allows patient information to be shared for the following purposes and under the following conditions.

Treatment Under the Privacy Rule, covered entities may disclose, without a patient’s authorization, protected health information about the patient as necessary to treat the patient or to treat a different patient. Treatment includes the coordination or management of health care and related services by one or more health care providers and others, consultation between providers, and the referral of patients for treatment. See 45 CFR §§ 164.502(a)(1)(ii), 164.506(c), and the definition of “treatment” at 164.501.

Public Health Activities The HIPAA Privacy Rule recognizes the legitimate need for public health authorities and others responsible for ensuring public health and safety to have access to protected health information that is necessary to carry out their public health mission. Therefore, the Privacy Rule permits covered entities to disclose needed protected health information without individual authorization:

- **To a public health authority**, such as the CDC or a state or local health department, that is authorized by law to collect or receive such information for the purpose of preventing or controlling disease, injury or disability. This would include, for example, the reporting of disease or injury; reporting vital events, such as births or deaths; and conducting public health surveillance, investigations, or interventions. A “public health authority” is an agency or authority of the United States government, a State, a territory, a political subdivision of a State or territory, or Indian tribe that is responsible for public health matters as part of its official mandate, as well as a person or entity acting under a grant of authority from, or under a contract with, a public health agency. See 45 CFR §§ 164.501 and 164.512(b)(1)(i). For example, a covered entity may disclose to the CDC protected health information on an ongoing basis as needed to report all prior and prospective cases of patients exposed to or suspected or confirmed to have COVID-19.
- **At the direction of a public health authority, to a foreign government agency** that is acting in collaboration with the public health authority. See 45 CFR 164.512(b)(1)(i).
- **To persons at risk** of contracting or spreading a disease or condition if other law, such as state law, authorizes the covered entity to notify such persons as necessary to prevent or control the spread of the disease or otherwise to carry out public health interventions or investigations. See 45 CFR 164.512(b)(1)(iv).

Disclosures to Family, Friends, and Others Involved in an Individual’s Care and for Notification A covered entity may share protected health information with a patient’s family members, relatives, friends, or other persons identified by the patient as involved in the patient’s care. A covered entity also may share information about a patient as necessary to identify, locate, and notify family members, guardians, or anyone else responsible for the patient’s care, of the patient’s location, general condition, or death. This may include, where necessary to notify family members and others, the police, the press, or the public at large. See 45 CFR 164.510(b).

- The covered entity should get verbal permission from individuals or otherwise be able to reasonably infer that the patient does not object, when possible; if the individual is

incapacitated or not available, covered entities may share information for these purposes if, in their professional judgment, doing so is in the patient's best interest.

- For patients who are unconscious or incapacitated: A health care provider may share relevant information about the patient with family, friends, or others involved in the patient's care or payment for care, if the health care provider determines, based on professional judgment, that doing so is in the best interests of the patient. For example, a provider may determine that it is in the best interests of an elderly patient to share relevant information with the patient's adult child, but generally could not share unrelated information about the patient's medical history without permission.
- In addition, a covered entity may share protected health information with disaster relief organizations that, like the American Red Cross, are authorized by law or by their charters to assist in disaster relief efforts, for the purpose of coordinating the notification of family members or other persons involved in the patient's care, of the patient's location, general condition, or death. It is unnecessary to obtain a patient's permission to share the information in this situation if doing so would interfere with the organization's ability to respond to the emergency.

Disclosures to Prevent or Lessen a Serious and Imminent Threat Health care providers may share patient information with anyone as necessary to prevent or lessen a serious and imminent threat to the health and safety of a person or the public – consistent with applicable law (such as state statutes, regulations, or case law) and the provider's standards of ethical conduct. See 45 CFR 164.512(j). Thus, providers may disclose a patient's health information to anyone who is in a position to prevent or lessen the serious and imminent threat, including family, friends, caregivers, and law enforcement without a patient's permission. HIPAA expressly defers to the professional judgment of health professionals in making determinations about the nature and severity of the threat to health and safety. See 45 CFR 164.512(j).

Disclosures to the Media or Others Not Involved in the Care of the Patient/Notification In general, except in the limited circumstances described elsewhere in this Bulletin, affirmative reporting to the media or the public at large about an identifiable patient, or the disclosure to the public or media of specific information about treatment of an identifiable patient, such as specific tests, test results or details of a patient's illness, may not be done without the patient's written authorization (or the written authorization of a personal representative who is a person legally authorized to make health care decisions for the patient). See 45 CFR 164.508 for the requirements for a HIPAA authorization. Where a patient has not objected to or restricted the release of protected health information, a covered hospital or other health care facility may, upon a request to disclose information about a particular patient asked for by name, release limited facility directory information to acknowledge an individual is a patient at the facility, and may provide basic information about the patient's condition in general terms (e.g., critical or stable, deceased, or treated and released). Covered entities may also disclose information when the patient is incapacitated, if the disclosure is believed to be in the best interest of the patient and is consistent with any prior expressed preferences of the patient. See 45 CFR 164.510(a).

Minimum Necessary For most disclosures, a covered entity must make reasonable efforts to limit the information disclosed to that which is the "minimum necessary" to accomplish the

purpose. (Minimum necessary requirements do not apply to disclosures to health care providers for treatment purposes.) Covered entities may rely on representations from a public health authority or other public official that the requested information is the minimum necessary for the purpose, when that reliance is reasonable under the circumstances. For example, a covered entity may rely on representations from the CDC that the protected health information requested by the CDC about all patients exposed to or suspected or confirmed to have COVID-19 is the minimum necessary for the public health purpose. In addition, internally, covered entities should continue to apply their role-based access policies to limit access to protected health information to only those workforce members who need it to carry out their duties. See 45 CFR §§ 164.502(b), 164.514(d).

Safeguarding Patient Information

In an emergency situation, covered entities must continue to implement reasonable safeguards to protect patient information against intentional or unintentional impermissible uses and disclosures. Further, covered entities (and their business associates) must apply the administrative, physical, and technical safeguards of the HIPAA Security Rule to electronic protected health information.

HIPAA Applies Only to Covered Entities and Business Associates

The HIPAA Privacy Rule applies to disclosures made by employees, volunteers, and other members of a covered entity's or business associate's workforce. Covered entities are health plans, health care clearinghouses, and those health care providers that conduct one or more covered health care transactions electronically, such as transmitting health care claims to a health plan. Business associates generally are persons or entities (other than members of the workforce of a covered entity) that perform functions or activities on behalf of, or provide certain services to, a covered entity that involve creating, receiving, maintaining, or transmitting protected health information. Business associates also include subcontractors that create, receive, maintain, or transmit protected health information on behalf of another business associate. The Privacy Rule does not apply to disclosures made by entities or other persons who are not covered entities or business associates (although such persons or entities are free to follow the standards on a voluntary basis if desired). There may be other state or federal rules that apply.

Business Associates

A business associate of a covered entity (including a business associate that is a subcontractor) may make disclosures permitted by the Privacy Rule, such as to a public health authority, on behalf of a covered entity or another business associate to the extent authorized by its business associate agreement.

Other Resources

The COVID-19 Public Health Emergency declaration is available at:

<https://www.phe.gov/emergency/news/healthactions/phe/Pages/default.aspx>

For more information on COVID-19, please visit: <https://www.coronavirus.gov>

For more information on HIPAA and Public Health, please visit: <https://www.hhs.gov/hipaa/for-professionals/special-topics/public-health/index.html>

For more information on HIPAA and Emergency Preparedness, Planning, and Response, please <https://www.hhs.gov/hipaa/for-professionals/special-topics/emergency-preparedness/index.html>

General information on understanding the HIPAA Privacy Rule may be found at: <https://www.hhs.gov/hipaa/for-professionals/privacy/index.html>

For information regarding how Federal civil rights laws apply in an emergency, please visit: <https://www.hhs.gov/civil-rights/for-individuals/special-topics/emergency-preparedness/index.html>