



728 Pacific Avenue, Suite 200, San Francisco, CA 94133

NOTICE OF PRIVACY PRACTICES

Effective Date: 3/18/2021

Last Updated: 10/2/2023

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.

If you have any questions about this notice, please contact NEMS PACE Compliance & Privacy Officer at (415) 391-9686.

ABOUT US

In this Notice, we use terms like “we,” “us” or “our” to refer to North East Medical Services (“NEMS”). We are a licensed community clinic organization, a Health Center Program grantee under 42 U.S.C. § 254b, and a deemed Public Health Service employee under 42 U.S.C. §§ 233(g)-(n).

This Notice applies to NEMS, including all of our clinic locations, the Program of All-Inclusive Care for the Elderly (PACE), clinical employees (including physicians, nurses and other clinical staff members), administrative employees and volunteers. Our health care delivery sites include the clinic facilities listed on our website at <https://www.nems.org> and the NEMS PACE program. We share your protected health information to provide you with our health care services, to seek payment for our services and to conduct our business operations, which include, for example, quality assurance, compliance, and utilization review.

WHAT IS PROTECTED HEALTH INFORMATION ("PHI")?

“Protected health information,” or “PHI,” is information that identifies who you are and relates to your past, present, or future physical or mental health or condition; the provision of health care to you; or past, present, or future payment for the provision of health care to you. PHI does not include information about you that does not identify who you are. If you are an employee of NEMS, PHI does not include the health information (if any) in your personnel file.

PURPOSE OF THIS NOTICE

As a health care provider, we gather, maintain and disclose PHI about our patients. This Notice explains our legal duties and privacy practices with respect to PHI. Your NEMS health records contain PHI, which NEMS understands is private and personal. We are committed to keeping PHI confidential and secure. We are required by law to maintain the privacy of your PHI by implementing reasonable and appropriate safeguards.

HOW WE PROTECT YOUR PHI

We restrict access to your PHI to those employees and others who need access for NEMS to provide health care services and conduct its business operations. We have established and maintain physical, electronic and procedural safeguards to protect your PHI against unauthorized use or disclosure.

HOW WE USE AND DISCLOSE YOUR PHI

Federal and state law allow us to use and disclose your PHI without your authorization in certain circumstances. Some information, such as certain substance use disorder information, HIV information, genetic information and mental health information is entitled to special restrictions related to its use and disclosure. We typically use and disclose your health information in the following ways:

- **Treatment.** We may use and disclose your PHI to provide you with treatment, including primary health care, behavioral health treatment, dental care, and care coordination. We record your treatment information in our electronic health record system, Epic. NEMS' doctors, nurses, technicians, students, and other personnel may use the information in your health record to provide you with treatment and care coordination services. For example, your primary care provider may review notes from your behavioral health provider, including your prescription history, to avoid prescription interactions.

We may also share your PHI with treatment providers, agencies, or facilities outside of NEMS to provide you with treatment and coordinate the care and services you need. For example, if we refer you to a cardiologist, we may send the cardiologist your recent laboratory test results to inform their medical decision-making; if we work with a social services agency and we believe that the services they provide will further your health care, we may share the minimum necessary PHI with them to provide you with their services.

We may share your PHI electronically, through Epic's Care Everywhere functionality which allows electronic exchange between NEMS and other organizations that use Epic. (See the HIE section below for more information.)

- **Payment**. We may use and disclose your PHI to bill and collect payment for the health care services provided to you. For example, we may need to give information about you to your health insurance plan or another responsible party to receive payment or reimbursement for the services we provide to you.
- **Health Care Operations**. We can use and share your health information to run our practice, improve your care, and contact you when necessary:
 - **Improve your care**: For example, members of our clinical staff or quality improvement team may use your PHI to assess the quality of the health care services we provide.
 - **Contact you**: We may call, text, email or mail, to the phone number, email address, and mailing address you provide, appointment reminders, registration information, follow-up care messages, information about treatment alternatives, or other health-related benefits and services that may be of interest to you. You are responsible for updating your information. You may contact NEMS Member Services at (415) 391-9686 ext. 8160 or (650) 550-3923 ext. 8160 or (408) 573-9686 ext. 8160 to update your contact information or to opt-out of certain communication methods. We must be able to contact you through at least one of the above listed methods; you cannot opt out of all methods of communications from us.
- **When required by law**. In some circumstances, we are required by federal or state laws to disclose certain PHI to others, such as public agencies for various reasons;
- **For public health activities**. NEMS may disclose your information to public health authorities for the purposes of preventing or controlling disease, injury, or disability. This may include reports about specific disease profiles;
- **For reporting suspected abuse, neglect or domestic violence**;
- **For health oversight activities**, such as reports to governmental agencies that are responsible for licensing or disciplinary action against physicians or other health care providers;
- **For lawsuits and other proceedings**. In connection with court proceedings or proceedings before administrative agencies;
- **For law enforcement purposes**. In response to a warrant or to report a crime;
- **Reports to coroners, medical examiners, or funeral directors** to assist them in performance of their legal duties;
- **For tissue or organ donations** to organ procurement or transplant organizations to assist them;

- **For research.** We may disclose PHI to researchers when the research has been approved by an institutional review board that has reviewed the research proposal and established protocols to ensure the privacy of your PHI. This also may include preparing for research or contacting you about research studies that might interest you.
- **To avert a serious threat to the health or safety of you or other members of the public;**
- **For specialized government functions and activities** (e.g., military and veterans' activities);
- **In connection with services provided under workers' compensation laws;**
- **Health Information Exchange (HIE).** We may share your PHI electronically through Health Information Exchanges (HIE) in which we participate. Currently, NEMS participates in Epic Care Everywhere. Through an HIE, providers at other organizations, including hospitals, laboratories, health care providers, public health departments, health plans, can share your PHI for treatment, payment, health care operations and other purposes. Participation in HIE allows NEMS and other providers to share electronic medical record information more quickly and easily for better coordination of care and to assist in making more informed treatment decisions. Participants in an HIE must comply with federal and state laws that protect the privacy and security of your PHI. You may opt out of HIE by contacting the HIS Department or filling out an opt-out form and returning it to the HIS Department. Opting out stops NEMS from sharing your PHI with other health care providers through the HIE; it does not stop other health care providers from sharing your PHI with NEMS, and it does not stop a health care provider that already received your PHI from keeping it. If you change your mind and want to opt back in, you may do so by contacting the HIS Department
- **Fundraising:** We may contact you to fundraise for our own benefit. For this purpose, we may use your contact information, such as your name, address, phone number, the dates on which and the department from which you received treatment or services at NEMS, your treating physician's name, your treatment outcome and your health insurance status. If we contact you for fundraising purposes, we will provide you a clear opportunity to elect not to receive any additional fundraising communications from us.

USES AND DISCLOSURES REQUIRING YOU TO HAVE THE OPPORTUNITY TO AGREE OR OBJECT

Before we make certain uses and disclosures of your PHI without your written authorization, we must provide you with an opportunity to agree or object. Such disclosures include those made to family members or other individuals involved in your care or payment for your care, or disclosures made in emergency situations for

purposes of notifying, identifying or locating a family member, personal representative, or another person responsible for your care regarding your location, general condition, or death.

USES AND DISCLOSURES REQUIRING YOUR AUTHORIZATION

We must obtain your written authorization prior to the following uses and disclosures of your PHI:

- Psychotherapy Notes. Psychotherapy notes are notes made by a behavioral health professional regarding the contents of conversation during a counseling session when those notes are maintained separately from the medical record. We must obtain your authorization for most uses and disclosures of psychotherapy notes. "Psychotherapy notes" do not include medication prescription and monitoring, counseling session start and stop times, the modalities and frequencies of treatment furnished, results of clinical tests, or summaries of your diagnosis, functional status, treatment plan, symptoms, prognosis, and progress to date.
- Marketing Activities. We must obtain your written authorization to use your PHI to send you marketing materials. We are not required to obtain an authorization for marketing information provided to you during a face-to-face communication or for promotional gifts of nominal value.
- Sale of PHI. We do not sell your PHI.

All other uses and disclosures of your PHI that are not described in this Notice require your written authorization.

YOUR RIGHTS REGARDING YOUR PHI

SUBMITTING AN AUTHORIZATION

You may access an authorization form on our website at <https://nems.org/docs/authorization-to-disclose-health-information-form-en-ch/>. You may also request a form from us in person or request that we send one to you by writing to or emailing the Health Information Services Department ("HIS Department") as follows:

NEMS Health Information Services
1033 Clement Street
San Francisco, CA 94118
Attention: Health Information Services Manager

You may submit your authorization at the address above or email us at eroi@nems.org. Please note that email messages may not be encrypted or secure and could be intercepted, viewed, copied, or shared by an unauthorized third party. If you choose to email us, you acknowledge that NEMS has warned you of the risks and you knowingly assume such risks.

You may revoke or modify your authorization at any time by writing to us at the same address. Please note that your revocation or modification may not be effective in some circumstances, such as when we have already acted in reliance on your authorization.

ACCESS TO YOUR PHI

You may access your PHI through the NEMS patient portal at mychart.nems.org. Please note that MyChart may not display all information contained in your medical record that we have about you. To access your complete medical record and other health information we have about you, please contact the HIS Department. We will provide you a copy or summary within the time required by law. We may charge a reasonable, cost-based fee.

In limited circumstances, we may deny your request access your PHI. We will explain in writing the reason for our denial, and you will have the opportunity, unless limited exceptions apply, to request review of the denial.

RIGHT TO REQUEST RESTRICTIONS

You have the right to request restrictions on how we use and disclose your PHI for treatment, payment, and health care operations. All requests must be made in writing. NEMS has a form titled “REQUEST FOR A RESTRICTION ON USE OR DISCLOSURE OF PROTECTED HEALTH INFORMATION (PHI)” which you may request from the HIS Department. Upon receipt, we will review your request and notify you whether we have accepted or denied your request. If we agree to your request, we will comply with the restriction unless a disclosure is required in order to provide you with emergency treatment. Please note that we are not required to accept your request for restrictions, except that we are required, based on your written request, to restrict disclosure of your PHI to a health plan if: (1) the purpose of the disclosure is to carry out payment or health care operations and is not otherwise required by law; and (2) the PHI pertains solely to a health care item or service for which you or someone other than the health plan has paid in full.

To request restrictions, you must make your request in writing to the HIS Department. 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, to your spouse).

RIGHT TO CONFIDENTIAL COMMUNICATIONS

You have the right to request that we provide your PHI to you in a confidential manner. For example, you may request that we send your PHI by an alternate means (e.g., sending by a sealed envelope, rather than a post card) or to an alternate address (e.g., calling you at a different telephone number, or sending a letter to you at your office address rather than your home address). We will accommodate any reasonable request, unless it is administratively too burdensome, or prohibited by law.

RIGHT TO AMEND YOUR PHI

You have the right to request amendments to your PHI for so long as the information is maintained in our medical and billing records. If you wish to have your PHI corrected or updated, please write to us and tell us what you want changed and why. NEMS has a form titled “MEDICAL RECORD REQUEST FOR CORRECTION/AMENDMENT FORM” which you may request from the HIS Department. We will respond to you in writing, either accepting or denying your request. If we deny your request, we will explain why. You may also send us an addendum that is no longer than 250 words for each item you believe is incorrect. Please clearly indicate that you want the addendum to be included in your PHI. If we accept your request, we will attach your addendum to the record(s) of your PHI. Your amended PHI will be available for your review upon request.

RIGHT TO REQUEST AN ACCOUNTING OF DISCLOSURES OF YOUR PHI

You have the right to request an accounting of certain disclosures that we make of your PHI. An accounting lists disclosures we have made prior to the date of your request. You can request an accounting by writing to the HIS Department. We will respond to your request within a reasonable period, but no later than 60 days after we receive your written request. Please note that certain disclosures need not be included in the accounting we provide to you, such as disclosures made for treatment, payment or health care operations, or disclosures made more than 6 years prior to the date of your request.

RIGHT TO RECEIVE A COPY OF THIS NOTICE

You have the right to request and receive a paper copy of this Notice, even if you have agreed to receive the Notice electronically. You may contact the HIS Department for a copy, and one will be provided to you at no charge.

RIGHT TO COMPLAIN

We must follow the privacy practices set forth in this Notice while in effect. If you have any questions about this Notice, wish to exercise your rights, or submit a complaint, please direct your inquiries to:

NEMS PACE
728 Pacific Avenue, Suite 200
San Francisco, CA 94133
Attention: Compliance & Privacy Officer
(415) 391-9686

You also have the right to directly complain to the Secretary of the United States Department of Health and Human Service. We will not retaliate against you for filing a complaint against us.

BREACH

We are required to notify you in writing of any breach of your unsecured PHI without unreasonable delay and no later than 15 business days after we discover the breach.

RIGHTS RESERVED BY NEMS

We may use and disclose your PHI to the fullest extent authorized by law. We reserve the right to change this Notice and make a new Notice applicable to all PHI that we maintain, regardless of when it was received or created. If we make material or important changes to our privacy practices, we will promptly revise this Notice and make it available upon request, in our clinic locations, on our website, and will provide it to you by mail.

North East Medical Services (NEMS) PACE complies with applicable Federal civil rights laws and does not differentiate, exclude, or discriminate against any individual on the basis of race, color, creed, religion (e.g., religious dress and grooming practices), age (e.g., those over 40), sex/gender (e.g., sex characteristics (including intersex traits), pregnancy, childbirth, breastfeeding and/or related medical conditions), gender identity, gender expression, sexual orientation, sex stereotypes, marital status, medical condition (e.g., genetic characteristics, cancer or a record or history of cancer), military or veteran status, national origin (e.g., limited English proficiency, language use and possession of a driver's license issued to persons unable to prove their presence in the United States is authorized under federal law), ancestry, disability (e.g., mental and physical, including HIV/AIDS, cancer, and genetic characteristics), genetic information, retaliation for reporting patient abuse in tax-supported institutions, enrollment in a Health Benefit Plan, state of health, need for health services, status as a litigant, status of a Medicare or Medicaid beneficiary, source of payment for care, or any other basis prohibited by law.

NEMS PACE:

- Provides people with disabilities reasonable modifications and free appropriate auxiliary aids and services to communicate effectively with us, such as:
 - Qualified sign language interpreters
 - Written information in other formats (e.g., large print, audio, accessible electronic formats, other formats).
- Provides free language services to people whose primary language is not English, such as:
 - Qualified interpreters
 - Information written in other languages

If you need reasonable modifications, appropriate auxiliary aids and services, or language assistance services, contact NEMS PACE Member Services Department at 415-352-5050.

How to file a grievance with NEMS PACE

If you believe that NEMS PACE has failed to provide these services or discriminated in another way based on any of the characteristics listed above, you can file a grievance with NEMS PACE. If you need help filing a grievance, NEMS PACE Member Services Department is available to help you.

- **By phone:** Call 415-352-5050
- **By mail:** Call us at 415-352-5050 and ask to have a form sent to you.
- **In Person:** Visit the NEMS PACE Member Services Department.

You may also contact the NEMS PACE Civil Rights Coordinator

Attn: NEMS Section 1557 Coordinator
North East Medical Services
1520 Stockton Street
San Francisco, CA 94133
NEMSSection1557@nems.org

How to file a grievance with U.S. Department of Health and Human Services, Office of Civil Rights

You can also file a civil rights complaint with the U.S. Department of Health and Human Services, Office for Civil Rights

- **By phone:** Call 1-800-368-1019 (TTY 711 or 1-800-537-7697)
- **By mail:** Fill out a complaint form or send a letter to:
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Room 509F, HHH Building
Washington, D.C. 20201
Complaint forms are available at:
<http://www.hhs.gov/ocr/office/file/index.html>
- **Online:** Visit the Office of Civil Rights Complaint Portal at:
<https://ocrportal.hhs.gov/ocr/portal/lobby.jsf>

This notice is available at: nemspace.org

Spanish ATENCIÓN: Si habla español, tiene a su disposición servicios gratuitos de asistencia lingüística. También están disponibles de forma gratuita ayuda y servicios auxiliares apropiados para proporcionar información en formatos accesibles. Llame al 415-352-5050 (TTY: 1-800-735-2929) o hable con su proveedor.

Chinese 注意: 如果您說中文，我們可以為您提供免費語言協助服務。也可以免費提供適當的輔助工具與服務，以無障礙格式提供資訊。請致電 415-352-5050 (TTY: 1-800-735-2929) 或與您的提供者討論。

Vietnamese LƯU Ý: Nếu bạn nói tiếng Việt, chúng tôi cung cấp miễn phí các dịch vụ hỗ trợ ngôn ngữ. Các hỗ trợ dịch vụ phù hợp để cung cấp thông tin theo các định dạng dễ tiếp cận cũng được cung cấp miễn phí. Vui lòng gọi theo số 415-352-5050 (Người khuyết tật: 1-800-735-2929) hoặc trao đổi với người cung cấp dịch vụ của bạn."

Korean 주의: [한국어]를 사용하시는 경우 무료 언어 지원 서비스를 이용하실 수 있습니다. 이용 가능한 형식으로 정보를 제공하는 적절한 보조 기구 및 서비스도 무료로 제공됩니다. 415-352-5050 (TTY: 1-800-735-2929) 번으로 전화하거나 서비스 제공업체에 문의하십시오."

Persian توجه: کمک خدمات، کنیدی صحبت فارسی زبان به اگر مناسب کمکی خدمات و وسایل است دسترس در شما برای رایگان زبان رایگان صورت به نیز دسترس قابل های قالب در اطلاعات ارائه برای است موجود کنید صحبت خود خدمات دهنده ارائه با یا بگیرید تماس.

Japanese 注: 日本語を話される場合、無料の言語支援サービスをご利用いただけます。アクセシブル（誰もが利用できるよう配慮された）な形式で情報を提供するための適切な補助支援やサービスも無料でご利用いただけます。415-352-5050 (TTY: 1-800-735-2929) までお電話ください。または、ご利用の事業者にご相談ください。

Armenian ՈՒՇԱԴՐՈՒԹՅՈՒՆ. Եթե խոսում եք հայերեն, Դուք կարող եք օգտվել լեզվական աջակցության անվճար ծառայություններով: Մատչելի ձևաչափերով տեղեկատվություն տրամադրելու համապատասխան օժանդակ միջոցներն ու ծառայությունները նույնպես տրամադրվում են անվճար: Չանգահարեք 415-352-5050 հեռախոսահամարով (TTY՝ 1-800-735-2929) կամ խոսեք Ձեր մտակարարի հետ:

Russian ВНИМАНИЕ: Если вы говорите на русский, вам доступны бесплатные услуги языковой поддержки. Соответствующие вспомогательные средства и услуги по предоставлению информации в доступных форматах также предоставляются бесплатно. Позвоните по телефону 415-352-5050 (TTY: 1-800-735-2929) или обратитесь к своему поставщику услуг.

Thai หมายเหตุ: หากคุณใช้ภาษาไทย เรามีบริการความช่วยเหลือด้านภาษาฟรี นอกจากนี้ ยังมีเครื่องมือและบริการช่วยเหลือเพื่อให้ข้อมูลในรูปแบบที่เข้าถึงได้โดยไม่เสียค่าใช้จ่าย โปรดโทรติดต่อ 415-352-5050 (TTY: 1-800-735-2929) หรือปรึกษาผู้ให้บริการของคุณ"

Tagalog PAALALA: Kung nagsasalita ka ng Tagalog, magagamit mo ang mga libreng serbisyong tulong sa wika. Magagamit din nang libre ang mga naaangkop na auxiliary na tulong at serbisyo upang magbigay ng impormasyon sa mga naa-access na format. Tumawag sa 415-352-5050 (TTY: 1-800-735-2929) o makipag-usap sa iyong provider.

Punjabi ਧਿਆਨ ਦਿਓ: ਜੇ ਤੁਸੀਂ ਪੰਜਾਬੀ ਬੋਲਦੇ ਹੋ, ਤਾਂ ਤੁਹਾਡੇ ਲਈ ਮੁਫਤ ਭਾਸ਼ਾ ਸਹਾਇਤਾ ਸੇਵਾਵਾਂ ਉਪਲਬਧ ਹੁੰਦੀਆਂ ਹਨ। ਪਹੁੰਚਯੋਗ ਟਾਰਮੈਟਾਂ ਵਿੱਚ ਜਾਣਕਾਰੀ ਪ੍ਰਦਾਨ ਕਰਨ ਲਈ ਢੁਕਵੇਂ ਪੂਰਕ ਸਹਾਇਕ ਸਾਧਨ ਅਤੇ ਸੇਵਾਵਾਂ ਵੀ ਮੁਫਤ ਵਿੱਚ ਉਪਲਬਧ ਹੁੰਦੀਆਂ ਹਨ। 415-352-5050 (TTY: 1-800-735-2929) 'ਤੇ ਕਾਲ ਕਰੋ ਜਾਂ ਆਪਣੇ ਪ੍ਰਦਾਤਾ ਨਾਲ ਗੱਲ ਕਰੋ।"

Hindi ध्यान दें: यदि आप हिंदी बोलते हैं, तो आपके लिए निःशुल्क भाषा सहायता सेवाएं उपलब्ध होती हैं। सुलभ प्रारूपों में जानकारी प्रदान करने के लिए उपयुक्त सहायक साधन और सेवाएँ भी निःशुल्क उपलब्ध हैं। 415-352-5050 (TTY: 1-800-735-2929) पर कॉल करें या अपने प्रदाता से बात करें।"

Hmong LUS CEEV TSHWJ XEEB: Yog hais tias koj hais Lus Hmoob muaj cov kev pab cuam txhais lus pub dawb rau koj. Cov kev pab thiab cov kev pab cuam ntxiv uas tsim nyog txhawm rau muab lus qhia paub ua cov hom ntaub ntawv uas tuaj yeem nkag cuag tau rau los kuj yeej tseem muaj pab dawb tsis xam tus nqi dab tsi ib yam nkaus. Hu rau 415-352-5050 (TTY: 1-800-735-2929) los sis sib tham nrog koj tus kws muab kev saib xyuas kho mob."

Khmer សូមកត់ត្រាក្នុងការកែតម្រូវ: ប្រសិនបើអ្នកនិយាយភាសាខ្មែរ សេវាកម្មជំនួយភាសាភាគតិចត្រូវតែមានសម្រាប់អ្នក។ ជំនួយនឹងសេវាកម្មដែលជាការជួយដល់សមរម្យ ក្នុងការផ្តល់ព័ត៌មានតាមទម្រង់ដែលអាចចូលប្រើប្រាស់បាន ក៏អាចរកបានដោយឥតគិតថ្លៃផងដែរ។ ហៅទូរសព្ទទៅ 415-352-5050 (TTY: 1-800-735-2929) ឬនិយាយទៅកាន់អ្នកផ្តល់សេវារបស់អ្នក។"

Arabic خدمات لك فستتوفر، العربية اللغة تتحدث كنت إذا تنبيه لتوفير مناسبة وخدمات مساعدة وسائل تتوفر كما. مجاناً اللغوية المساعدة 415-352-5050 (TTY: 1-800-735-2929) أو الخدمة مقدم إلى تحدث أو بك الخاص.