

Notice of Privacy Practices of the Lactation Consultant

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.

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) is a federal law designed to protect your privacy whenever your health care providers (like the lactation consultant) have to discuss your case, or send information about you to different offices. We have to keep a file to record our consult – but we promise that the private, protected health information (PHI) in it will be kept confidential.

The IBCLC can freely share all the details of your personal health information for purposes of “treatment, payment and health care operations.” That means the IBCLC can talk to you about your situation, and discuss it with your other health care providers. If you are referred to other specialists, the IBCLC can send the information on to them. The IBCLC can also share information with your health insurance company if they need it.

The law also requires the IBCLC to share your information under other, very precise situations: for example, if a subpoena has been served on this office, to turn over medical records ... or a federal agency is investigating a complaint that we have not been protecting your privacy.

Any other time the IBCLC shares your personal health information, it has to be with your specific authorization: you have to okay it, in writing, first. For example, you may want us to send information about your consultation to the Human Resources Dept. where you work, so they can pay you back under their workplace lactation support program. When you do give us permission to turn over information about you, we can give out only the minimum amount of information needed to get the job done.

Under HIPAA, the IBCLC can call or write you to remind you to come back for an appointment, or to tell you how you can get a product or service that might interest you and your family.

You have four rights under HIPAA:

1. Access (you can ask the lactation consultant to see all the PHI she has about you)
2. Amendment (you can ask the lactation consultant to change her files to amend inaccurate PHI);
3. Disclosure Accounting (you can ask to whom the lactation consultant has given your PHI) and
4. Restriction Request (you can put limits on the lactation consultant’s use and sharing of your PHI).

My duty under HIPAA is to give you this notice, so you understand I have promised to keep your private health information confidential. If I change this notice in the future, I’ll give you a new copy.

You can complain if you think your privacy hasn’t been protected by the lactation consultant. First, you’d have to bring your complaint to the Privacy Officer, who has a duty to try to patch things up. If the Privacy Officer doesn’t address your complaint adequately, you can go to the Office of Civil Rights of the federal Health and Human Services Dept., to ask that a formal investigation be made. You can get all the details from them by learning how to file a complaint at <http://www.hhs.gov/ocr/privacy/hipaa/complaints/>

Los Gatos Lactation
Debra Brender, IBCLC, Privacy Officer
Los Gatos, CA
408-250-9773