

LASCMA'S GUIDELINES FOR ON-LINE COMMUNICATIONS AND TRANSACTIONS WHICH MAY INVOLVE AN EXCHANGE OF CONFIDENTIAL HEALTH RELATED INFORMATION**

THESE GUIDELINES ARE INTENDED TO CLARIFY THE ROLE AND RESPONSIBILITY OF CLIENTS, EMPLOYEES, ADMINISTRATORS &/OR CONTRACTED AFFILIATES OF LOS ANGELES SPECIAL CARE MEDICAL ASSOCIATES – HOLLYWOOD WHO CHOOSE TO ENGAGE IN ON-LINE COMMUNICATIONS THAT MAY INVOLVE AN EXCHANGE OF CONFIDENTIAL HEALTHCARE INFORMATION. LASCMA'S ENDORSEMENT OF THESE GUIDELINES (06/01/2004) ARE IN ACCORDANCE WITH FEDERAL LEGISLATURE (HIPAA) AND ARE DEVELOPED TO HELP SAFEGUARD ALL INDIVIDUALLY IDENTIFIABLE HEALTHCARE INFORMATION.

THE LEGAL RULES, ETHICAL GUIDELINES AND PROFESSIONAL ETIQUETTE THAT GOVERN AND GUIDE TRADITIONAL COMMUNICATIONS BETWEEN MEDICAL STAFF & CLIENTS ARE EQUALLY APPLICABLE TO EMAIL, WEB SITES, LIST SERVES AND OTHER ELECTRONIC COMMUNICATIONS WHICH CURRENTLY ARE IN PLACE FOR CLIENTS THROUGH THE LASCMA WEB-SITE AND SECURE PORTALS OF ENTRY REQUIRING USERNAMES & PASSWORDS AS WELL AS SECURE E-MAIL & ON-LINE CONSULTATIONS TO LASCMA STAFF.

THE FOLLOWING RULES ARE DESIGNED TO MAINTAIN THE FEDERALLY ACCEPTED STANDARD OF CONFIDENTIAL ELECTRONIC COMMUNICATIONS BETWEEN STAFF & CLIENTS OF LASCMA:

- 1. SECURITY.** ONLINE COMMUNICATIONS BETWEEN LASCMA STAFF (OR ANY CONTRACTED HEALTHCARE AFFILIATE) AND CLIENTS OF THE PRACTICE MUST BE CONDUCTED OVER A SECURE NETWORK, WITH PROVISIONS FOR AUTHENTICATION AND ENCRYPTION IN ACCORDANCE WITH eRISK, HIPAA AND OTHER STATE AND FEDERAL GUIDELINES. AS STANDARD EMAIL SERVICES DO NOT MEET THESE GUIDELINES, CLIENTS ARE NOT TO USE SUCH MECHANISMS TO CONTACT ANY LASCMA STAFF MEMBER OR PROVIDER. ALL SUCH EMAIL WILL BE IMMEDIATELY DISCARDED AND LASCMA WILL NOT BE RESPONSIBLE FOR ANY DAMAGES ARISING DUE TO LACK OF RECEIPT OF THE INFORMATION CONTAINED WITHIN SUCH DOCUMENTS. LASCMA HAS CONTRACTED THE SERVICES OF MEDEM INC TO PROVIDE SECURE EMAIL COMMUNICATIONS THAT ALL CLIENTS AND STAFF OF LASCMA MAY REGISTER AND USE. ALL COSTS INCURRED FOR THE USE OF MEDEM'S COMMUNICATION SERVICES ARE ACCORDING TO THE CONTRACTUAL AGREEMENT BETWEEN LASCMA & MEDEM. UPON INTIAL HIRE, DATE OF CONTRACT AGREEMENT OR ADOPTION OF THESE GUIDELINES AS WELL AS ON DESIGNATED INTERVALS THROUGHOUT ONE'S EMPLOYMENT OR AFFILIATION WITH LASCMA, STAFF AND AFFILIATES OF LASCMA WILL RECEIVE TRAINING ON SAFETY AND PRIVACY MEASURES THAT WILL HELP TO FURTHER PROTECT THE PRIVACY OF OUR PATIENT'S HEALTH RELATED INFORMATION. STAFF AND PROVIDERS ARE MADE AWARE OF KNOWN POTENTIAL SECURITY RISKS, INCLUDING MEANS OF MINIMIZING UNAUTHORIZED ACCESS OF COMPUTER HARDWARE, AND GUARD AGAINST SUCH PRIVACY BREACHES THROUGH THE COMMON PRACTICE OF TIMED AUTOMATIC LOGOUT AND PASSWORD PROTECTION. DISCIPLINARY ACTION (UP TO AND INCLUDING TERMINATION OF EMPLOYMENT) WILL BE ENFORCED IN ALL KNOWN SITUATIONS WHEREBY A BREACH IN SECURITY ON BEHALF OF AN EMPLOYEE OR CONTRACTED AFFILIATE HAS BEEN DETERMINED AS GROSSLY NEGLIGENT UPON THOROUGH REVIEW OF THE CIRCUMSTANCES BY LASCMA MANAGEMENT.
- 2. AUTHENTICATION.** LASCMA STAFF HAVE THE RESPONSIBILITY TO TAKE REASONABLE STEPS TO AUTHENTICATE THE IDENTITY OF CORRESPONDENT(S) IN ON-LINE COMMUNICATIONS & TO ENSURE THAT RECIPIENTS OF INFORMATION ARE AUTHORIZED TO RECEIVE IT.
- 3. CONFIDENTIALITY.** LASCMA STAFF AND PROVIDERS ARE RESPONSIBLE FOR TAKING REASONABLE STEPS TO PROTECT PATIENT PRIVACY AND TO GUARD AGAINST UNAUTHORIZED USE OF PATIENT INFORMATION.
- 4. UNAUTHORIZED ACCESS.** LASCMA STAFF AND PROVIDERS ARE REQUIRED TO FOLLOW PROCEDURES ADOPTED BY LASCMA THAT HELP TO MITIGATE THE RISK OF UNAUTHORIZED ACCESS TO AND DISTRIBUTION OF PATIENT INFORMATION.
- 5. INFORMED CONSENT.** PRIOR TO THE INITIATION OF ONLINE COMMUNICATION BETWEEN LASCMA STAFF AND CLIENTS, INFORMED CONSENT AND INFORMATION AS TO THE APPROPRIATE USE OF THIS FORM OF COMMUNICATION IS OUTLINED AS PART OF THE REGISTRATION PROCESS OF MEDEM INC, THE CURRENT SERVICE USED BY LASCMA FOR SECURE EMAIL BETWEEN ESTABLISHED CLIENTS AND STAFF. APPROPRIATE USE OF THIS SERVICE IS FURTHER EXPLAINED IN LASCMA'S WEBSITE, SECTION ENTITLED, "ON-LINE COMMUNICATIONS" AS WELL AS LASCMA'S "OFFICE BROCHURE" (AVAILABLE BOTH AT THE OFFICE AND ON-LINE IN THE SECTION ENTITLED "FORMS.") THIS DOCUMENT IS FURTHER POSTED AT THE HOLLYWOOD OFFICE AND CONSIDERATION FOR MANDATING SIGNED AKNOWLEDGEMENT OF HAVING REVIEWED THIS DOCUMENT MAY BE CONSIDERED IN THE NEAR FUTURE. CLIENTS ARE REMINDED NOT TO USE SUCH MEANS OF ONLINE COMMUNICATIONS IN SITUATIONS INVOLVING POTENTIALLY LIFE THREATENING EVENTS AND THAT A RESPONSE TIME OF 1-5 BUSINESS DAYS MAY BE EXPECTED. FURTHERMORE, ONLY ACTIVE CLIENTS OF LASCMA WHO HAVE ESTABLISHED A RAPPORT WITH STAFF AND PROVIDERS WILL BE GRANTED ACCESS TO THE USE OF SECURE ON-LINE COMMUNICATIONS.
- 6. HIGHLY SENSITIVE SUBJECT MATTER.** LASCMA ADVISES PATIENTS WHO CHOOSE TO USE SECURE EMESSAGING TO COMMUNICATE WITH STAFF THAT IRRESPECTIVE OF CONTINUOUS SECURITY CHECKS AND USE OF NEW ENCRYPTION TECHNOLOGIES, THAT THERE STILL REMAINS A RISK OF DISCLOSURE OF INDIVIDUALLY IDENTIFIABLE HEALTH RELATED INFORMATION. AS SUCH, WHEN IT INVOLVES PARTICULARLY SENSITIVE SUBJECT AREAS (MENTAL HEALTH, SUBSTANCE ABUSE, ETC.), STAFF AND PROVIDERS ARE ENCOURAGED TO REFRAIN FROM ANY ONLINE DISCUSSION INVOLVING SUCH PERSONAL TOPICS WITH INDIVIDUAL PATIENTS.
- 7. EMERGENCY SUBJECT MATTER.** LASCMA'S POLICY ON WEB-BASED COMMUNICATIONS CLEARLY DICTATES THAT CLIENTS NOT USE SUCH MEANS OF COMMUNICATIONS DURING POTENTIAL HEALTH RELATED EMERGENCIES. LASCMA STAFF AND PROVIDERS ARE REMINDED TO AVOID ACTIVE PROMOTION OF THE USE OF ONLINE COMMUNICATION TO ADDRESS TOPICS OF MEDICAL EMERGENCIES.
- 8. DOCTOR-PATIENT RELATIONSHIP.** UNDER NO CIRCUMSTANCE WILL A DOCTOR-PATIENT RELATIONSHIP BE ESTABLISHED PRIMARILY THROUGH ON-LINE COMMUNICATIONS. VIEWERS OF "ASK THE DOC" ARE REMINDED THAT POSTED INFORMATION IS NOT TO SERVE AS PERSONAL MEDICAL ADVISE OR TO TAKE THE PLACE OF A MEDICAL EXAMINATION & RECCOMENDATIONS MADE BY A PHYSICIAN.

9. MEDICAL RECORDS. WHENEVER POSSIBLE AND APPROPRIATE, A RECORD OF ONLINE COMMUNICATIONS, PERTINENT TO THE ONGOING MEDICAL CARE OF THE PATIENT, WILL BE MAINTAINED AS PART OF, AND INTEGRATED INTO, THE PATIENT'S MEDICAL RECORD, WHETHER THAT RECORD IS PAPER OR ELECTRONIC.

10. COMMERCIAL INFORMATION. LASCMA'S WEBSITE IS FREE FROM COMMERCIAL PROMOTIONS. LINK EXCHANGES, HOWEVER, ARE MUTUAL MARKETING AGREEMENTS BETWEEN RELATED SERVICE AGENCIES OR ORGANIZATIONS AND THE DISPLAY OF SUCH LINKS IS DESIGNATED WITHIN ONE SECTION OF LASCMA'S WEB-SITE. AS "COOKIES" MUST BE ENABLED FOR ENFORCEMENT OF HIGH SECURITY PARAMETERS ON CERTAIN PAGES WARRANTING SUCH, ANY INFORMATION OBTAINED THROUGH THE USE OF "COOKIES" WILL NEVER BE USED OR SOLD FOR MARKETING ANALYSES OR COMMERCIAL GAIN.

FEE-BASED ONLINE CONSULTATIONS & PURCHASES OF PUBLISHED DATA

A CLINICAL CONSULTATION PROVIDED BY AN LASCMA PROVIDER TO AN ESTABLISHED PATIENT USING THE INTERNET OR OTHER SIMILAR ELECTRONIC COMMUNICATIONS NETWORK IN WHICH THE PROVIDER EXPECTS PAYMENT FOR THE SERVICE IS CONSIDERED A FEE-BASED ONLINE CONSULTATION – AND IS OFFERED THROUGH THE HIPPA COMPLIANT SERVICES OF MEDEM INC. CLIENT'S ARE REPEATEDLY REMINDED THAT ON-LINE COMMUNICATIONS, WHILE (AT TIMES) MAY BE MORE CONVENIENT THAN AN OFFICE VISIT, SUCH DOES NOT GUARANTEE THAT AN OFFICE VISIT WILL STILL NOT BE INDICATED. ADDITIONALLY, HEALTHCARE REIMBURSEMENT FOR THE CONSULTATION IS USUALLY NOT REIMBURSABLE BUT WILL BE EXPECTED TO BE PAID IN FULL BY THE PATIENT IRRESPECTIVE OF THE OUTCOME OF NEEDING A FOLLOW-UP VISIT OR NOT. TO MINIMIZE ANY POTENTIAL HAZARDS OR ABUSE OF THIS FORM OF COMMUNICATIONS BETWEEN ESTABLISHED CLIENTS AND LASCMA PROVIDERS, ALL ONLINE CONSULTS SHOULD INVOLVE AN EXPLICIT FOLLOW-UP PLAN THAT IS CLEARLY COMMUNICATED TO THE PATIENT.

IN ADDITION TO THE 10 GUIDELINES STATED ABOVE, THE FOLLOWING ARE ADDITIONAL CONSIDERATIONS TAKEN INTO ACCOUNT BY LASCMA PROVIDERS FOR FEE-BASED ONLINE CONSULTATIONS:

- 1. PRE-EXISTING RELATIONSHIP.** ALL ONLINE CONSULTATIONS MUST OCCUR ONLY WITHIN THE CONTEXT OF A PREVIOUSLY ESTABLISHED DOCTOR-PATIENT RELATIONSHIP THAT INCLUDES A FACE-TO-FACE ENCOUNTER WHEN CLINICALLY APPROPRIATE. AGAIN, IN COMMUNITY FORUMS SUCH AS "ASK THE DOC," POSTED MEDICAL INFORMATION IS WRITTEN IN GENERALIZABLE CONTEXT AND DOES NOT INVOLVE ANY EXCHANGE OF FUNDS. PRINTED MATERIAL PURCHASED BY VIEWERS IS FOR INFORMATIONAL PURPOSES ONLY AND IS GUIDED BY THE SPECIFIED AUTHOR'S CONSENT IN RELEASING PUBLISHED DATA SIMILAR TO THAT IN MEDICAL MAGAZINES OR TEXT-BOOKS. CONTENT ACCURACY IS THE SOLE RESPONSIBILITY OF THE AUTHOR FOR THE PUBLISHED ARTICLE. THE ACCURACY OF ALL MEDICAL CONTENT WITHIN THE PURCHASED ARTICLE REMAINS THE SOLE RESPONSIBILITY OF THE AUTHOR. WHILE LASCMA WILL MAKE ALL EFFORTS TO HAVE INDEPENDENT REVIEWS OF SUCH PUBLISHED ARTICLES, THE ORGANIZATION AND IT'S MEMBERS, INCORPORATED ENTITIES AND EMPLOYEES WILL NOT BE HELD LIABLE FOR ANY DAMAGES ARISING DUE TO INACCURATE CONTENT FOUND IN SUCH ARTICLES.
- 2. INFORMED CONSENT.** PRIOR TO THE ONLINE CONSULTATION, THE PATIENT'S INFORMED CONSENT TO PARTICIPATE IN THE CONSULTATION FOR A FEE IS OBTAINED, AS PER THE GUIDELINES & REGISTRATION PROCESS OF THE CURRENT SERVER USED, MEDEM INC.
- 3. MEDICAL RECORDS.** RECORDS PERTINENT TO THE ONLINE CONSULT WILL BE MAINTAINED & INTEGRATED INTO THE PATIENT'S CHART.
- 4. FEE DISCLOSURE.** AGAIN, FROM THE OUTSET OF THE ONLINE CONSULTATION, THE PATIENT IS CLEARLY INFORMED ABOUT CHARGES THAT WILL BE INCURRED, AND THAT THE CHARGES MAY NOT BE REIMBURSED BY THE PATIENT'S HEALTH INSURANCE. IF THE PATIENT CHOOSES NOT TO PARTICIPATE IN THE FEE-BASED CONSULTATION, THE PATIENT WILL BE ENCOURAGED TO CONTACT THE PROVIDER'S OFFICE TO ARRANGE FOR AN APPOINTMENT.
- 5. APPROPRIATE CHARGES.** ONLINE CONSULTATIONS ARE SUBSTANTIVE AND CLINICAL IN NATURE, SPECIFIC TO THE PATIENT'S PERSONAL HEALTH STATUS. THERE WILL BE NO CHARGE FOR ONLINE ADMINISTRATIVE OR ROUTINE COMMUNICATIONS SUCH AS APPOINTMENT SCHEDULING AND PRESCRIPTION REFILL REQUESTS.
- 6. IDENTITY DISCLOSURE.** CLINICAL INFORMATION THAT IS PROVIDED TO THE PATIENT DURING THE COURSE OF AN ONLINE CONSULTATION WILL BE FROM THE LASCMA PROVIDER WHOSE IDENTITY WILL BE CLEARLY DISCLOSED TO THE PATIENT.
- 7. AVAILABLE INFORMATION.** LIMITATIONS OF SUCH ONLINE COMMUNICATIONS ARE AGAIN OUTLINED TO THE PATIENT IN SEVERAL FORUMS PRIOR TO THE ACTUAL ONLINE CONSULTATION PROCESS. THE CONTEXT OF THE CONSULTATION IS BASED ONLY UPON INFORMATION MADE AVAILABLE BY THE PATIENT TO THE PROVIDER DURING, OR PRIOR TO, THE ONLINE CONSULTATION, INCLUDING REFERRAL TO THE PATIENT'S CHART WHEN APPROPRIATE, AND THEREFORE MAY NOT BE AN ADEQUATE SUBSTITUTE FOR AN OFFICE VISIT.
- 8. ONLINE CONSULTATION VS. ONLINE DIAGNOSIS AND TREATMENT.** ALL LASCMA PROVIDERS ENGAGING IN THIS FORM OF FEE-BASED ON-LINE CONSULTATION ARE ENCOURAGED TO AT LEAST ATTEMPT IN DISTINGUISHING ONLINE CONSULTATION RELATED TO PRE-EXISTING CONDITIONS, ONGOING TREATMENT, FOLLOW-UP QUESTIONS RELATED TO PREVIOUSLY-DISCUSSED CONDITIONS ETC., FROM THAT OF NEW DIAGNOSIS AND TREATMENT ADDRESSED SOLELY ONLINE. NEW DIAGNOSIS AND TREATMENT OF SUCH CONDITIONS, ARE (BY POLICY) TO BE ANOTHER EXAMPLE WHEREBY AN OFFICE VISIT IS MANDATED IRRESPECTIVE OF COST INCURRED FROM THE ONLINE CONSULT.

*****THESE GUIDELINES WERE BASED ON THE 11/2002 PUBLISHED RECOMMENDATIONS OF THE E-RISK HEALTHCARE WORKING GROUP: A CONSORTIUM OF PROFESSIONAL LIABILITY CARRIERS, MEDICAL SOCIETIES & STATE BOARD REPRESENTATIVES.***