

IMPORTANT IDENTITY THEFT NOTICE

As part of the Federal Trade Commission's (FTC's) implementation of the Fair and Accurate Credit Transactions (FACT) of 2003, medical providers may need to comply with the "Red Flags" rule, which requires "creditors" to establish a program to prevent identity theft in their practices.

Who is a creditor?

The Red Flags rule (<http://ftc.gov/os/fedreg/2007/november/071109redflags.pdf>) defines a creditor as "any person who regularly extends, renews, or continues credit; or any assignee of an original creditor who participates in the decision to extend, renew or continue credit." The FTC interprets this to include a medical provider if the provider does not regularly demand payment in full for services or supplies at the time of service. This includes, for example, a provider who bills a patient's insurance company before requesting payment in full from the patient. Accordingly, it is the policy of Surgical Specialists of Spokane, to comply with such rules.

What does this mean to you, our patient?

Surgical Specialists of Spokane (referred to hereafter from time to time as the "Practice") will make every effort to protect the personal information you provide us from identity theft, including the prevention of others using your personal information to inappropriately obtain services at the Practice. We will implement and maintain "reasonable internal policies and procedures" (which may incorporate existing policies and procedures) which shall be administered and managed by a person or persons on our staff (the "Administrator"), the purpose of which shall be to achieve the following goals:

1. Identify relevant indicators of a possible risk of identity theft ("Red Flags");
2. Detect Red Flags;
3. Prevent and mitigate identity theft; and
4. Periodically update the identity theft policies and procedures of the Practice to respond to changes in identity theft risks.

In order to comply with the FTC regulations, you may be asked for identifying information when checking in for an appointment, or making payment on your account via check or credit/debit card. This information may include some or all of the following: 2

1. Driver's license;
2. Insurance card;
3. Other identifying information if the above appears to be altered or forged;
4. A physical address (which may not be a PO Box);
5. A valid telephone number (which may not be a pager number);

Investigation and Documentation of Identity Theft

It is the policy of Surgical Specialists of Spokane to immediately investigate potential identity theft or fraud, particularly in circumstances where a patient of the Practice claims to be the victim of identity theft.

It is the policy of Surgical Specialists of Spokane to report these incidents to the Administrator of his/her designee immediately.

If a patient claims to be a victim of identity theft, Surgical Specialists of Spokane or its collection agency will investigate this claim, provided the patient has previously filed a police report for identity theft, and the patient provides Surgical Specialists of Spokane one of the following three documents:

1. The ID theft affidavit developed by the FTC, including supporting documentation;
2. An ID theft affidavit recognized under state law; or
3. A written statement that includes the following statements and/or documentation, as applicable:
 - a. A statement that the patient is a victim of identity theft;
 - b. A photocopy of the patient's driver's license or government-issued photo identification card;

- c. Any other personal identification document that is related to or supports the claim of identity theft;
- d. Specific facts supporting the claim of identity theft, if available;
- e. Any other explanation that the patient did not incur the debt(s) at issue;
- f. Any available correspondence disputing the debt;
- g. Documentation of the residence of the patient at the date of service, including copies of utility bills, tax statements, or other statements from businesses sent to the patient at his or her residence; 3
- h. A telephone number for contacting the patient;
- i. Any information that the patient may have concerning the person(s) the patient claims registered in or otherwise inappropriately used his or her name or other person information;
- j. A statement that the patient did not authorize the use of his or her name or personal information for obtaining services; and
- k. In all cases, a statement certifying that the representations are true, correct, and contain no material omissions of fact to the best knowledge and belief of the person submitting the certification.

In addition, the patient must cooperate with the Practice in the comparison of his or her personal information with the Practice's records of the patient's personal information.

If, following the Practice's investigation, it is clear that the patient has been a victim of identity theft, Surgical Specialists of Spokane will take the following actions:

1. Surgical Specialists of Spokane will cease collection on open accounts that resulted from identity theft. If such accounts had been referred to collection agencies or attorneys, the collection agencies/attorney will be instructed to cease collection activities;
2. Surgical Specialists of Spokane will cooperate with any law enforcement investigation relating to the identity theft;
3. If an insurance company, government program or other payer has made payments on the account, Surgical Specialists of Spokane will notify the payer and refund the amount paid;
4. If an adverse report had been made to a consumer reporting agency, Surgical Specialists of Spokane will notify the agency that the account was not the responsibility of the patient.

If following the investigation, it does not appear that the patient has been a victim of identity theft, Surgical Specialists of Spokane and/or its collection agency will give a written notice to the patient that he or she is responsible for payment of the bill, and the basis for that determination.

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