

# BALANCED BHRT

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Office: Huber Heights, Ohio | Telemedicine: OH, PA, CO, IN, MI, TN, FL

## NOTICE OF PRIVACY PRACTICES

*Effective Date: 5/15/2026*

**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.**

Balanced BHRT is committed to protecting the privacy of your protected health information (PHI). This Notice of Privacy Practices describes how we may use and disclose your PHI to carry out treatment, payment, and healthcare operations, and for other permitted or required purposes. It also describes your rights regarding your PHI and our obligations to you.

This Notice applies to all services provided by Balanced BHRT, including in-person visits at our Huber Heights, Ohio office, telemedicine visits, and all communications related to your care.

We are required by law to:

- Maintain the privacy and security of your PHI;
- Provide you with this Notice of our legal duties and privacy practices;
- Notify you following a breach of your unsecured PHI; and
- Follow the terms of the Notice currently in effect.

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## 1. How We May Use and Disclose Your Protected Health Information

The following describes the ways we may use and disclose your PHI. For each category, we describe what we mean and give an example. Not every use or disclosure in a category will be listed; however, all of the ways we are permitted to use and disclose information will fall within one of these categories.

### Treatment

We may use and disclose your PHI to provide, coordinate, or manage your healthcare and related services. This includes sharing your information with other healthcare professionals involved in your care.

Example: Your Balanced BHRT provider may share relevant portions of your hormone panel results with your primary care physician to coordinate your care.

## Payment

We may use and disclose your PHI to obtain payment for the services we provide to you, including billing, claims submission, and collection activities.

Example: We may submit billing records to your insurance carrier or include diagnosis codes on an invoice.

## Healthcare Operations

We may use and disclose your PHI for our internal business operations, including quality assessment, staff training, compliance reviews, and business management.

Example: We may review patient records to assess treatment outcomes or evaluate the performance of our providers.

## Telemedicine and Electronic Communications

When you receive care through our telemedicine platform, your PHI — including video, audio, and clinical documentation — is transmitted electronically. This transmission occurs over HIPAA-compliant, encrypted platforms. All electronic PHI is protected using AES-256 encryption at rest and TLS 1.3 encryption in transit, consistent with the HIPAA Security Rule update effective January 2025.

PHI transmitted during telemedicine visits is subject to all the same privacy protections as PHI generated during in-person visits.

## Appointment Reminders and Health-Related Communications

We may use your PHI to contact you as a reminder for upcoming appointments or to provide information about your care. Contact methods may include telephone calls, text messages (SMS/MMS), secure portal messages, or mail, based on your communication preferences and the consent you have provided.

Note: Consent to receive text messages is governed separately by our SMS Text Messaging Terms & Consent, which is available on our website and in our patient intake forms.

## Disclosures Required or Permitted by Law

We may also use or disclose your PHI in the following circumstances without your written authorization:

- As required by federal, state, or local law;
  - For public health activities (e.g., reporting communicable diseases);
  - To report suspected abuse, neglect, or domestic violence to appropriate authorities;
  - To avert a serious threat to health or safety;
  - For organ donation purposes;
  - For workers' compensation programs;
  - In response to a court order, subpoena, or other lawful process;
  - To authorized oversight agencies conducting audits, investigations, or inspections;
  - To coroners, medical examiners, or funeral directors as required by law;
  - For national security and intelligence activities authorized by law;
  - To correctional institutions, if you are an inmate, as permitted by law.
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## 2. Telemedicine Services and Multi-State Licensing

Balanced BHRT provides telemedicine services to patients located in Ohio, Pennsylvania, Colorado, Indiana, Michigan, Tennessee, and Florida. Providers are individually licensed in each state in which they practice. The following state-specific privacy and prescribing requirements apply to our telemedicine services:

### Jurisdiction and Patient Location

Your privacy rights and our obligations are governed by both federal HIPAA law and the laws of the state where you are physically located at the time of your telemedicine visit. State law may impose additional privacy protections beyond those required by HIPAA; in such cases, the stricter standard applies.

Your provider will confirm your physical location at the start of each telemedicine visit. Accurately disclosing your location is required to ensure compliance with applicable state licensing and prescribing laws.

### State-Specific Disclosures

#### Ohio (Primary Jurisdiction)

- Balanced BHRT is headquartered in Ohio. In-person services are available in Waynesville and Huber Heights.
- Schedule II controlled substances may not be prescribed via telemedicine for new patients under Ohio law. Existing patients may have different privileges; your provider will advise you.
- Ohio telemedicine services are subject to Ohio Revised Code Chapter 4731 and the rules of the State Medical Board of Ohio.

#### Pennsylvania

- Telemedicine services to Pennsylvania patients comply with the Pennsylvania Telehealth Act.
- Providers must hold a valid Pennsylvania medical license and, where applicable, a DEA registration for Pennsylvania.

#### Colorado

- Colorado law requires that prescribing via telemedicine be conducted through a live, two-way video connection. Audio-only encounters are not sufficient to establish the provider-patient relationship required for prescribing under Colorado regulations.
- Providers must hold a valid Colorado medical license.
- Colorado telemedicine services comply with the Colorado Telehealth Act (C.R.S. § 10-16-123) and Colorado Medical Practice Act requirements.

#### Indiana

- Telemedicine services to Indiana patients comply with Indiana Code § 25-1-9.5 and Indiana Medical Licensing Board telehealth rules.
- Providers must hold a valid Indiana medical license.

## Michigan

- Michigan requires both a DEA registration and a separate Michigan Controlled Substance License for providers who prescribe controlled substances to Michigan patients.
- Telemedicine services to Michigan patients comply with the Michigan Public Health Code and Michigan Department of Licensing and Regulatory Affairs (LARA) requirements.

## Tennessee

- Telemedicine services to Tennessee patients comply with the Tennessee Telehealth Act (T.C.A. § 63-1-155) and rules of the Tennessee Board of Medical Examiners.
- Providers must hold a valid Tennessee medical license.

## Florida

- Florida uses the term "telehealth" (defined in § 456.47, Florida Statutes) rather than "telemedicine." Services to Florida patients are governed by § 456.47, Fla. Stat., and rules of the Florida Board of Osteopathic Medicine.
- Providers must hold a valid Florida osteopathic physician (D.O.) license issued under Chapter 459, Florida Statutes. Controlled substance prescribing in Florida is additionally subject to applicable federal DEA registration requirements, which are currently in an active period of regulatory development. See DEA Prescribing note below.
- Florida law defines telehealth as the use of synchronous or asynchronous telecommunications technology. Audio-only telephone calls, email messages, and fax transmissions are expressly excluded from the definition of telehealth under Florida law and are not used for clinical evaluations or prescribing.
- Standard of care: Providers practicing telehealth in Florida must meet the same prevailing professional standard of practice as providers delivering in-person care to patients in Florida (§ 456.47(2)(a), Fla. Stat.).
- Patient evaluation: A telehealth provider may conduct a patient evaluation sufficient to diagnose and treat via telehealth; a prior physical examination is not required provided the evaluation is clinically adequate (§ 456.47(2)(b), Fla. Stat.).
- Schedule III controlled substances (including compounded bioidentical testosterone): Florida law permits prescribing Schedule III through V controlled substances via telehealth. Prescribing must also comply with applicable federal DEA requirements. Effective January 1, 2026 through December 31, 2026, DEA and HHS have extended telemedicine flexibility rules (Fourth Temporary Extension, 21 CFR 1307.41) that permit DEA-registered practitioners to prescribe Schedule II–V controlled substances via audio-video telemedicine without a prior in-person evaluation, subject to applicable conditions. These flexibilities remain in effect pending DEA's finalization of a permanent regulatory framework.
- Schedule II controlled substances: Florida law significantly restricts Schedule II prescribing via telehealth. Such prescribing is permitted only for treatment of psychiatric disorders, inpatient hospital treatment, hospice services, or residents of licensed nursing home facilities (§ 456.47(2)(c), Fla. Stat.). These narrow exceptions are not applicable to standard BHRT services; patients requiring Schedule II medications will be advised accordingly.
- Medical records: All records generated during Florida telehealth visits are confidential under Florida Statutes §§ 395.3025(4) and 456.057, and must be documented to the same standard as in-person visits (§ 456.47(3), Fla. Stat.).
- Abortion-inducing drugs may not be prescribed via telehealth to patients in Florida; this restriction does not affect BHRT services.

## Prescribing Limitations

Certain medications, including controlled substances, may not be prescribed via telemedicine in accordance with federal and state regulations:

- Bioidentical testosterone is a Schedule III controlled substance. Federal DEA regulations and applicable state laws govern its prescribing. DEA registration requirements are subject to ongoing federal rulemaking.
- Ohio: Schedule II controlled substances may not be prescribed via telemedicine for new patients.
- Colorado: Prescribing requires a live two-way video visit.
- Michigan: A state-level controlled substance license is required in addition to a federal DEA registration.
- Florida — DEA Prescribing Note: The DEA and HHS have extended COVID-era telemedicine prescribing flexibilities through December 31, 2026 (Fourth Temporary Extension, effective January 1, 2026), permitting any DEA-registered practitioner to prescribe Schedule II–V controlled substances via audio-video telemedicine without a prior in-person evaluation. The question of whether a state-specific DEA registration is required for telehealth prescribing issued from one state to a patient located in another state is an area of active federal regulatory development. The DEA has proposed a Special Registration framework (NPRM published January 17, 2025) that would establish a formal multi-state pathway, but that rule has not been finalized. Until a permanent framework is in place, Balanced BHRT monitors and complies with all applicable DEA guidance as it evolves. Florida Schedule II prescribing restrictions under state law remain in effect regardless of federal flexibility rules. Schedule III testosterone prescribing for Florida patients proceeds in accordance with both Florida § 456.47 and current federal DEA flexibility standards.
- Your provider will inform you if telemedicine is not appropriate for your specific medication needs or if an in-person visit is required.

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## 3. Uses and Disclosures That Require Your Written Authorization

For uses and disclosures not described in this Notice, we will ask for your written authorization before using or sharing your PHI. You have the right to revoke your authorization at any time by submitting a written request to our office. We will not be able to take back any disclosures already made in reliance on your authorization, and we are required by law to retain records of our transactions.

Uses and disclosures that require your written authorization include:

- Most marketing communications;
- Sale of your PHI;
- Psychotherapy notes (if applicable);
- Most uses of PHI for research;
- Disclosures to your employer for employment-related purposes;
- Any use or disclosure not described in this Notice.

## Substance Use Disorder Treatment Records (42 CFR Part 2)

**IMPORTANT:** Special Additional Protections Apply to Substance Use Disorder Records. Federal regulations at 42 CFR Part 2 (as updated and aligned with HIPAA effective 2024–2026) provide enhanced privacy protections for records related to substance use disorder (SUD) treatment. If Balanced BHRT maintains any records relating to your SUD treatment, those records may not be disclosed without your specific written consent, except as expressly permitted or required by 42 CFR Part 2. This protection applies even to disclosures that would otherwise be permitted by HIPAA (including disclosures for treatment, payment, or healthcare operations) unless you have provided the required written consent. You may provide a single written consent for all future uses and disclosures for treatment, payment, and healthcare operations, which will remain in effect until you revoke it in writing.

If state law provides greater privacy protections for substance use disorder information than 42 CFR Part 2, those stricter protections apply to patients located in that state.

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## 4. Your Rights Regarding Your Protected Health Information

You have the following rights with respect to your PHI. To exercise these rights, submit a written request to our Privacy Officer using the contact information provided at the end of this Notice.

### Right to Access Your PHI

You have the right to inspect and obtain a copy of PHI maintained in your designated record set, including your medical records. We may charge a reasonable, cost-based fee for copies. We will respond to your request within 30 days (or 60 days with written notice of extension).

### Right to Request Amendment

You have the right to request that we amend PHI you believe is incorrect or incomplete. We may deny your request under certain circumstances. If denied, you have the right to submit a statement of disagreement.

### Right to an Accounting of Disclosures

You have the right to request a list of disclosures of your PHI made by us during the six years prior to your request, other than disclosures for treatment, payment, healthcare operations, and certain other exceptions.

### Right to Request Restrictions

You have the right to request restrictions on certain uses or disclosures of your PHI. We are not required to agree to all requested restrictions, but we will comply with any restriction to which we agree. If you pay out-of-pocket in full for a service, you may request that we restrict disclosure of PHI related to that service to your health insurer; we must honor that request.

### Right to Request Confidential Communications

You have the right to request that we communicate your PHI with you by alternative means or at an alternative location (e.g., contacting you only at a specific phone number or address).

## Right to a Paper Copy of This Notice

You have the right to receive a paper copy of this Notice at any time, even if you have previously agreed to receive it electronically.

## Right to Notification of Breach

You have the right to be notified in the event of a breach of your unsecured PHI, in accordance with the HIPAA Breach Notification Rule. We will notify you within 60 days of discovering a breach. Notification may be provided by first-class mail, email (if you have agreed to electronic notice), telephone, or — for large breaches — through prominent media outlets, as required by law.

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## 5. Business Associates

We share PHI with third-party vendors and service providers that perform functions on our behalf. These entities are known as "Business Associates" under HIPAA. We require each Business Associate to enter into a written Business Associate Agreement that obligates them to protect your PHI with the same standards required of Balanced BHRT. Business Associates include, but are not limited to:

- Electronic health record (EHR) system providers;
  - Patient portal platform providers;
  - Telemedicine platform providers;
  - A2P 10DLC-registered SMS and email communication platforms (including RingCentral);
  - Laboratory reference services;
  - Billing and coding services;
  - Cloud storage and data hosting services.
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## 6. Electronic Communications and Data Security

### HIPAA Security Rule — 2025 Update

In compliance with the HIPAA Security Rule update effective January 2025, Balanced BHRT applies mandatory encryption to all electronic protected health information (ePHI):

- AES-256 encryption for all ePHI at rest;
- TLS 1.3 encryption for all ePHI in transit.

The previous "addressable" exception for certain encryption safeguards has been eliminated; these protections are now required for all covered entities.

### Telemedicine Platform Security

Telemedicine visits are conducted over a HIPAA-compliant video platform that encrypts all transmissions. We have implemented access controls, authentication requirements, automatic session timeouts, and audit controls to protect PHI. We require Business Associate Agreements with all telemedicine platform providers.

## SMS/Text Messaging

Our text messaging service operates through an A2P 10DLC-registered platform with HIPAA-compliant data handling. However, standard SMS delivery across carrier networks is not end-to-end encrypted. Patients who prefer not to receive PHI via text message may request alternative communication methods. Detailed SMS consent and opt-out terms are available in our SMS Text Messaging Terms & Consent.

## Email

Email transmitted through our secure patient portal is encrypted. Standard email sent outside the portal is not encrypted by default; patients should exercise caution when discussing sensitive medical information over standard email. For urgent matters, please contact our office by telephone.

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## 7. Breach Notification

In the event of a breach of your unsecured PHI, Balanced BHRT will:

- Notify you in writing within 60 calendar days of discovering the breach;
- Notify the U.S. Department of Health and Human Services (HHS) as required by law;
- For breaches affecting more than 500 residents of a state or jurisdiction, notify prominent media outlets in that jurisdiction;
- For breaches affecting 500 or more individuals, post the breach on the HHS "Wall of Shame" public website.

Notification will be provided by first-class mail to your last known address, or by email if you have agreed to electronic notice. In urgent situations, we may also contact you by telephone.

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## 8. Complaints

If you believe your privacy rights have been violated, you may file a complaint with:

### Balanced BHRT Privacy Officer

- By mail: Balanced BHRT, Attn: Privacy Officer, 5818 Wilmington Pike #101 Dayton, Ohio 45459
- By phone: (937) 684-8883
- By email: [operations@balancedbhrt.com](mailto:operations@balancedbhrt.com)

### U.S. Department of Health and Human Services

- Office for Civil Rights (OCR), U.S. Department of Health and Human Services
- Web: [www.hhs.gov/hipaa/filing-a-complaint](http://www.hhs.gov/hipaa/filing-a-complaint)
- Phone: 1-800-368-1019 (TDD: 1-800-537-7697)

You will not be retaliated against for filing a complaint. We are prohibited by law from retaliating against you for exercising your rights under this Notice or HIPAA.

## 9. Changes to This Notice

We reserve the right to change this Notice at any time. We reserve the right to make the revised Notice effective for PHI we already have about you as well as any information we receive in the future. We will post a copy of the current Notice at our offices and on our website. If we make a material change to this Notice, we will provide it to you at your next visit or via mail or email.

The most recent version of this Notice will always be available on our website at [www.balancedbhrt.com](http://www.balancedbhrt.com).

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## Contact Us

For questions about this Notice, to exercise your privacy rights, or to obtain a paper copy of this Notice, please contact:

<b>Balanced BHRT</b> Dr. Holly Papanek, DO Privacy Officer (937) 684-8883 <a href="mailto:operations@balancedbhrt.com">operations@balancedbhrt.com</a> <a href="http://www.balancedbhrt.com">www.balancedbhrt.com</a>	<b>Office Location:</b> 7415 Old Troy Pike Huber Heights, Ohio 45424  <b>Telemedicine States:</b> OH   PA   CO   IN   MI   TN   FL
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Compliance basis: HIPAA Privacy Rule (45 CFR §164.520) | HIPAA Security Rule (January 2025 update) | 42 CFR Part 2 (2024–2026 alignment) | Multi-State Telemedicine Licensing Standards