

Notice of Privacy Practices

Effective 9/23/2013

THIS NOTICE DESCRIBES HOW MEDICAL INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION.

PLEASE READ CAREFULLY.

BHSJCHA'S Responsibilities Under the Federal Privacy Standard: BHSJCHA has the following responsibilities with regard to your protected health information (PHI):

- Maintain the privacy of your protected health information, within the law, rules and regulations governing such privacy and disclosure of such information.
- Inform you of how your PHI may be used or disclosed.
- Inform you of your rights with respect to the use and disclosure of your PHI, and how you may exercise your rights, including how to make a complaint.
- Provide you this Notice as to BHSJCHA's legal duties and privacy practices with respect to individually identifiable health information that BHSJCHA collects and maintains about you and make a good faith effort to obtain your written acknowledgement of the receipt of this Notice. BHSJCHA is required to follow the procedures of this Notice. BHSJCHA reserves the right to change the terms of this Notice and to make new Notice provisions effective for all PHI that BHSJCHA maintains via posting in BHSJCHA's office or on BHSJCHA's website (www.bhsj.org) or making copies of the revised Notice available upon request.
- Train BHSJCHA's personnel concerning privacy and confidentiality.

Use/Disclosures for Treatment, Payment, and Health Care Operations: BHSJCHA is permitted to use your health information for treatment, payment, and other healthcare operations. The following are examples of how your information could be used for each of these purposes. BHSJCHA may use and disclose PHI about you without your authorization in the circumstances listed below. The following are examples of how your information could be used:

- Provision of health care treatment to you: EXAMPLE: A physician, nurse or other Health Department staff member will record information in your record about your diagnosis and treatment. This record may be shared with other programs within the Health Department for the purposes of treatment and coordinating and managing your care with others. PHI may also be used and disclosed when you need a prescription, lab work, an x-ray or other health care services. In addition, BHSJCHA may use and disclose PHI about you when referring you to another health care provider.
- Payment for services: EXAMPLE: BHSJCHA may send a bill to you, your health insurance company, or other designated payer for payment of the treatment and services you received. Before you receive scheduled services, BHSJCHA may share information about these services with your health plan in order to determine health care coverage under your plan or policy and for approval of payment before BHSJCHA provides the services. BHSJCHA may also share portions of your medical information with the following: billing departments, collection department or agencies, insurance companies, health plans and their agents which provide you coverage, or other designated payers. You may request to not have PHI released to your health insurer if you have paid your bill in full, out of pocket, for services rendered by the BHSJCHA.
- Health care operations (business activities): EXAMPLE: Your PHI and services received may be reviewed to improve the quality, efficiency and cost of care that BHSJCHA provides to you and other clients. It may also be used for the training, review and evaluation of staff providing your care. Information may also be used and disclosed to outside agencies that review BHSJCHA's activities or assess BHSJCHA's quality of care (accountants, accreditors, quality improvement staff, legal counsel, etc). Your PHI may also be used and disclosed in conducting business management and general administrative duties or in compliance with applicable laws. You may request to not have PHI released to your health insurer if you have paid your bill in full, out of pocket, for services rendered by the BHSJCHA.
- Services are provided through/by a business associate: EXAMPLE: BHSJCHA provides some services, certain diagnostic tests, and lab services through outside contracts. When BHSJCHA uses these services, BHSJCHA may disclose your health information to the contractor so that they can perform the function(s) that BHSJCHA has contracted with them to do and bill you of your insurance company for services provided. In some cases, BHSJCHA's business associates may collect your health information on BHSJCHA's behalf. BHSJCHA requires

its business associates to appropriately safeguard your information. The Business Associate and their subcontractors are required to follow the same rules and regulations and are subject to the same penalties as BHSJCHA.

Other Permitted/Required Uses and Disclosures: In certain other circumstances, BHSJCHA is also permitted to disclose your health information without authorization. In some of these cases, you can object to the disclosure. If this release of information is required by law, you may not object to the release of your information. The following are examples of how your information could be used:

- Required by law: When a disclosure is required by federal, state or local law or other judicial or administrative proceedings.
- Public health activities: As required by law, BHSJCHA may disclose your health information to public health or legal authorities (i.e., the Michigan Department of Community Health) charged with preventing or controlling disease, injury, or disability. Your PHI may be disclosed if you have been exposed to a communicable disease or may otherwise be at risk of contracting or spreading a disease or condition.
- Abuse, neglect or domestic violence: The Health Department is required by law to report suspected abuse and neglect.
- Health oversight activities and public health authorities: If a member of BHSJCHA's work force or a business associate believes in good faith that BHSJCHA has engaged in unlawful conduct or otherwise violated professional or clinical standards and are potentially endangering others, they may disclose your health information to health oversight agencies and/or public health authorities. Your PHI may be disclosed to a state or federal health oversight agency which is authorized by law to oversee BHSJCHA's operations.
- Judicial and administrative proceedings: BHSJCHA may disclose PHI about you in response to an order of a court or administrative tribunal.
- Law enforcement purposes: BHSJCHA may disclose health information for law enforcement purposes as required by law or in response to a valid subpoena.
- Decedents: BHSJCHA may disclose PHI about you to a coroner or medical examiner for the purposes of identifying you should you die. The Privacy and Security Rules do not protect the individually identifiable/protected health information of persons who have been deceased for more than 50 years. The BHSJCHA may, in accordance with §164.510(b), disclose decedent's information to a family member, other relative, or a close personal friend of the individual, or any other person identified by the individual, the protected health information directly relevant to such person's involvement with the individual's healthcare or payment related to the individual's health care.
- Medical research: Under certain circumstances, BHSJCHA may disclose PHI about you for medical research. BHSJCHA may disclose information to researchers when their research has been approved by an institutional review board that has established rules to ensure the privacy of your health information.
- Funeral directors: BHSJCHA may disclose health information to funeral directors consistent with applicable law to enable them to carry out their duties.
- Serious threat to health or safety: BHSJCHA may disclose PHI about you to prevent or lessen a serious or eminent threat to the health or safety of a person or the public.
- Specialized government functions: BHSJCHA may disclose PHI about you if it relates to military and veteran's activities, national security and intelligence activities, protective services for the President, and medical suitability or determinations of the Department of State.
- Correctional institutions and in other law enforcement custodial situations: If you are an inmate of a correctional institution, BHSJCHA may disclose to the institution or agents thereof, health information necessary for your health and the health and safety of other individuals.
- Notification/Communication with family: Unless you object, Health Department staff, using their best judgment, may disclose to a family member, a close personal friend, or any other person that you identify, health information relevant to that person's involvement in your care or payment related to your care.
- Continuity of Care: BHSJCHA may contact you to provide appointment reminders or information about treatment alternatives or other health-related benefits and services that may be of interest to you.
- Information about treatment/ services, products or health care providers: BHSJCHA may use and/or disclose PHI to manage or coordinate your health care. This may include telling you about treatments, services, products and/or other health care providers. BHSJCHA may also use and/or disclose PHI to give you gifts of small value.

- Food and Drug Administration (“FDA”): BHSJCHA may disclose to the FDA health information relative to adverse effects/events with respect to food, drugs, supplements, product or product defects, or post marketing surveillance information to enable product recalls, repairs, or replacement.
- Workers Compensation: BHSJCHA may disclose health information to the extent authorized by and to the extent necessary to comply with laws relating to workers compensation or other similar programs established by law.
- The Federal Department of Health and Human Services (“DHHS”): Under the privacy standards, BHSJCHA must disclose your health information to DHHS as necessary to determine BHSJCHA’s compliance with those standards.
- Disaster Relief: BHSJCHA may share with a public or private agency (i.e. American Red Cross) PHI about you for disaster relief purposes. Even if you object, BHSJCHA may still share the PHI about you, if necessary for the emergency circumstances.
- Fund Raising: BHSJCHA may contact you for Health Department fund raising events. The BHSJCHA will obtain written authorization from you or your personal representative prior to using or disclosing your PHI except if the PHI released or disclosed for fundraising communication is limited to demographic information and dates of service. You may request to opt out of this contact at any time Psychotherapy Notes: A written authorization must be obtained from you or your personal representative for most uses or disclosures of psychotherapy notes, except to carry out treatment, payment or health care operations, as well as, training of mental health practitioners, defense in a legal action or proceedings or as required by law.
- Marketing: A written authorization must be obtained from you or your personal representative for any use or disclosure of PHI for marketing, except if the communication is in the form of a face-to-face communication by BHSJCHA to you or a promotional gift of nominal value provided by BHSJCHA. If the marketing involves financial remuneration to BHSJCHA from a third party, the authorization will state that such remuneration is involved.
- Sale of PHI: Any use/disclosure of your PHI for remuneration to the BHSJCHA will require you or your personal representative to provide written authorization. This authorization may be revoked at any time.
- Genetic Information: The BHSJCHA will not use or disclose genetic information for underwriting purposes with respect to a health plan for underwriting purposes
- Appointment reminders: BHSJCHA may contact you to remind you of an upcoming appointment at BHSJCHA.

If you would like to object to BHSJCHA’s use and disclosure of PHI about you, please contact BHSJCHA’s Privacy Officer at 517-279-9561, Ext. 107 or BHSJCHA’s Prevention Services Director at Ext. 143. You may also visit our website: www.bhsj.org and download a form to either revoke or opt out of the release of your PHI, sign it and return it to the BHSJCHA via mail or email. **Any other use or disclosure of PHI about you requires your written authorization.**

Under any circumstances other than those listed above, BHSJCHA will ask for your written authorization before BHSJCHA uses or discloses PHI about you. If you sign a written authorization allowing us to disclose PHI about you in a specific situation, you can later cancel your authorization in writing. If you cancel your authorization in writing, BHSJCHA will not disclose PHI about you after BHSJCHA receives your cancellation, except for disclosures which were being processed before BHSJCHA received your cancellation.

Your Rights to Privacy: Although your health records are the physical property of the healthcare provider who created them, you have certain rights with regard to the information in that record. Any requests pertaining to your rights listed below **must** be submitted in writing. If there is a breach of your unsecured PHI, you will be notified. The Health Department can provide you with forms to make these requests. You have the right to ask the Health Department to:

- Limit uses and disclosures of your health information for treatment, payment, and health care operations. BHSJCHA does not, however, have to agree to the restriction. The right to request a restriction of use does not extend to permitted disclosures to you and uses and disclosures not requiring an authorization, such as those disclosures required by law.
- Communicate with you by another method (for example, use a different phone number or address), and if the request is reasonable, BHSJCHA will grant your request. You must provide us with information regarding how payment, if any, will be handled and your specification of an alternative address and other method of contact.
- Give you another copy of this Notice of Information Practices. Notices will be distributed when you first receive services. BHSJCHA has also posted this Notice on BHSJCHA’s website at www.bhsj.org or you can contact us for additional copies.
- Give you access to and a copy of your health information contained in clinical, billing and other records used to make decisions about you. Your request must be in writing. BHSJCHA reserves the right to charge a reasonable,

cost-based fee for making copies. Instead of providing you with a full copy of the PHI, BHSJCHA may give you a summary or explanation of the PHI about you, if you agree in advance to the form and cost of the summary or explanation. For certain types of information, BHSJCHA can deny access. Under these circumstances, BHSJCHA will respond to you in writing, stating why BHSJCHA will not grant your request and describing any rights you may have to request a review of BHSJCHA's denial. You do not have a right of access to the following:

- Psychotherapy notes.
- Information compiled in reasonable anticipation of or for use in civil, criminal, or administrative actions, or proceedings.
- Information that is subject to the Clinical Laboratory Improvement Amendments of 1988 ("CLIA"), 42 U.S.C. § 263a, to the extent that giving you access would be prohibited by law.
- Information that was obtained from someone other than a health care provider under a promise of confidentiality and the requested access would be reasonably likely to reveal the source of the information.

In other situations, if BHSJCHA denies you access, you may request a review of BHSJCHA's decision denying access. For these reviewable grounds, another licensed professional will review the decision denying access within sixty (60) days. These "reviewable" grounds for denial include the following:

- It has been determined, in the exercise of professional judgment, that the access is reasonably likely to endanger the physical safety of yourself or another person.
 - The protected health information makes reference to another person (other than a health care provider) and it has been determined, in the exercise of professional judgment, that the access is reasonably likely to cause substantial harm to such other person.
 - The request is made by your personal representative and it has been determined, in exercise of professional judgment, that giving access to this person is reasonably likely to cause substantial harm to you or another person.
- Amend or correct your health information. You have the right to request that BHSJCHA make amendments to clinical, billing and other records used to make decisions about you. Your request must be in writing and must explain your reason(s) for the amendment. BHSJCHA does not have to grant the request. If BHSJCHA denies your request for an amendment/correction, BHSJCHA will notify you why, how you can attach a statement of disagreement to your records, and how you can complain. If BHSJCHA grants your request to amend the information, BHSJCHA will make reasonable efforts to inform others of the amendment, including person(s) you name who have received PHI about you and who need the amendment.
 - Give you a copy of this Notice. You have a right to request a paper copy of this Notice at any time.
 - Give you an accounting of disclosures of your information made up to six (6) years before your request or in the case of electronic health records, up to three (3) years before your request. BHSJCHA does not need to provide an accounting for certain disclosures, including those made:
 - To you or requested by you, or that you authorized
 - For treatment, however, if an electronic health record is used you may request an accounting.
 - For billing and collection of payment for your treatment, however, if an electronic health record is used you may request an accounting.
 - For BHSJCHA's health care operations, however, if an electronic health record is used you may request an accounting.
 - Occurring as a byproduct of permitted uses and/or disclosures
 - To persons involved in your care or for other notification purposes as provided in § 164.510 of the Federal Privacy Regulations
 - Allowed by law when the use and/or disclosure relates to certain specialized government functions or relates to correctional institutions and in other law enforcement custodial situations
 - As part of a limited set of information which does not contain certain information which would identify you
 - That occurred before April 14, 2003.

BHSJCHA must provide the accounting within sixty (60) days of your request. The first accounting in any twelve (12)-month period is free. After that, BHSJCHA will charge a reasonable, cost-based fee. The accounting must include the following information:

- Date of each disclosure
- Name and address (if available) of the organization or person who received the protected health information

- Brief description of the information disclosed, the purpose of and/or the basis for the disclosure

How to Get More Information or to Report a Problem: If you have any questions or requests, please contact the Privacy Officer at 517-279-9561, Ext.0107# or the Prevention Services Director at Ext. 0143#.

If you feel that your privacy rights have been violated, you have the right to complain to both the Branch-Hillsdale-St. Joseph Community Health Agency and the Secretary of Health and Human Services. All complaints to the Branch-Hillsdale-St. Joseph Community Health Agency must be submitted in writing to the Privacy Officer or Prevention Services Director. The complaint must describe the violation of your privacy right and the date on which you believe the violation to have occurred. The complaint must be signed and include your name, address, and telephone number so that BHSJCHA may contact you. All complaints will be answered in writing within ten (10) business days of receipt. You may drop off your complaint at the Health Department or mail it to:

Branch-Hillsdale-St. Joseph Community Health Agency
570 Marshall Rd.
Coldwater, MI 49036
Attention: Privacy Officer

Individuals may file a complaint without fear of retaliation or decrease in the quality of services received from the Branch-Hillsdale-St. Joseph Community Health Agency.