

Notice of Privacy Rights Under Group Health Plan

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 federal Health Insurance Portability and Accountability Act's privacy regulations provide you with important rights regarding access to and disclosure of your medical records. Effective April 14, 2003, this policy describes procedures used by EMPLOYER's group health plan (the Plan) to protect the privacy of employees and family members covered by the Plan. By law, the Plan must maintain the privacy of certain health information and provide plan participants with a notice about the Plan's legal duties and privacy practices regarding this information. The Plan will only use protected health information as stated in this notice.

Protected health information (PHI) includes any health information collected or received by EMPLOYER, the Plan, another health plan, a life insurer, a school or university, a health care clearinghouse, or a health care provider that personally identifies an employee or a dependent and concerns past, present, or future physical or mental health conditions or payment for health care. It does not include employment records—including medical certifications—used for compliance with the Family and Medical Leave Act, Americans with Disabilities Act, or workers' compensation laws.

Disclosure and Use of Protected Health Information

Unless otherwise permitted by law, your PHI generally cannot be disclosed to anyone or used for any purpose not expressly authorized by you in writing. However, the law recognizes that obtaining written authorization for certain types of disclosures and uses of PHI would prove impractical or unduly cumbersome. In particular, no written authorization is required to use and disclose PHI as needed for medical treatment, payment of medical bills, and health care operations. In addition, a number of limited exceptions allow disclosure of PHI without written consent for certain legal, public health, and medical purposes.

Treatment, payment, and health care operations. The Plan does not need your written permission to disclose and use PHI for the following reasons:

- **Payment.** The Plan can use and disclose PHI for payment of employee claims. For example, the Plan can obtain information about your medical diagnosis, treatment, supplies, or procedures from a health care provider and share this PHI with health plan administrators or insurers for billing, cost sharing, claims processing, reviews of benefit or coverage denials, and other purposes related to administering your Plan benefits and coverage.
- **Health care operations.** The Plan can use and disclose PHI to EMPLOYER for purposes of health plan administration. For example, the Plan can use PHI in underwriting, negotiating premiums, assessing rating risks, conducting quality assessments and improvement activities, evaluating health care providers, performing audits and legal functions, conducting business management and planning, and carrying out general administrative activities. PHI used solely by EMPLOYER for health care operations will not be disclosed or used for any employment decisions, such as hiring, promotions, or layoffs. Whenever possible, EMPLOYER will remove individual identifiers from medical records and use summary health data for operational purposes, such as negotiating coverage changes, evaluating insurance alternatives, or obtaining cost estimates.
- **Business associates.** The Plan can disclose PHI to our business associates for authorized plan administration needs related to payment and health care operations. For example, third-party administrators, auditors, attorneys, consultants, and payroll processors are considered our business associates. All business associates must enter contracts agreeing to safeguard the confidentiality of PHI received from the Plan.

- **Health providers.** The Plan can use or disclose PHI to health care providers and other covered entities as required for treatment or payment activities.
- **Health education.** The Plan can use PHI to inform you about alternative treatment options and health-related benefits and services.

Legal, public health, and related purposes. Besides allowing use and disclosure of PHI for treatment, payment, and health operations, the law permits certain other uses and disclosures of PHI without written consent. Under these exceptions, the Plan can use and disclose PHI without your written authorization to certain individuals for particular purposes or under specific conditions:

- **Legal compliance.** The Plan can use and disclose PHI as required by federal, state, or local law or regulation, or to comply with valid legal requests, such as subpoenas, discovery requests, and other court or administrative orders. The Plan also must disclose PHI to the Secretary of the U.S. Department of Health and Human Services for HIPAA compliance purposes.
- **Abuse, neglect, or domestic violence.** The Plan can disclose PHI to appropriate authorities as required for reporting abuse, neglect, or domestic violence. The Plan will promptly inform you when making such a disclosure.
- **Law enforcement.** The Plan can disclose PHI to law enforcement officials when reporting a suspected workplace crime or a death due to a suspected crime. Law enforcement officials can request and receive PHI for purposes of locating or identifying a suspect, fugitive, witness, or missing person. Law enforcement officials also can receive limited PHI when needed to identify a crime victim, but only when you are unable to give consent to the disclosure and certain other conditions are met. In addition, Correctional facilities can receive PHI when needed for medical or safety reasons.
- **Public health and safety.** Various federal public health agencies and certain individuals can receive PHI to address a serious and imminent safety and health threat to yourself or the public. The Plan also can disclose PHI to appropriate authorities when required to comply with Food and Drug Administration regulations or to prevent or control disease, injury, or disability.
- **Health oversight committees.** In general, government health agencies can receive your PHI for necessary and authorized oversight activities, including audits, investigations, licensing activities, criminal or administrative proceedings, and inspections.
- **Coroners, medical examiners, and funeral directors.** Coroners and medical examiners can receive your PHI for identification purposes, determinations of the cause of death, or other authorized reasons. Funeral directors also can receive your PHI for carrying out specific duties.
- **Organ and tissue donation.** If you are organ or tissue donor, the Plan can give your PHI to organ procurement organizations or other entities for facilitating organ or tissue donation or transplants.
- **Research purposes.** The Plan can provide your PHI for authorized research purposes.
- **Workers' compensation.** The Plan can disclose your PHI for workers' compensation or related purposes.
- **Military or national security functions.** If you serve, have been discharged, or are veteran in a U.S or foreign military service, the Plan can provide your PHI as required by appropriate military authorities. The Plan also can disclose your PHI for authorized national security and intelligence activities.

While your written authorization is not required for the above-listed disclosures and uses of PHI, the Plan is legally obligated to release only the minimum details necessary to carry out these authorized functions. In

addition, the exceptions to obtaining written authorization do not apply to disclosures of certain types of PHI and certain uses of any type of PHI. In particular, your express written authorization almost always is required in these situations:

- **Disclosure of psychotherapy notes.** The Plan must receive your authorization in most cases before releasing PHI involving your psychotherapist notes taken during mental health sessions.
- **Use of PHI for marketing purposes.** The Plan generally must receive your authorization for using or disclosing your PHI for certain marketing purposes.

Employee Rights

Employees have certain rights regarding their protected health information. These rights include the following:

- **The right to designate a relative or representative to access your PHI.** You can provide written notice the Plan to designate a relative, friend, lawyer, or other individual as someone closely involved in your health care to whom the Plan can disclose PHI for any purpose you specifically permit. This authorization allows the Plan to release all appropriate records to your designated representative, without obtaining a separate authorization from you for each record request. You can revoke this authorization at any time.
- **The right to request restrictions on certain uses and disclosures of PHI.** You can ask the Plan to restrict any use or disclosure of PHI for carrying out treatment, payment, or health care operations or to your personal representative, including family members. The Plan does not have to agree, however, to a restriction and can disclose your PHI as allowed or required by law or if an emergency arises.
- **The right to receive confidential communications of PHI.** You can receive PHI communications through alternative means or at alternative locations if the communication channels normally used would jeopardize your physical safety. To exercise this right, you must give the Plan a written statement to the effect that disclosing all or part of PHI through normal channels could endanger you.
- **The right to inspect and copy PHI.** You can make a written request to inspect and copy any PHI that the Plan retains, excluding psychotherapy notes, information compiled for use in any legal proceeding, or records otherwise restricted or exempted from disclosure under federal law or regulation. You can be charged a nominal fee for copying costs, mailing, and preparation of PHI information. The Plan will provide access to the requested record or issue a written denial within mandated deadlines—usually 30 or 60 days, depending on how recently the record was created and whether it is maintained on site. If your request is denied, a review of the denial is available in most cases.
- **The right to amend protected health information.** You can amend your PHI by sending the Plan a written request explaining the need for changing your PHI. Your request can be denied if the PHI is not available for inspection by law or if the Plan did not create the PHI record, does not maintain the record, or determines that the record is complete and accurate. The Plan also will amend your PHI if it receives amended PHI from an appropriate entity covered by the law.
- **The right to receive an accounting of disclosures of protected health information.** The Plan will provide you with a statement of certain PHI disclosures for up to six years prior to the date of a written request, except for PHI disclosures made before April 14, 2003. However, the Plan does not have to supply an accounting of certain routine or permitted PHI disclosures, such as disclosures made to your designated representative or to carry out treatment, payment, or health care operations. No charge applies to your first request for an accounting of disclosures in a given year. A nominal administrative fee applies if you submit additional requests within the same 12-month period; however, you can reduce or avoid extra charges by modifying or withdrawing additional

requests. The Plan will supply this accounting within 60 days of your request, unless it notifies you in writing of the need for a 30-day extension.

- ***The right to receive a privacy notice.*** Plan participants receive this notice on enrollment and can request additional copies at any time. You also can request a print version of this privacy notice if you first received it electronically. By law, the Plan must issue reminders at least every three years informing participants of their right to receive this notice and where to obtain it.

Changes to This Notice

The Plan can change policy provisions at any time for compliance or other reasons. In general, changes to the policy will be effective on the date the policy is revised. Plan participants will receive information regarding changes to this policy within 60 days after the revision is made and can request a revised copy of the policy.

Complaints

You can submit written complaints regarding violations of this policy to EMPLOYER's privacy officer, the Plan, or the Secretary of the U.S. Department of Health and Human Services at.

You will not be retaliated against or penalized, in any manner, for filing a complaint, participating in any legal proceeding regarding this policy, or opposing any unlawful act or practice conducted by us.

Employer Contact Information

For more information on this policy or your privacy rights, you can contact EMPLOYER's privacy officer at: