

NOTICE OF PRIVACY PRACTICES FOR VISITING NURSE ASSOCIATION HEALTH SERVICES (dba: BLUE WATER HOME CARE & HOSPICE)

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.

OUR RESPONSIBILITIES

Visiting Nurse Association Health Services (Visiting Nurse Association Health Services) takes the privacy of your health information seriously. Visiting Nurse Association Health Services is required by law to maintain that privacy and to provide you with this Notice of Privacy Practices. This Notice is provided to tell you about our duties and practices with respect to your information. Visiting Nurse Association Health Services is required to abide by the terms of this Notice as are currently in effect.

HOW THE VISITING NURSE ASSOCIATION HEALTH SERVICES MAY USE AND DISCLOSURE YOUR HEALTH INFORMATION

The following categories describe different ways that Visiting Nurse Association Health Services uses and discloses your health information. For each category, an explanation of the category is provided, in some cases with examples. Not every use or disclosure in a category will be listed. However, all of the ways Visiting Nurse Association Health Services is permitted to use and disclose your health information will fall into one of these categories.

Privacy Rules: The Privacy Rule protects all “individually identifiable health information” held or transmitted by Visiting Nurse Association Health Services or its business associate, in any form or media, whether electronic, paper or oral. The Privacy Rule calls this information “protected health information (PHI).”

“Individually identifiable health information” is information, including demographic data, that relates to:

- The individual's past, present or future physical or mental health or condition,
- The provision of health care to the individual, OR
- The past, present, or future payment for the provision of health care to the individual:

AND that identifies the individual or for which there is a reasonable basis to believe it can be used to identify the individual. Individual identifiable health information includes many common identifiers (e.g., name, address, birth date, Social Security Number).

The Privacy Rule excludes from protected health information employment records that a covered entity maintains in its capacity as an employer and education and certain other records subject to, or defined in, the Family Educational Rights and Privacy Act, 20 U.S.C. §1232.g.

The HIPAA Privacy and Security Rules permit Visiting Nurse Association Health Services to disclose protected health information to a business associate, and allow a business associate to create, receive, maintain, or transmit protected information on its behalf, provided the covered entity obtains satisfactory assurances in the form of a contract or other arrangement that the business associate will appropriately safeguard the information. The HIPAA Rules define “business associate” generally to mean a person who performs functions or activities on behalf of, or certain services for, Visiting Nurse Association Health Services that involve the use or disclosure of protected health information. A central aspect of the Privacy Rule is the principle of “minimum necessary” use and disclosure. Visiting Nurse Association Health Services must make reasonable efforts to use, disclose, and request only the minimum amount of protected health information needed to accomplish the intended purpose of the use, disclosure, or request. Visiting Nurse Association Health Services has policies and procedures to reasonably limit uses and disclosures to the minimum necessary. When the minimum necessary standard applies to a use or disclosure, Visiting Nurse Association Health Services may not use, disclose, or request the entire medical record for a particular purpose, unless it can specifically justify the whole record as the amount reasonably needed for the purpose.

Treatment: Visiting Nurse Association Health Services may use and disclose your health information to coordinate care within Visiting Nurse Association Health Services and with others involved in your care, such as your attending physician, members of Visiting Nurse Association Health Services interdisciplinary team and other health care professionals who have agreed to assist Visiting Nurse Association Health Services in coordinating care. For example, Visiting Nurse Association Health Services may disclose your health information to a physician involved in your care who needs information about your symptoms to prescribe appropriate medications. Visiting Nurse Association Health Services also may disclose health information about you to individuals outside of Visiting Nurse Association Health Services involved in your care, including family members, other relatives, close personal friends, pharmacists, suppliers of medical equipment or other health care professionals.

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Payment: Visiting Nurse Association Health Services may use and disclose your health information to receive payment for the care you receive from the agency. For example, Visiting Nurse Association Health Services may be required by your health insurer to provide information regarding your health care status, your need for care and the care that Visiting Nurse Association Health Services intends to provide to you so that the insurer will reimburse you or the agency.

Health Care Operations: Visiting Nurse Association Health Services may use and disclose health information for its own operations to facilitate the functioning of Visiting Nurse Association Health Services and as necessary to provide quality care to all of the agency's patients and clients. Health care operations include such activities as:

- Quality assessment and improvement activities.
- Activities designed to improve health or reduce health care costs.
- Protocol development, case management and care coordination.
- Contacting health care providers and patients with information about treatment alternatives and other related functions that do not include treatment.
- Professional review and performance evaluation.
- Training programs, including those in which students, trainees or practitioners in health care learn under supervision.
- Training of non-health care professionals.
- Accreditation, certification, licensing, or credentialing activities.
- Review and auditing, including compliance reviews, medical reviews, legal services, and compliance programs.
- Business planning and development, including cost management and planning related analyses and formulary development.
- Business management and general administrative activities of the agency.
- Fundraising for the benefit of the agency.

For example Visiting Nurse Association Health Services may use your health information to evaluate its performance, combine your health information with other Visiting Nurse Association Health Services patients in evaluating how to more effectively serve all Visiting Nurse Association Health Services patients, disclose your health information to members of Visiting Nurse Association Health Services workforce for training purposes, use your health information to contact you as a reminder regarding a visit to you, or contact you as part of general fundraising and community information mailings (unless you tell us you do not want to be contacted).

Fundraising Activities: Patients and patients' families have the right to opt-out of fundraising communications by calling our office at 810-984-4131 or contacting us via email through our website at bwhch.org.

Appointment Reminders: Visiting Nurse Association Health Services may use and disclose your health information to contact you as a reminder that you have an appointment for a home visit.

Treatment Alternatives: Visiting Nurse Association Health Services may use and disclose your health information to tell you about or recommend possible treatment options or alternatives that may be of interest to you.

As Required by Law: Visiting Nurse Association Health Services will disclose your health information when it is required to do so by any Federal, State, or local law.

Public Health Risks: Visiting Nurse Association Health Services may disclose your health information for public activities and purposes in order to:

- Prevent or control disease, injury or disability, report disease, injury, vital events such as birth or death and the conduct of public health surveillance, investigations, and interventions.
- Report adverse events, product defects, to track products or enable product recalls, repairs, and replacements and to conduct post-marketing surveillance and compliance with requirements of the Food and Drug Administration.
- Notify a person who has been exposed to a communicable disease or who may be at risk of contracting or spreading a disease.
- Notify an employer about an individual who is a member of the employer's workforce in certain limited situations, as authorized by law.

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Abuse, Neglect or Domestic Violence: Visiting Nurse Association Health Services is allowed to notify government authorities if Visiting Nurse Association Health Services believes a patient is the victim of abuse, neglect, or domestic violence. Visiting Nurse Association Health Services will make this disclosure only when specifically required or authorized by law or when the patient agrees to the disclosure.

Health Oversight Activities: Visiting Nurse Association Health Services may disclose your health information to a health oversight agency for activities including audits, civil administrative or criminal investigations, inspections, licensure, or disciplinary action. Visiting Nurse Association Health Services, however, may not disclose your health information if you are the subject of an investigation and your health information are not directly related to your receipt of health care or public benefits.

Judicial And Administrative Proceedings: Visiting Nurse Association Health Services may disclose your health information in the course of any judicial or administrative proceeding in response to an order of a court or administrative tribunal as expressly authorized by such order or in response to a subpoena, discovery request or other lawful process, but only when Visiting Nurse Association Health Services makes reasonable efforts to either notify you about the request or to obtain an order protecting your health information.

Law Enforcement: As permitted or required by State law, Visiting Nurse Association Health Services may disclose your health information to a law enforcement official for certain law enforcement purposes as follows:

- As required by law for reporting of certain types of wounds or other physical injuries pursuant to the court order, warrant, subpoena or summons or similar process.
- For the purpose of identifying or locating a suspect, fugitive, material witness or missing person.
- Under certain limited circumstances when you are the victim of a crime.
- To a law enforcement official if Visiting Nurse Association Health Services has a suspicion that your death was the result of criminal conduct.
- In an emergency in order to report a crime.

Coroners and Medical Examiners: Visiting Nurse Association Health Services may disclose your health information to coroners and medical examiners for purposes of determining your cause of death or for other duties, as authorized by law.

Funeral Directors: Visiting Nurse Association Health Services may disclose your health information to funeral directors consistent with applicable law and, if necessary, to carry out their duties with respect to your funeral arrangements. If necessary, to carry out their duties, Visiting Nurse Association Health Services may disclose your health information prior to and in reasonable anticipation of your death.

Organ, Eye or Tissue Donation: Visiting Nurse Association Health Services may use or disclose your health information to organ procurement organizations or other entities engaged in the procurement, banking or transplantation of organs, eyes or tissue for the purpose of facilitating the donation and transplantation.

Research Purposes: Visiting Nurse Association Health Services may, under certain circumstances, use and disclose your health information for research purposes. Before Visiting Nurse Association Health Services discloses any of your health information for research purposes, the project will be subject to an extensive approval process. This process includes evaluating a proposed research project and its use of health information and trying to balance the research needs with your need for privacy. Before Visiting Nurse Association Health Services uses or discloses health information for research, the project will have been approved through this research approval process. Additionally, when it is necessary for research purposes and so long as the health information does not leave the agency, it may disclose your health information to researchers preparing to conduct a research project, for example, to help the researchers look for individuals with specific health needs. Lastly, if certain criteria are met, Visiting Nurse Association Health Services may disclose your health information to researchers after your death when it is necessary for research purposes.

Limited Data Set: Visiting Nurse Association Health Services may use or disclose a limited data set of your health information, that is, a subset of your health information for which all identifying information has been removed, for purposes of research, public health, or health care operations. Prior to our release, any recipient of that limited data set must agree to appropriately safeguard your health information.

Serious Threat to Health or Safety: Visiting Nurse Association Health Services may, consistent with applicable law and ethical standards of conduct, disclose your health information if the agency, in good faith, believes that such disclosure is necessary to prevent or lessen a serious and imminent threat to your health or safety or to the health and safety of the public.

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Specified Government Functions: In certain circumstances, the Federal regulations authorize Visiting Nurse Association Health Services to use or disclose your health information to facilitate specified government functions relating to military and veterans, national security and intelligence activities, protective services for the President and others, medical suitability determinations and inmates and law enforcement custody.

Worker's Compensation: Visiting Nurse Association Health Services may release your health information for worker's compensation or similar programs.

OTHER USES OR DISCLOSURES OF HEALTH INFORMATION:

Except as otherwise permitted or required by this Notice of Privacy Practices, Visiting Nurse Association Health Services will not use or disclose your health information unless you provide written authorization. If you or your representative authorizes Visiting Nurse Association Health Services to use or disclose your health information, you may revoke that authorization, in writing, at any time. If you revoke your authorization, Visiting Nurse Association Health Services will no longer use or disclose health information about you for the reasons covered by your written authorization, except to the extent that Visiting Nurse Association Health Services has acted in reliance thereon. You understand that Visiting Nurse Association Health Services is unable to take back any disclosures it has already made under the authorization, and that Visiting Nurse Association Health Services is required to retain our records of the care that it has provided you.

YOUR RIGHTS REGARDING YOUR HEALTH INFORMATION:

You have the following rights regarding your health information that Visiting Nurse Association Health Services maintains:

- **Right to request restrictions.** You have the right to request restrictions on certain uses and disclosures of your health information. You have the right to request a limit on the agency's disclosure of your health information to someone who is involved in your care or the payment of your care. Visiting Nurse Association Health Services is not required to agree to your request, unless your request is for a restriction on a disclosure to a health plan for purposes of payment or health care operations (and is not for purposes of treatment) and the medical information you are requesting to be restricted from disclosure pertains solely to a health care item or service for which you have paid out of pocket in full. If you wish to make a request for restrictions, please contact the HIPAA Compliance Officer at 810-984-4131.
- **Right to receive confidential communications.** You have the right to request that the Visiting Nurse Association Health Services communicate with you in a certain way. For example, you may ask that the Visiting Nurse Association Health Services only conduct communications pertaining to your health information with you privately with no other family members present. If you wish to receive confidential communications, please contact the HIPAA Compliance Officer at 810-984-4131. Visiting Nurse Association Health Services will not request that you provide any reasons for your request and will attempt to honor your reasonable requests for confidential communications.
- **Right to inspect and copy your health information.** You have the right to inspect and copy your health information, including billing records. A request to inspect and copy records containing your health information may be made to the HIPAA Compliance Officer at 810-984-4131. If you request a copy of your health information, Visiting Nurse Association Health Services may charge a reasonable fee for copying and assembling costs associated with your request.
- You have the right to request that Visiting Nurse Association Health Services provide you, an entity, or a designated individual with an electronic copy of your electronic health record containing your health information, if Visiting Nurse Association Health Services uses or maintains electronic health records containing patient health information. Visiting Nurse Association Health Services may require you to pay the labor costs incurred by Visiting Nurse Association Health Services in responding to your request.
- **Right to amend health care information.** You or your representative has the right to request that Visiting Nurse Association Health Services amend your records, if you believe that your health information is incorrect or incomplete. That request may be made as long as the information is maintained by Visiting Nurse Association Health Services. A request for an amendment of records must be made in writing to the HIPAA Compliance Officer at 810-984-4131. Visiting Nurse Association Health Services may deny the request if it is not in writing or does not include a reason for the amendment. The request also may be denied if your health information records were not created by Visiting Nurse Association Health Services, if the records you are requesting are not part of the agency's records, if the health information you wish to amend is not part of the health information you or your representative are permitted to inspect and copy or if, in the opinion of the agency, the records containing your health information are accurate and complete.
- **Right to an accounting.** You or your representative have the right to request an accounting of disclosures of your health information made by Visiting Nurse Association Health Services for certain reasons, including reasons related to public purposes authorized by law and certain research. The request for an accounting must be made in writing to the HIPAA Compliance Officer at 810-984-4131. The request should specify the time period for the accounting starting on or after April 14, 2003. Accounting requests may not be made for periods of time in excess of six (6) years. Visiting Nurse Association Health Services would provide the first accounting you request during any

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- 12-month period without charge. Subsequent accounting requests may be subject to a reasonable cost-based fee.
Right to a paper copy of this notice. You or your representative has a right to a separate paper copy of this Notice at any time, even if you or your representative has received this Notice previously. To obtain a separate paper copy, please contact the HIPAA Compliance Officer at 810-984-4131.

CHANGES TO THIS NOTICE:

Visiting Nurse Association Health Services reserves the right to change this Notice. Visiting Nurse Association Health Services reserves the right to make the revised Notice effective for health information we already have about you, as well as any health information we receive in the future. We will post a copy of the current Notice in a clear and prominent location to which you have access. The Notice also is available to you upon request. The Notice will contain, at the end of this document, the effective date. In addition, if the Visiting Nurse Association Health Services revises the Notice, Visiting Nurse Association Health Services will offer you a copy of the current Notice in effect.

IF YOU HAVE ANY QUESTIONS REGARDING THIS NOTICE:

Visiting Nurse Association Health Services has designated the HIPAA Compliance Officer as its contact person for all issues regarding patient privacy and your rights under the Federal privacy standards. You may contact this person at Visiting Nurse Association 3403 Lapeer Road Suite B101, Port Huron, MI 48060, 810-984-4131.

COMPLAINTS:

You or your personal representative has the right to express complaints to Visiting Nurse Association Health Services and to the Secretary of the U.S. Department of Health and Human Services if you or your representative believes that your privacy rights have been violated. Any complaints to the Visiting Nurse Association Health Services should be made in writing to HIPAA Compliance Officer Visiting Nurse Association Health Services at 3403 Lapeer Road Suite B101, Port Huron, MI 48060. The Visiting Nurse Association Health Services encourages you to express any concerns you may have regarding the privacy of your information. You will not be retaliated against in any way for filing a complaint.

ETHICS COMMITTEE:

Health care decisions are very complex today. Advances in medical technology have given us so many choices. Sometimes the decisions we face are difficult to make and people involved in our care may also disagree over what steps to take. That is where the Ethics Committee can help. Medical ethics is the process of applying legal and ethical principles to concrete, real-world situations. It is a way of looking at "hard choices" that take into account what the law says, what our values are; and how similar issues have been resolved in the past. Every person has the right to control the health care he or she receives. You exercise this right by making your own decisions. If you are not able to act for yourself, you can still be in charge through your advanced directives, or through another person you trust acting on your behalf. If you have questions, please call 810-984-4131.

EFFECTIVE DATE:

This Notice is effective **October 10, 2013.**

IF YOU HAVE ANY QUESTIONS REGARDING THIS NOTICE PLEASE CONTACT:

HIPAA COMPLIANCE OFFICER
3403 LAPEER ROAD SUITE B101 • PORT HURON, MI 48060 • 810-984-4131