

## NOTICE OF PRIVACY PRACTICES

### **1. 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.**

### **2. WE HAVE A LEGAL DUTY TO SAFEGUARD YOUR PROTECTED HEALTH INFORMATION (PHI)**

We are legally required to protect the privacy of your health information. We call this information “protected health information,” or “PHI” for short, and it includes information that can be used to identify you that we’ve created or received about your past, present, or future health or condition, the provision of health care to you, or the payment of this health care. We must provide you with this notice about our privacy practices that explains how, when, and why we use and disclose your PHI. With some exceptions, we may not use or disclose any more of your PHI than is necessary to accomplish the purpose of the use or disclosure. We are legally required to follow the privacy practices that are described in this notice.

However, we reserve the right to change the terms of this notice and our privacy policies at any time. Any changes will apply to the PHI we already have. Before we make an important change to our policies, we will promptly change this notice and post a new notice in both Hale Makua long-term care facilities: 472 Kaulana Street, Kahului, Hawaii, 96732, and 1540 E. Main Street, Wailuku, Hawaii, 96793, as well as in our Home Health Office, 1520 E. Main Street, Wailuku, Hawaii, 96793. You can also request a copy of this notice at any time from Jim Kahler, Director Home Health/ Compliance Officer and you can view a copy of the notice on our website at [www.halemakua.org](http://www.halemakua.org)

### **3. HOW WE MAY USE AND DISCLOSE YOUR PROTECTED HEALTH INFORMATION**

We use and disclose health information for many different reasons. For some of these uses or disclosures, we need your prior consent or specific authorization. Below, we describe the different categories of our uses and disclosures and give you some examples of each category.

**Uses and Disclosures Relating to Treatment, Payment, or Health Care Operations Require Your Prior Written Consent.** We may use and disclose your PHI with your consent for the following reasons:

**For treatment.** We may disclose your PHI to physicians, nurses, nursing students, and other health care personnel who provide you with health care services or are involved in your care. For example, if you’re being treated for a hip fracture, we may disclose your PHI to the Rehab Department in order to coordinate your care.

**To obtain payment for treatment.** We may use and disclose your PHI in order to bill and collect payment for the treatment and services provided to you. For example, we may provide portions of your PHI to our billing department and your health plan to get paid for the health care services we provided to you. We may also provide your PHI to our business associates, such as billing companies, claims processing companies, and others

that process our health care claims.

**For health care operations.** We may disclose your PHI in order to operate this nursing facility. For example, we may use your PHI in order to evaluate the quality of health care services that you received or to evaluate the performance of the health care professionals who provide your PHI to our accountants, attorneys, consultants, and others in order to make sure we're complying with the laws that affect us.

**b. Certain Uses and Disclosures Do Not Require Your Consent.** We may use and disclose your PHI without your consent or authorization for the following reasons:

- 1. When a disclosure is required by federal, state, or local law, judicial or administrative proceedings, or law enforcement.** For example, we make disclosures when a law requires that we report information to government agencies and law enforcement personnel about victims of abuse, neglect, or domestic violence; when dealing with gunshot and other wounds; or when ordered in a judicial or administrative proceeding.
- 2. For public health activities.** For example, we report information about deaths, and various diseases, to government officials in charge of collecting that information, and we provide coroners, medical examiners, and mortuary representatives with necessary information relating to an individual's death.
- 3. For health oversight activities.** For example, we will provide information to assist the government when it conducts an investigation or inspection of a health care provider or organization.
- 4. To avoid harm.** In order to avoid a serious threat to the health or safety of a person or the public, we may provide PHI to law enforcement personnel or persons able to prevent or lessen such harm.
- 5. For specific government functions.** We may disclose PHI of military personnel and veterans in certain situations. And we may disclose PHI for national security purposes, such as protecting the president of the United States or conducting intelligence operations.
- 6. For workers' compensation purposes.** We may provide PHI in order to comply with workers' compensation laws.
- 7. Fundraising activities.** We may use PHI to raise funds for our organization. The money raised through these activities is used to expand and support the health care services and educational programs we provide to the community. If you do not wish to be contacted as part of our fundraising efforts, please contact the person listed in section 6 below.

**c. Two Uses and Disclosures Require You to Have the Opportunity to Object.**

- 1. Patient directories. [For Hale Makua inpatients only]** We may include your name, location in a facility, general condition, and religious affiliation, in our resident directory for use by clergy and visitors who ask for you by name, unless you object in whole or in

part. The opportunity to consent may be obtained retroactively in emergency situations.

**2. Disclosures to family, friends, or others.** We may provide your PHI to a family member, friend, or other person that you indicate is involved in your care or the payment for your health care, unless you object in whole or part. The opportunity to consent may be obtained retroactively in emergency situations.

**d. All Other Uses and Disclosures Require Your Prior Written**

**Authorization.** In any other situation not described in sections above, we will ask for your written authorization before using or disclosing any of your PHI. If you choose to sign an authorization to disclose your PHI, you can later revoke that authorization in writing to stop any future uses and disclosures (to the extent that we haven't taken any action relying on the authorization).

#### **4. WHAT RIGHTS YOU HAVE REGARDING YOUR PHI**

You have the following rights with respect to your PHI:

- a. The Right to Request Limits on Uses and Disclosures of Your PHI.** You have the right to ask that we limit how we use and disclose your PHI. We will consider your request but are not legally required to accept it. If we accept your request, we will put any limits in writing and abide by them except in emergency situations. You may not limit the uses and disclosures that we are legally required or allowed to make.
- b. The Right to Choose How We Send PHI to You.** You have the right to ask that we send information to you to an alternate address (for example, sending information to your business address rather than your home address) or by alternate means (for example, e-mail instead of regular mail). We must agree to your request, as long as we can easily provide it in the format you requested.
- c. The Right to See and Get Copies of Your PHI.** In most cases, you have the right to look at or get copies of your PHI that we have, but you must make the request in writing. If we don't have your PHI but we know who does, we will tell you how to get it. We will respond to you within 30 days after receiving your written request. In certain situations, we may deny your request. If we do, we will tell you, in writing, our reasons for the denial and explain your right to have the denial reviewed. If you requested copies of you PHI, we will charge you \$1.00 for each page. Instead of providing the PHI you requested, we may provide you with a summary or explanation of the PHI as long as you agree to that and to the cost in advance.
- d. The Right to Get a List of the Disclosures We Have Made.** You have the right to get a list of instances in which we have disclosed your PHI. The list will not include uses or disclosures that you have already authorized. The list also won't include uses and disclosures made for national security purposes, to corrections or law enforcement personnel, or before April 14, 2003. We will respond within 60 days of receiving your request. We will give you disclosures made in the last six years unless you request a shorter time. The list will include the date of the disclosure, to whom PHI was disclosed (including their address, if known), a description of the information disclosed, and the reason for the disclosure. We will provide the list to you at no charge, but if you make more than one request in the same year, we will

charge you \$25.00 for each additional request.

- e. The Right to Correct or Update Your PHI.** If you believe that there is a mistake in your PHI or that a piece of important information is missing, you have the right to request that we correct the existing information or add the missing information. You must provide the request and your reason for the request in writing. We will respond within 60 days of receiving your request. We may deny your request in writing if the PHI is (1) correct and complete, (2) not created by us, (3) not allowed to be disclosed, or (4) not part of our records. Our written denial will state the reasons for the denial and explain your right to file a written statement of disagreement with the denial. If you don't file one, you have the right to request that your request and our denial be attached to all future disclosures of your PHI. If we approve your request, we will make the change to your PHI, tell you that we have done it, and tell others that need to know about the change to your PHI.
- f. The Right to Get This Notice by E-Mail.** You have the right to get a copy of this notice by e-mail. Even if you have agreed to receive this notice via e-mail, you also have the right to request a paper copy of this notice.

## **5. HOW TO COMPLAIN ABOUT OUR PRIVACY PRACTICES**

If you think that we may have violated your privacy rights, or you disagree with a decision we made about access to your PHI, you may file a complaint with the person listed in Section 6 below. You also may send a written complaint to the Secretary of the Department of Health and Human Services, Office of Civil Rights, 90 7th Street, Suite 4-100, San Francisco, CA 94103. For more information: <http://www.hhs.gov/oct/hipaa>. We will take no retaliatory action against you if you file a complaint about our privacy practices.

## **6. PERSON TO CONTACT FOR INFORMATION ABOUT THIS NOTICE OR TO COMPLAIN ABOUT OUR PRIVACY PRACTICES**

If you have any questions about this notice or any complaints about our privacy practices, or would like to know how to file a complaint with the Secretary of the Department of Health and Human Services, please contact: Jim Kahler, Corporate Compliance Officer, at 1520 E. Main Street, Wailuku, Hawaii 96793, or by phone at 808-244-3661, or by email: [jimk@halemakua.org](mailto:jimk@halemakua.org).

## **7. EFFECTIVE DATE OF THIS NOTICE**

This notice went into effect on APRIL 14, 2003.