

Policy & Procedure



HIPAA / PRIVACY NOTICE OF PRIVACY PRACTICES

FUNCTION
Click here to enter text.

NUMBER
Click here to enter text.

PRIOR ISSUE
Click here to enter text.

EFFECTIVE DATE
Click here to enter text.

PURPOSE

To ensure that a Notice of Privacy Practices is provided to, and acknowledged by, each resident or his/her personal representative upon admission to the Community.

POLICY

The Community's policy is to provide a Notice of Privacy Practices ("Notice") to each resident upon each admission to the Community, and make a good faith effort to obtain a signed Acknowledgement of Receipt of Notice of Privacy Practices ("Acknowledgement") from the resident. The Notice shall include all elements and statements that are required by law.

(See sample Notice and Acknowledgement forms following this Policy.)

PROCEDURE

1. The Notice and Acknowledgement forms will be included in the standard Admission Packet.
2. The Community Admission Staff will provide the Notice to the resident at the time of admission.

Note: In the case of an emergency treatment situation, the Community will provide the Notice to the resident as soon as reasonably practicable after the emergency treatment situation.

3. The Admission Staff will make a good faith effort to obtain the resident's signature on the Acknowledgement at the time the Notice is provided. The Notice and signed Acknowledgement will be kept in the resident's Business Office File.
4. If the resident refuses or is otherwise unable to sign the Acknowledgement, the Admission Staff will document, on the Acknowledgement form, what actions were taken to obtain the resident's signature on the Acknowledgement and the reason(s) why a signed Acknowledgement was not obtained. This document will then be placed in the resident's Business Office File.
5. The Community will provide a copy of the written Notice to residents and to other persons upon request.
6. The Community will post a copy of the Notice in a clear and prominent location such as the entrance lobby or similar location.
7. A current version of the Notice will be maintained on the Community's website, if any.
8. Whenever the Notice is revised, the Community Privacy Official will assure that:
 - a. The revised Notice is made available upon request on or after the effective date of

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the revision; and

- b. The revised Notice is posted in a clear and prominent location.
9. Material changes shall not be implemented prior to the effective date of the revised Notice.
10. A copy of each Notice issued by the Community will be maintained for at least six years from the date it was last in effect.
11. Any member of the workforce who has knowledge of a violation or potential violation of this Policy must make a report directly to the Privacy Official. (See the Community's policy on "Disciplinary Action.")



**NOTICE OF PRIVACY PRACTICES
EFFECTIVE DATE**

**THIS NOTICE DESCRIBES HOW HEALTH INFORMATION ABOUT YOU MAY
BE USED AND DISCLOSED AND HOW YOU MAY OBTAIN ACCESS TO
THIS INFORMATION. PLEASE REVIEW IT CAREFULLY.**

Your privacy is a high priority for us and it will be treated with the highest degree of confidentiality. This Notice applies to all information and records related to your care that we have received or created. This Notice informs you about the possible uses and disclosures of your protected health information. It also describes your rights and obligations regarding your protected health information.

In order for us to be able to provide you with the best service and care, we need to receive protected health information from you. However, we want to emphasize that we are committed to maintaining the privacy of this information in accordance with state and federal laws.

We are required by law to:

- Maintain the privacy of your protected health information;
- Provide to you this detailed Notice of our legal duties and privacy practices relating to your protected health information; and
- Abide by the terms of the Notice that is currently in effect. We reserve the right to change the terms of this Notice and make the new Notice provisions effective for all protected health information that the Community maintains.

PROTECTED HEALTH INFORMATION

While receiving care from the Community, information regarding your healthcare history, treatment, and payment for your health care may be originated and/or received by us. State and federal laws protect information that can be used to identify you and which relates to your health care or your payment for health care. This is your protected health information.

COLLECTING INFORMATION

We collect protected information about you to help us provide the best service, assistance and care, provide billing services and to fulfill legal and regulatory requirements. The type of information the Community may receive from you varies according to the assistance and care that you may need.

If we become aware that an item of your protected health information may be materially inaccurate, we will make a reasonable effort to reverify its accuracy and correct any error as appropriate.

SECURITY STANDARDS

We continue to assess new technology to evaluate our ability to provide additional protection for your protected health information. We maintain physical, electronic and procedural safeguards that comply with state and federal standards to guard your protected health information.

USING AND DISCLOSING YOUR PROTECTED HEALTH INFORMATION FOR TREATMENT, PAYMENT OR HEALTH CARE OPERATIONS

We have described the uses and disclosures below and provide examples of the types of uses and disclosures we may make in each of these categories.

For Treatment. We will use and disclose your protected health information in providing you with treatment and

services. We may disclose your protected health information to Community and non-Community personnel who also may be involved in your care, including, but not limited to, physicians, nurses, nurse aides, and physical therapists.

Our workforce has access to such information on a need to know basis. For example, a nurse caring for you will report any change in your condition to your physician. Your physician may need to know the medications you are taking before prescribing additional medications. It may be necessary for the physician to inform the nurses or staff of the medications you are taking so they can administer the medications and monitor any possible side effects. In addition, we may contact you to provide appointment reminders or information about treatment alternatives or other health-related benefits and services, which may be of interest to you.

We may also disclose protected health information to individuals who will be involved in your care after you leave the Community. Anyone who has access to protected health information is required to protect it and keep it confidential.

For Payment. We may use and disclose your protected health information so that we can bill and receive payment for the treatment and services you receive at the Community. Bills requesting payment will usually include information which identifies you, your diagnosis and any procedures performed or supplies used. For billing and payment purposes, we may disclose your protected health information to your legal representative, an insurance company, Medicare, Medicaid or another third party payor. For example, we may contact Medicare or your health plan to confirm your coverage or to request prior approval for a proposed treatment or service.

For Health Care Operations. We may use and disclose your protected health information for Community operations. These uses and disclosures are necessary to monitor the health status of residents, manage the Community and monitor the quality of our care. For example, we may use protected health information to evaluate our Community's services, including the performance of our staff. In addition, we may release your protected health information to another individual or covered entity for quality assessment and improvement activities or for review of or evaluation of health care professionals.

Health Care Operations may also include the use of information for quality assurance, training, accreditation, medical review, auditing and business planning.

USING AND DISCLOSING PROTECTED HEALTH INFORMATION FOR OTHER SPECIFIC PURPOSES

Community Directory. The Community maintains a directory of resident names and their location within the Community. Unless you object, we will include certain limited information about you in our Community directory. This information may include (i) your name, (ii) your location in the Community, and (iii) your religious affiliation. Our directory does not include health information about you. We may release information in our directory, except for your religious affiliation, to people who ask for you by name. We may provide the directory information, including your religious affiliation, to any member of the clergy. You are not obligated, however, to consent to the inclusion of your information in the Community directory. You may restrict or prohibit these uses and disclosures by notifying the Community in writing of your restriction or prohibition.

Community Culture. The culture of our Community includes informing residents and staff of changes in your health status to maintain our sense of "community." You may restrict or prohibit these uses and disclosures by notifying the Community in writing.

Individuals Involved in Your Care or Payment for Your Care. Unless you object, we may disclose your protected health information to a family member, a close personal friend, your legal representative and any clergy, who are involved in your care to the extent necessary for them to participate in your care. You may restrict or prohibit these uses and disclosures by notifying the Community in writing of your restriction or prohibition.

Emergencies. In the event of an emergency or your incapacity, we will do what is consistent with your known preference (if any), and what we determine to be in your best interest. We will inform you of uses or disclosures of protected health information under such circumstances and give you an opportunity to object as soon as practicable.

Disaster Relief. We may disclose your protected health information to an organization assisting in a disaster relief effort.

As Required By Law. We will disclose your protected health information when required by law to do so.

Public Health Activities. We may disclose your protected health information for public health activities. These activities may include, for example:

- reporting for preventing or controlling disease, injury or disability;
- reporting deaths;
- reporting abuse or neglect of a dependent adult;
- reporting reactions to medications or problems with products;
- notifying a person who may have been exposed to a communicable disease or may otherwise be at risk of contracting or spreading a disease or condition; or
- disclosing for certain purposes involving workplace illness or injuries.

Reporting Victims of Abuse, Neglect or Domestic Violence. We may use or disclose protected health information to protective services or social services agency or other similar government authorities, if we reasonably believe you have been the victim of abuse, neglect or domestic violence.

Health Oversight Activities. We may disclose your protected health information to a health oversight agency for oversight activities authorized by law. These may include, for example, audits, investigations, inspections and licensure actions, judicial/administrative proceedings to which you are not a party, or other legal proceedings. In most cases, the oversight activity will be for the purpose of overseeing the care rendered by the Community or the Community's compliance with certain laws and regulations. The Community does not control or define what information is needed by the health oversight agencies.

Judicial and Administrative Proceedings. We may disclose your personal health information in response to a court or administrative order. We may also disclose information in response to a subpoena, discovery request, or other lawful legal process; efforts will be made to contact you regarding the request or to obtain an order or agreement protecting the information.

Law Enforcement. We may also release your protected health information to law enforcement officials for the following purposes:

- Pursuant to a court order, warrant, subpoena/summons or administrative request;
- Identifying or locating a suspect, fugitive, material witness or missing person;
- Regarding a crime victim, but only if the victim consents or the victim is unable to consent due to incapacity and the information is needed to determine if a crime has occurred, non-disclosure would significantly hinder the investigation, and disclosure is in the victim's best interest;
- Regarding a decedent, to alert law enforcement that the individual's death was caused by suspected criminal conduct; or
- For reporting suspected criminal activity.

Coroner, Healthcare Examiners, Funeral Homes. We may release your personal health information to a coroner, medical examiner, and funeral director.

Organ Donation. We may release information to an organization involved in the donation of organs if you are an organ donor.

Fundraising. We may use your protected health information for the purpose of contacting you as part of a Community based fundraising effort. Protected health information that may be used as part of the fundraising effort includes name, address, other contact information, age, gender, date of birth, dates of health care provided, treating physician, outcome information, and health insurance status. Use or disclosure of any other protected health information for fundraising purposes will require your authorization. The Community, an affiliated organization, such as a foundation or a business associate may contact you regarding the Community's fundraising efforts. If you do not wish to be contacted regarding fundraising activities, you may contact _____ at _____ or you may send an email to _____ and request your name be removed from our fundraising list.

Research. Your protected health information may be used for research purposes if it has been de-identified. In most other instances where your protected health information is used or disclosed for research purposes your authorization

will be needed unless the Institutional Review Board or a Privacy Board has stated your authorization is not necessary.

MORE STRINGENT LAWS

Some of your protected health information may be subject to other laws and regulations and provided greater protection than outlined in this Notice. For instance, HIV/AIDS, substance abuse, mental health and genetic information are often given greater protection. In the event your protected health information is afforded greater protection under federal or state law, we will comply with the applicable law.

YOUR RIGHTS

You have the following rights regarding your protected health information at the Community:

- The right to receive notice of our policies and procedures used to protect your protected health information;
- The right to request that certain uses and disclosures of your protected health information be restricted;
- The right to restrict disclosure to a health plan of your information where you have paid the full out of pocket costs for the health care item or services rendered;
- The right to access your protected health information;
- The right to request that your protected health information be amended;
- The right to obtain an accounting of certain disclosures by us of your protected health information for the past six years;
- The right to revoke any prior authorizations for use or disclosure of protected health information, except to the extent that the Community has already acted on your authorization;
- The right to request the method by which your protected health information is communicated; and
- The right to receive notification of any breach of your unsecured protected health information.

OUR RIGHTS.

- We have the right not to agree to your requested restrictions on the use or disclosure of your personal health information. If we do agree to accept your requested restrictions, we will comply with your request except as needed to provide you with emergency treatment.
- We have the right to deny your request to inspect or receive copies of your protected health information in certain circumstances.
- We have the right to deny your request for amendment of protected health information if it was not created by us, if it is not part of your personal health information maintained by us, if it is not part of the information to which you have a right of access, or if it is already accurate and complete, as determined by us.

AUTHORIZATION

Uses and disclosures of your protected health information not allowed by law under our Notice of Privacy Practices will only be made with your written authorization. You can revoke the authorization as described in your written authorization. If you revoke your authorization, we will no longer use or disclose your protected health information for the purposes covered by the authorization, except where we have already relied on the authorization. Below are a couple of examples when authorizations will be required.

Marketing. Your protected health information will not be provided to third-party marketers without an authorization. We will not sell your information to others for use and marketing purposes without your specific authorization.

Psychotherapy Notes. In the event psychotherapy notes are maintained as part of your protected health information, those notes will not be used or disclosed without your authorization, except in limited circumstances.

COMPLAINTS

If you believe your privacy rights have been violated, you may file a written complaint with our Privacy Official. The Privacy Official will review and respond to you in a timely manner. At any time, you may contact the Office of Civil Rights in the U.S. Department of Health and Human Services.

Walnut Place 5515 Glen Lakes Drive, Dallas TX 75231 (214)361-8923
Office of Civil Rights:<http://www.hhs.gov/ocr/office/about/rgn-hqaddresses.htm>

You will not be retaliated against for filing a complaint.

CHANGE TO THIS NOTICE

We will promptly revise this Notice whenever there is a material change to the permitted uses or disclosures, your individual rights, our legal duties or other privacy practices stated in this Notice. We reserve the right to change this Notice and to make the revised or new Notice provisions effective for all protected health information already received and maintained by the Community as well as for all protected health information we receive in the future. We will post a copy of the current Notice in the Community. In addition, you may obtain a current Notice of Privacy Practices at any time from Administration.

ACKNOWLEDGMENT

We request that you sign an Acknowledgment of Receipt of Community Name's Notice of Privacy Practices, attached as Exhibit A.

CONTACT INFORMATION

If you have any questions about this Notice or would like further information concerning your privacy rights, please contact:

Walnut Place Executive Director (214)361-8923

09/19/13

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