

VALLEY HEALTH PARTNERS COMMUNITY HEALTH CENTER
Administrative Manual
HIPAA-Health Information Privacy Notice Policy

Attachment A.

HEALTH INFORMATION PRIVACY NOTICE

Valley Health Partners Community Health Center and the Medical Staff of Valley Health Partners Community Health Center

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.

If you have any questions about this notice, please contact the Privacy Officer at (610) 402-9100.

OUR PLEDGE REGARDING PROTECTED HEALTH INFORMATION

Valley Health Partners Community Health Center (VHPCHC) understands that medical information about you is personal, and we are committed to protecting your health information. For this reason, VHPCHC, create and describe how we use and disclose your health information respective to the services offered through VHPCHC. Because certain types of health information may identify you, we call this Protected Health Information or "PHI". In this Notice, we will tell you about:

- How we may use and disclose your PHI
- When we may disclose your PHI to others
- Your privacy rights and how to use them
- Our Privacy duties
- Who to contact for more information or with a complaint

HOW WE MAY USE AND DISCLOSE YOUR PROTECTED HEALTH INFORMATION

The following categories describe different ways that we use and disclose your PHI. For each category of uses or disclosures, we will explain what we mean and try to provide some examples. Not every use or disclosure in a category will be listed. However, all the ways we are permitted to use and disclose information will fall within one of the categories.

For Treatment. We may use and disclose PHI to give you medical treatment or services and to manage and coordinate your medical care. Your PHI may be disclosed to physicians, nurses, technicians, students, or other personnel who are involved in taking care of you. For example, your PHI may be provided to a specialist or laboratory to whom you have been referred to ensure that the health care provider has the necessary information to treat you or provide you with a service. If you are in the hospital, different departments of the hospital may share medical information about you in order to coordinate the different things you need, such as prescriptions, lab work and x-rays. We also may disclose medical information about you to people outside the hospital who may be involved in your medical care after you leave the hospital in order for us to provide services that are part of your care, i.e., home care nurses or an ambulance crew for transport.

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For Payment. We may use and disclose PHI about you so that the treatment and services you receive may be billed to and payment may be collected from you, an insurance company or a third party. For example, your insurer may want to review your medical record to be sure that your care was medically necessary. We may also tell your health plan about a treatment you are going to receive to obtain prior approval or to determine whether your plan will cover the treatment.

For Health Care Operations. We may use and disclose PHI about you for health care operations. Health care operations involve administration, education and quality assurance activities. For example, we may use PHI to review our treatment and services and to evaluate the performance of our staff in caring for you. We may also disclose information to doctors, nurses, technicians, students, and other personnel for review and learning purposes. We may combine the medical information we have with medical information from other organizations to compare how we are doing and see where we can make improvements in the care and services we offer. Other operational uses or disclosures may involve business planning, or the resolution of a complaint.

For Health Information Exchanges. We may use or disclose PHI about you to participate in a Health Information Exchange (HIE) sponsored by either the government or private parties. For example, information about your past medical care, current medical conditions and medications can be available to us or to your non-VHPCHC providers if they participate in the HIE. Exchange of health information can provide faster access, better coordination of care and assist providers and public health officials in making more informed treatment decisions about you. If VHPCHC participates in an HIE, you will either be asked to opt-in by providing your consent or provide notification to opt-out of the HIE.

Special Uses. We also use or disclose your PHI for purposes that involve your relationship to us as a patient. We may use or disclose your PHI to:

- Contact you as a reminder that you have an appointment for treatment or medical care.
- Tell you about or recommend possible treatment options or alternatives that may be of interest to you.
- Tell you about our health benefits and services.
- Send greetings to let you know that your relationship to us is important and that we care about your continual recovery.

CERTAIN USES AND DISCLOSURES OF YOUR PHI THAT ARE PERMITTED OR REQUIRED BY LAW

Many laws and regulations either require or permit us to use or disclose your PHI. Here is a listing of required or permitted uses and disclosures.

Facility Directory. We may disclose certain limited information about you while you are a patient in our facility if you wish to remain listed in our facility directory. This information may include your name, location in the facility, and facility telephone number. This information may be released if someone asks for you by name and you do not object to being listed in the directory. This is so your family and friends can visit you. In matters of public record, we are also permitted to release a one- word general condition (fair, good, undetermined, serious or critical). If you elect to give us your religious affiliation, we may

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provide your name, location in the facility and facility telephone number to a member of the clergy, such as a priest or rabbi. We are permitted to release this information even if they do not ask for you by name, unless you object to the disclosure. We will inquire about your wishes prior to releasing information to your clergy.

Fundraising Activities. We may use or disclose your PHI, as necessary, in order to contact you for fundraising activities. You have the right to opt out of receiving fundraising communications. If we do contact you for fundraising activities, the communications you receive will have instructions on how to opt-out.

Individuals Involved in Your Care or Payment For Your Care. Unless you object, we may release PHI about you to a family member, or friend or any other person you identify who is involved in your medical care. In the event that you are unable to express yourself, we may release PHI, as necessary and that we determine to be in your best interest, to a family member or friend directly involved in your care. We may also give information to someone who helps pay for your care. In addition, we may disclose medical information about you to an entity assisting in a disaster relief effort to coordinate your care, or to notify family and friends of your location or condition in a disaster. We will provide you with an opportunity to agree or object to such a disclosure whenever we practicably can do so.

Research. Under certain circumstances, we may use and disclose PHI about you for research purposes. For example, a research project may involve comparing the health and recovery of all patients who received one medication to those who received another, for the same condition. All research projects, however, are subject to a special approval process. This process evaluates a proposed research project and its use of medical information balancing the research needs with patients' need for privacy of their medical information. Before we use or disclose medical information for research, the project will have been approved through this research approval process. There are a few exceptions where the approval process is not necessary. We may disclose PHI about you to people preparing to conduct a research project; for example, to help them look for patients with specific medical needs, so long as the PHI they review does not leave the facility. We may also release your medical information to a researcher provided that certain data elements are removed that may identify you (i.e., name, social security number, medical record number, etc.). We will generally ask for your specific permission to use your PHI and participate in research.

As Required By Law. We will disclose PHI about you when required to do so by federal, state or local law, for example, when ordered by a Court to turn over certain types of your PHI.

To Avert a Serious Threat to Health or Safety. We may use and disclose PHI about you when necessary to prevent a serious threat to your health and safety or the health and safety of the public or another person. Any disclosure, however, would only be to someone able to help prevent the threat.

Business Associates. We may disclose PHI about you to our business associates who perform functions on our behalf or provide us with services if the PHI is necessary for those functions or services. For example, we may use another company to provide transcriptions or consulting services for us. All our

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business associates are obligated, under contract with us, to protect the privacy and ensure the security of your PHI.

For Payment and Health Care Operations of Another Entity. We may disclose PHI about you to another entity covered by the federal health care privacy regulations or to another health care provider if the disclosure is for the payment activities of that entity or provider receiving the information. For example, we may disclose insurance information about a patient to an ambulance company, if such services were provided to the patient. In addition, we may disclose PHI about you to another entity covered by the federal health care privacy regulations if the entity has or had a relationship with you, and the purpose for the disclosure is related to their health care operational activities, i.e., accreditation, licensing or credentialing activities. We will limit the information disclosed to the minimum amount of information needed in accordance with the request.

SPECIAL SITUATIONS

Organ and Tissue Donation. We may release PHI to organizations that handle organ procurement or organ, eye or tissue transplantation or to an organ donation bank, as necessary to facilitate organ or tissue donation and transplantation.

Military and Veterans. If you are a member of the armed forces, we may release PHI about you as required by military command authorities. We may also release PHI about foreign military personnel to the appropriate foreign military authority.

Workers' Compensation. We may release PHI about you for workers' compensation or similar programs. These programs provide benefits for work-related injuries or illnesses.

Public Health Risks. We may disclose PHI about you for public health activities. These activities generally include the following:

- To report communicable diseases;
- To report cancer cases;
- To prevent or control disease, injury or disability;
- To report birth information;
- To report death information;
- To report child abuse or neglect;
- To report reactions to medications or problems with products;
- To notify people of recalls of products they may be using;
- To notify a person who may have been exposed to a disease or may be at risk for contracting or spreading a disease or condition.

Abuse, Neglect or Domestic Violence. We may disclose PHI to notify the appropriate government authority if we believe a patient has been the victim of abuse, neglect or domestic violence. We will only make the disclosure if the patient agrees or when required or authorized by law.

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Health Oversight Activities. We may disclose PHI to a health oversight agency for activities authorized by law. These oversight activities include, for example, audits, investigations, inspections, and licensure. These activities are necessary for the government to monitor the health care system, government programs, and compliance with civil rights laws.

Lawsuits and Disputes. If you are involved in a lawsuit or a dispute, we may disclose PHI information about you in response to a court or administrative order. We may also disclose PHI about you in response to a subpoena, discovery request, or other lawful process by someone else involved in the dispute, but only if efforts have been made to tell you about the request or to obtain an order protecting the information requested. We may also use or disclose your PHI to defend ourselves in the event of a lawsuit you bring if your medical care or health care is at issue.

Law Enforcement. We may release PHI if asked to do so by a law enforcement official:

- In response to a court order, subpoena warrant, summons or similar process
- To identify or locate a suspect, fugitive, material witness, or missing person;
- About the victim of a crime if, under certain limited circumstances, we are unable to obtain the person's agreement;
- About a death we believe may be the result of criminal conduct;
- About criminal conduct on facility premises; and
- In emergency circumstances to report a crime; the location of the crime or victims; or the identity, description or location of the person who committed the crime.

Data Breach Notification Purposes. We may use or disclose PHI about you to provide legally required notices of unauthorized access to or disclosure of your health information.

Coroners, Medical Examiners and Funeral Directors. We may release PHI to a coroner or medical examiner. This may be necessary, for example, to identify a deceased person or determine the cause of death. We may also release PHI about patients to funeral directors as necessary to carry out their duties.

National Security and Intelligence Activities. We may release PHI about you to authorized federal officials for intelligence, counterintelligence, and other national security activities authorized by law.

Protective Services for the President and Others. We may disclose PHI about you to authorized federal officials so they may provide protection to the President, other authorized persons or foreign heads of state or conduct special investigations.

Inmates. If you are an inmate of a correctional institution or under the custody of a law enforcement official, we may release PHI about you to the correctional institution or Law enforcement official. This release would be necessary (1) for the institution to provide you with health care; (2) to protect your health and safety or the health and safety of others; or (3) for the safety and security of the correctional institution.

CERTAIN STRICTER REQUIREMENTS THAT WE FOLLOW

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Several state laws may apply to your PHI that set a stricter standard than the protections offered under the federal health privacy regulations. Stricter state law in Pennsylvania will for example, limit us from disclosing medical records containing HIV related information; medical records containing alcohol and drug abuse information; and medical records containing psychiatric and psychological treatment. State law dictates to whom and under what circumstances disclosure is appropriate. Generally, release of this information is contingent upon your specific consent, or pursuant to a court order.

WRITTEN AUTHORIZATION IS REQUIRED FOR OTHER USES AND DISCLOSURES

The following uses and disclosures of your PHI will be made only with your written authorization:

1. Most uses and disclosures of psychotherapy notes;
2. Uses and disclosure of PHI for marketing purposes; and
3. Disclosures that constitute a sale of your PHI.

Other uses and disclosures of PHI, not covered by this notice or the laws that apply to us, will be made only with written permission. If you provide us permission to use or disclose PHI about you, you may revoke that permission, in writing, at any time. If you revoke your permission, we will no longer use or disclose PHI about you for the reasons covered by your written authorization. You understand that we are unable to take back any disclosures we have already made with your permission, and that we are required to retain in our records of the care that we provided to you.

YOUR RIGHTS REGARDING MEDICAL INFORMATION ABOUT YOU

You have the following rights regarding medical information we maintain about you:

Right to Inspect and Copy. You have the right to inspect, with certain exceptions, and copy your medical and billing records. You also have the right to request that we send a copy of your medical or billing records to a third party. These requests are required to be submitted in writing. If you request a copy of the information, we may charge you a reasonable fee for providing a copy of your records. We may deny your request to inspect and copy your PHI in certain limited circumstances. If we deny you access to your records because we determine that it may cause you physical harm, or we think that it may cause physical, emotional or psychological harm to another individual, you may request that the denial be reviewed. Another licensed health care professional will be chosen to review your request and the denial. The person conducting the review will not be the person who denied your request. We will comply with the outcome of the review.

Right to a Summary or Explanation. We may provide you with a summary of your PHI, rather than the entire record or an explanation of the PHI which has been provided to you, so long as you agree to this alternative form and pay the associated fees.

Right to an Electronic Copy of Electronic Medical Records. If your PHI is maintained in an electronic format (i.e., electronic medical record or an electronic health record), you have the right to request that an electronic copy of your record be given to you or transmitted to another individual or entity. VHPCHC has the system in place to offer patients the capability to receive information maintained electronically through a web-based portal. If other formats are requested and not feasible, and the patient declines the electronic medium offered, VHPCHC shall provide a hard copy to you to

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fulfill the access request. We may charge you a reasonable fee for transmitting the electronic medical record.

Right to Get Notice of a Breach. You will be notified if your PHI has been "breached" which means that your PHI has been used or disclosed in a way that is inconsistent with law and results in it being compromised.

Right to Amend. If you feel that PHI we have about you is incorrect or incomplete, you may ask us to amend the information. You should provide a reason that supports your request. We may deny your request if you ask us to amend information that:

- Was not created by us, unless the person or entity that created the information is no longer available to make the amendment;
- Is not part of the medical information kept by or for the entity;
- Is not part of the information which you would be permitted to inspect and copy; or
- Is accurate and complete.

If we refuse to make your requested amendment, you have the right to submit a written statement about why you disagree. We have the right to prepare a counter-statement if we still disagree. Your statement and our counter-statement will become a part of your record.

Right to an Accounting of Disclosures. You have the right to request an accounting of certain disclosures that we have made of your PHI over the past six years. We do not have to account for all disclosures, including those involving treatment, payment or health care operations; or where you authorized the release of information. To request a list of accounting of your disclosures, you must submit your request in writing to the attention of the Privacy Officer, Compliance Services, at P.O. Box 689, Allentown, Pennsylvania 18105. Your request should state the time period and you should include which entities you wish to have an accounting of disclosures, i.e., Valley Health Partners Community Health Center. We also ask that you include your complete name, date of birth, social security number and address in the request for accuracy purposes. The first list you request within a twelve-month period will be free. For additional lists, we may charge you for the cost of providing the list. We will notify you of the cost involved and you may choose to withdraw or modify your request at that time before any costs are incurred.

Right to Request Restrictions. You have the right to request a restriction or limitation on PHI we use or disclose about you for treatment, payment or health care operations. You also have the right to request a limit on PHI we disclose about you to someone who is involved in your care or the payment for your care like a family member or friend. We are not required to agree to your request, unless you are asking us to restrict the use and disclosure of your PHI to a health plan for payment or health care operation purposes and such information you wish to restrict pertains solely to a health care item or service for which you have paid us "out-of-pocket" in full. For other requested restrictions, the request may be submitted in writing. If the provider agrees to your request, the restriction is only applicable to the individual entity, and to that particular episode of care unless agreed otherwise. Please note that you must make separate requests to each entity, which this notice applies, due to their individualized

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operations. This also includes separate requests to members of the Medical Staffs of Valley Health Partners Community Health Center.

Out-of-Pocket Payments. If you paid out-of-pocket (or in other words, you have requested that we not bill your health plan) in full for a specific item or service, you have the right to ask that your PHI with respect to that item or service not be disclosed to a health plan for purposes of payment or health care operations, and we will honor that request.

Right To Request Confidential Communications. You have the right to request that we communicate with you about medical matters in a certain way or at a certain location. For example, you can ask that we only contact you at work. To request confidential communications, you must submit this request in writing. In your request, you must specify how and where you wish to be contacted. We will not ask you for the reason for your request. We will accommodate all reasonable requests. Please note that you must make separate requests to each entity, which this notice applies, due to their individualized operations. This includes separate requests to members of the Medical Staffs of Valley Health Partners Community Health Center.

Right to a Paper Copy of This Notice. You have the right to a paper copy of this notice. You may ask us to give you a copy of this notice at any time. Even if you have agreed to receive this notice electronically, you are still entitled to a paper copy of this notice. You may also obtain a copy of this notice at our website, www.ValleyHealthPartners.org

How to Exercise your Rights. To exercise your rights described in this Notice, send your request, in writing, to the attention of the Privacy Officer, Compliance Services at P.O. Box 689, Allentown, Pennsylvania 18105. We may ask you to fill out a form that we will supply. If you are requesting to access and copy your medical record, please contact Department- Release of Information at (610) 402-8240.

CHANGES TO THIS NOTICE

We reserve the right to change this notice. We reserve the right to make the revised or changed notice effective for PHI we already have about you as well as any information we receive in the future. We will post a copy of the current notice in the applicable entities. The notice will contain an effective date at the bottom of the notice. In addition, each time you are registered at one of applicable entities or are admitted for health care services, a copy of the current notice is available.

COMPLAINTS

If you believe your privacy rights have been violated, you may file a complaint with VHPCHC or with the Office for Civil Rights. To file a complaint with VHPCHC, contact the Privacy Officer at (610) 402-9100, or in writing to Privacy Officer, Compliance Services at P.O. Box 689, Allentown, Pennsylvania 18105. You also have the right to file a complaint with the Office for Civil Rights, either in writing or electronically. You must include the identity of the entity and the alleged violation, and the complaint must be filed within 180 days of knowledge of the alleged violation. 402-9100, or in writing to Privacy Officer, Compliance Services at P.O. Box 689, Allentown, Pennsylvania 18105. You also have the right to file a

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complaint with the Office for Civil Rights, either in writing or electronically. You must include the identity of the entity and the alleged violation, and the complaint must be filed within 180 days of knowledge of the alleged violation.

You will not be penalized for filing a complaint.

Effective Date:

This Notice takes effect on July 1, 2020

Who will follow this notice?

This notice applies to wholly owned entities and entities that are affiliated with VHPCHC within the meaning of the Health Insurance Portability and Accountability Act's Privacy Rule. The list of legal entities is maintained by the Privacy Officer. This notice also applies to the Medical Staffs of Valley Health Partners Community Health Center solely as it relates to the services provided on the premises of the licensed entities. These entities, sites and locations follow the terms of this notice and share medical information with each other for treatment, payment or health care operations as described in this notice.