

## NOTICE OF PRIVACY INFORMATION PRACTICES

**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.**

### **A. PURPOSE OF THE NOTICE.**

WesleyLife is committed to preserving the privacy and confidentiality of your health information, which is created and/or maintained at our facilities. State and federal laws and regulations require us to implement policies and procedures to safeguard the privacy of your health information, including providing you a Notice of our privacy practices. This Notice will provide you with information regarding our privacy practices and applies to all of your health information created and/or maintained within our organization, including any information that we receive from other health care providers or facilities. The Notice describes the ways in which we may use or disclose your health information and also describes your rights and our obligations concerning such uses or disclosures.

We are required to abide by the terms of this Notice, including any future revisions that we may make to the Notice as required or authorized by law. We reserve the right to change this Notice and to make the revised or changed Notice effective for health information we already have about you as well as any information we receive in the future. We will post a copy of the current Notice, which will identify its effective date, in our organization and on our website at [www.wesleylife.org](http://www.wesleylife.org).

The privacy practices described in this Notice will be followed by:

1. Any health care professional authorized to enter information into your medical record created and/or maintained within our organization;
2. All employees, students, and other service providers who have access to your health information within our organization; and
3. Any member of a volunteer group that is allowed to help you while receiving services within our organization.

The individuals identified above will share your health information with each other for purposes of treatment, payment and health care operations, as further described in the Notice.

### **B. USES AND DISCLOSURES OF HEALTH INFORMATION FOR TREATMENT, PAYMENT AND HEALTH CARE OPERATIONS.**

1. **Treatment, Payment and Health Care Operations.** The following section describes different ways that we may use and disclose your health information for purposes of treatment, payment and health care operations. We explain each of these purposes below and include examples of the types of uses or disclosures that may be made for each purpose. We have not listed every type of use or disclosure, but the ways in which we use or disclose your information will fall under one of these purposes.

- a. **Treatment.** We may use your health information to provide you with health care treatment and services. We may disclose your health information to doctors, nurses, nursing assistants, medication aides, technicians, medical and nursing students, rehabilitation therapy specialists or other personnel who are involved in your health care. For example, we may order physical therapy services to improve your strength and walking abilities. We will need to talk with the physical therapist so that we can coordinate services and develop a plan of care. We also may need to refer you to another health care provider to receive certain services. We will share information with that health care provider in order to coordinate your care and services.
- b. **Payment.** We may use or disclose your health information so that we may bill and receive payment from you, an insurance company, or another third party for the health care services you receive from us. We also may disclose health information about you to your health plan in order to obtain prior approval for the services we provide to you, or to determine that your health plan will pay for the treatment. For example, obtaining approval for a hospital stay may require that your relevant protected health information be disclosed to the health plan to obtain approval for the hospital admission.
- c. **Health Care Operations.** We may use or disclose your health information in order to perform the necessary administrative, educational, quality assurance and business functions of our organization. For example, we may use your health information to evaluate the performance of our staff in caring for you. We also may use your health information to perform quality assessments to evaluate whether certain treatment or services offered by our organization are effective. We also may disclose your health information to other physicians, nurses, technicians or health profession students for teaching and learning purposes.

## C. USES AND DISCLOSURES OF HEALTH INFORMATION IN SPECIAL SITUATIONS.

We may use or disclose your health information in certain special situations as described below. For these situations, you have the right to limit these uses and disclosures as provided for in Section B of this Notice.

1. **Appointments.** We may use or disclose your health information for purposes of contacting you to remind you of a health care appointment.
2. **Treatment Alternatives & Health-Related Products and Services.** We may use or disclose your health information for purposes of discussing with you treatment alternatives or health-related products or services that may be of interest to you. For example, if you are a resident within our organization for purposes of a post-surgical hip replacement, we may talk with you about a gait-training program that we offer within our organization to improve your walking and balance.
3. **Facility Directory.** We may use or disclose certain limited health information about you in the local facility directory. This information may include your name, your assigned unit and room number, and your religious affiliation. Your name, assigned unit and room number, and a general description of your condition may be given to people who ask for you by name. Your religious affiliation may be given to a member of the clergy, even if they do not ask for

you by name.

4. **Family Members and Friends.** We may disclose your health information to individuals, such as family members and friends, who are involved in your care or who help pay for your care. We may make such disclosures when: (a) we have your verbal agreement to do so; (b) we make such disclosures and you do not object; or (c) we can infer from the circumstances that you would not object to such disclosures. For example, we will share information about you with your spouse or other family member after giving you an opportunity to agree or object. We also may disclose your health information to family members or friends in instances when you are unable to agree or object to such disclosures, provided that we feel it is in your best interests to make such disclosures and the disclosures relate to that family member or friend's involvement in your care. For example, if your medical condition prevents you from either agreeing or objecting to disclosures made to your family or friends, we may share information with the family member or friend that comes to visit you, but we will share only that information which relates to their involvement in your care.

5. **With Your Written Authorization.** We may use or disclose PHI for certain reasons only after we obtain your authorization. Some examples of how we may use or disclose your protected information after your authorization are:

Psychotherapy Notes. We will not use or disclose any notes from a mental health professional without your authorization except to carry out certain treatment, payment, or health care operations including allowing the note taker to use the notes for treatment, using the notes for our training programs, or using the notes in defense of a legal proceeding.

Marketing. We will not use or disclose any protected health information for marketing without your authorization unless the marketing is conducted through a face-to-face communication to an individual or involves gifts of nominal value.

Sale of Protected Information. We will not accept payment of any kind for protected health information without your prior authorization. Sale of protected health information is prohibited only as defined by law and does not include our accepting payment for your treatment.

6. **Fundraising Activities.** We may use or disclose a limited amount of your health information for purposes of contacting you to raise money for our organization and its operations. We also may disclose your health information to a foundation related to our organizations so that the foundation may contact you to raise money for our organization. All fundraising communications will include information about how you may opt out of future fundraising communications.

#### **D. OTHER PERMITTED OR REQUIRED USES AND DISCLOSURES OF HEALTH INFORMATION.**

There are certain instances in which we may be required or permitted by law to use or disclose your health information without your permission. These instances are as follows:

1. **As required by law.** We may disclose your health information when required by federal, state or local law to do so. For example, we are required by the Department of Health and Human

Services (HHS) to disclose your health information in order to allow HHS to evaluate whether we are in compliance with the federal privacy regulations.

2. **Public Health Activities.** We may disclose your health information to public health authorities that are authorized by law to receive and collect health information for the purpose of preventing or controlling disease, injury or disability; to report deaths, suspected abuse or neglect, reactions to medications; or to facilitate product recalls.
3. **Health Oversight Activities.** We may disclose your health information to a health oversight agency that is authorized by law to conduct health oversight activities, including audits, investigations, inspections, or licensure and certification surveys. These activities are necessary for the government to monitor the persons or organizations that provide health care to individuals and to ensure compliance with applicable state and federal laws and regulations.
4. **Judicial or Administrative Proceedings.** We may disclose your health information to courts or administrative agencies charged with the authority to hear, investigate and resolve lawsuits, disputes or claims. We may disclose your health information pursuant to a court order, a subpoena, a discovery request, or other lawful process issued by a judge or other person involved in the dispute, but only if efforts have been made to (1) notify you of the request for disclosure or (2) obtain an order protecting your health information.
5. **Worker's Compensation.** We may disclose your health information to worker's compensation programs when your health condition arises out of a work-related illness or injury.
6. **Law Enforcement Official.** We may disclose your health information in response to a request received from a law enforcement official to report criminal activity or to respond to a subpoena, court order, warrant, summons or similar process.
7. **Coroners, Medical Examiners, or Funeral Directors.** We may disclose your health information to a coroner or medical examiner for the purpose of identifying a deceased individual or to determine the cause of death. We also may disclose your health information to a funeral director for the purpose of carrying out his/her necessary activities.
8. **Organ Procurement Organizations or Tissue Banks.** If you are an organ donor, we may disclose your health information to organizations that handle organ procurement, transplantation or tissue banking for the purpose of facilitating organ or tissue donation or transplantation.
9. **Research.** We may disclose your protected health information to researchers when their research has been approved by an institutional review board that has reviewed the research proposal and established protocols to ensure the privacy of your protected health information.
10. **To Avert a Serious Threat to Health or Safety.** We may use or disclose your health information when necessary to prevent a serious threat to the health or safety of you or other individuals.
11. **Military and Veterans.** If you are a member of the armed forces, we may use or disclose your health information as required by military command authorities.

- 12. National Security and Intelligence Activities.** We may use or disclose your health information to authorized federal officials for purposes of intelligence, counterintelligence, and other national security activities, as authorized by law.

#### **E. USES AND DISCLOSURES PURSUANT TO YOUR WRITTEN AUTHORIZATION.**

Except for the purposes identified above in Sections B through D, we will not use or disclose your health information for any other purposes unless we have your specific written authorization. You have the right to revoke a written authorization at any time as long as you do so in writing. If you revoke your authorization, we will no longer use or disclose your health information for the purposes identified in the authorization, except to the extent that we have already taken some action in reliance upon your authorization.

#### **F. YOUR RIGHTS REGARDING YOUR HEALTH INFORMATION.**

You have the following rights regarding your health information. You may exercise each of these rights, in writing, by providing us with a completed form that you can obtain from any of our facility's Administrative Office. In some instances, we may charge you for the cost(s) associated with providing you with the requested information. Additional information regarding how to exercise your rights, and the associated costs, can be obtained from any of our facility's Administrative Office.

1. **Right to Inspect and Copy.** You have the right to inspect and copy health information that may be used to make decisions about your care. We may deny your request to inspect and copy your health information in certain limited circumstances. If you are denied access to your health information, you may request that the denial be reviewed.
2. **Right to Amend.** You have the right to request an amendment of your health information that is maintained by or for our organization and is used to make health care decisions about you. We may deny your request if it is not properly submitted or does not include a reason to support your request. We may also deny your request if the information sought to be amended:
  - (a) Was not created by us, unless the person or entity that created the information is no longer available to make the amendment;
  - (b) Is not part of the information that is kept by or for our organization;
  - (c) Is not part of the information which you are permitted to inspect and copy; or
  - (d) Is accurate and complete.
3. **Right to an Accounting of Disclosures.** You have the right to request an accounting of the disclosures of your health information made by us. This accounting will not include disclosures of health information that we made for purposes of treatment, payment or health care operations or pursuant to a written authorization that you have signed.
4. **Right to Request Restrictions.** You have the right to request a restriction or limitation on the health information we use or disclose about you for treatment, payment, or health care operations. You also have the right to request a limit on the health information we disclose about you to someone, such as a family member or friend, who is involved in your care or in the payment of your care. For example, you could ask that we not use or disclose

information regarding a particular treatment that you received. We are not required to agree to your request, except as set forth below in this paragraph. If we do agree to your request, that agreement must be in writing and signed by you and us. If you pay for the full amount of your treatment or product out of pocket, we will honor your request to restrict disclosure of the protected health information pertaining solely to that treatment or product to health plans or insurers for payment or health care operations purposes unless the disclosure is required by law.

5. **Right to Request Confidential Communications.** You have the right to request that we communicate with you about your health care in a certain way or at a certain location. For example, you can ask that we only contact you by mail.
6. **Right to a Paper Copy of this Notice.** You have the right to receive 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.
7. **Notice of Breach.** We are required by law to notify you in the event there is a breach of your unsecured health information that compromises the security or privacy of your unsecured health information.

#### **G. QUESTIONS OR COMPLAINTS.**

If you have any questions regarding this Notice or wish to receive additional information about our privacy practices, please contact our Privacy Coordinator at your facility's Administrative Office. If you believe your privacy rights have been violated, you may file a complaint with our organization or with the Secretary of the Department of Health and Human Services (HHS). To file a complaint with our organization, contact our Privacy Officer at WesleyLife, 5508 N.W. 88<sup>th</sup> Street, Johnston, IA 50131. All complaints must be submitted in writing. You will not be penalized for filing a complaint.

**Effective Date:** This notice was published and first became effective on 08/01/2013.