

# Notice of Privacy Practices

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# Notice of Privacy Practices

Effective date: April 14, 2003

*Version 4152008.2*

THIS NOTICE DESCRIBES HOW INDIVIDUALLY IDENTIFIABLE INFORMATION ABOUT YOU WILL BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY.

Saint Agnes Medical Center is required by law to maintain the privacy of individually identifiable patient health information (this information is “protected health information” and is referred to herein as “PHI”). We are also required to provide patients with a Notice of Privacy Practices regarding PHI. We will only use or disclose your PHI as permitted or required by applicable state law. This notice applies to your individually identifiable health information in our possession, including the medical records generated by us.

Saint Agnes understands that your health information is highly personal, and we are committed to safeguarding your privacy. Please read this Notice of Privacy Practices thoroughly. It describes how we will use and disclose your PHI.

This Notice applies to the delivery of health care by Saint Agnes Medical Center and its Medical Staff in the main hospital, outpatient departments, clinics, home care services and those of its affiliates, The California Eye Institute at Saint Agnes and the Saint Agnes Cancer Center. This Notice also applies to the utilization review and quality assessment activities of Trinity Health and Saint Agnes Medical Center as a member of Trinity Health, a Catholic healthcare system with facilities in seven states.

## I. Components of the Federal Legislation

**Treatment.** Saint Agnes will use and disclose your PHI in the provision and coordination of health care to carry out treatment functions.

- We will disclose all or any portion of your patient medical record information to your attending physician, consulting physician(s), nurses, technicians, medical students and other healthcare providers who have a legitimate need for such information in the care and continued treatment of the patient.
- Saint Agnes Medical Center is a Catholic-sponsored healthcare provider. Spiritual care providers are members of our care staff and will be part of the Saint Agnes team of care providers who will use your medical information to provide healthcare services to you when you are in any of our facilities.
- Different departments will share medical information about you in order to coordinate specific services such as lab work, X-rays and prescriptions.

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- Saint Agnes also will disclose your medical information to people or entities outside our facility who will be involved in your medical care after you leave us, such as family members, clergy and others used to provide services that are part of your care.
  - Saint Agnes will share certain information such as your name, address, employment, insurance carrier, emergency contact information and appointment scheduling information in an effort to coordinate your treatment with other healthcare providers and us.
  - **Treatment Alternatives.** Saint Agnes will use and disclose your PHI to obtain resources and inform you of or recommend possible treatment options or alternatives that will be of interest to you.
  - **Appointment Reminders.** Saint Agnes will use and disclose PHI to contact you as a reminder that you have an appointment for treatment or medical care at our facility. We will also call you prior to your scheduled procedure to verify information and discuss your pre-procedure requirements.
  - **Inmates.** If you are an inmate of a correctional institute or under the custody of a law enforcement officer, Saint Agnes will release your PHI to the correctional institute or law enforcement official.
  - **Volunteers.** Our volunteers play a very important role at Saint Agnes. They run our information desks, escort patients to and from departments, staff our waiting rooms, etc. As such, they have limited access to your health information to what they need to assist you and your loved ones.

**Payment.** Saint Agnes Medical Center will release PHI about you for the purposes of determining coverage, eligibility, funding, billing, claims management, medical data processing, stop loss/reinsurance and reimbursement.

- The medical information will be released to an insurance company, third party payer, third party administrator, health plan or other healthcare provider (or their duly authorized representatives) involved in the payment of your medical bill and will include copies or excerpts of your medical records that are necessary for payment of your account. It will also include sharing the necessary information to obtain pre-approval for treatment from your health plan.
- Saint Agnes will disclose your PHI to collection agencies and other subcontractors engaged in obtaining payment for care.

**Healthcare Operations.** Saint Agnes will use and disclose your PHI during routine healthcare operations including quality assurance, utilization review, medical review, internal auditing, accreditation, certification, licensing or credentialing activities, medical research and educational purposes.

- For instance, Saint Agnes will need to share your demographic information, diagnosis, treatment plan and health status for population-based activities relating to improving health or reducing healthcare costs, protocol development, case management and care coordination, and contacting healthcare providers and patients with information

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about treatment alternatives, in order for us to operate our business in an efficient, safe and legal manner.

**Other Uses and Disclosures.** As part of treatment, payment and healthcare operations, we may also use your PHI for the following purposes:

- **Fund-raising Activities.** Saint Agnes will use some of your PHI for certain fund-raising activities. For example, Saint Agnes Medical Center may use your demographic information (e.g., name, address and other contact information) to send information about future events you may wish to participate in. We may also come to visit you during your hospital stay just to see how you are doing. If you do not wish to be visited or receive information from us, we will let you know how you may opt out of any communication in the future.
- **Medical Research.** Saint Agnes Medical Center may disclose your PHI without your authorization to medical researchers who request it for approved medical research projects. However, with very limited exceptions, such disclosures must be cleared through a special approval process by our Institutional Review Board (IRB) before any PHI is disclosed to researchers. Your PHI data will be stored in a confidential database accessible only to the researchers and to the Saint Agnes Clinical Research Center. Researchers will be required to safeguard the PHI they receive.
- **Ethics Consultation.** If you, a family member, a treating physician or a hospital employee (such as a nurse providing care to you) requests an ethics consultation from the Saint Agnes Medical Center Institutional Ethics Committee regarding your health care, your PHI may be disclosed to assist the Ethics Committee in providing a recommendation to assist you, your family, your physician and/or other healthcare provider in providing your health care.
- **Information and Health Promotion Activities.** Saint Agnes Medical Center will use and disclose some of your PHI for certain marketing activities. For example, your name and address will be used to send you newsletters or general communications. We will also send you information based on your own health concerns. We will only send you this information if we determine the product or service being marketed can help you, based on your particular condition. The communication will explain how the product or service relates to your health, and it will also let you know how you will opt out of receiving similar communications in the future.

**More Stringent State and Federal Laws.** California State Law is more stringent than HIPAA in several areas: when the individual is entitled to greater access to records than under HIPAA, and when records are more protected from disclosure under state law than under HIPAA. Certain federal laws are also more stringent than HIPAA. Saint Agnes Medical Center will continue to abide by these more stringent state and federal laws. The federal laws include applicable Internet privacy laws, such as the Children's Online Privacy Protection Act and the federal laws and regulations governing the confidentiality of health information and substance abuse treatment. For example, California State Law mandates reporting certain types of wounds or physical injuries to a law enforcement official.

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## II. Permitted Use or Disclosure with an Opportunity for You to Agree or Object

**Family/Friends.** Saint Agnes Medical Center will disclose PHI about you to a friend or family member who is involved in your medical care. We will also give information to someone who helps you pay for your care. In addition, Saint Agnes will disclose PHI about you to an agency assisting in a disaster relief effort so that your family can be notified about your condition, status and location. You have the right to request that your PHI not be shared with some or all of your family or friends.

**Saint Agnes Directory.** We will include certain limited information about you in our patient directory while you are a hospital patient with us. This information will include your name, location, your general condition (e.g., fair, stable, critical, etc.) and your religious affiliation. This is so your clergy, family and friends can visit you in the hospital and know how you are doing. The directory information, except for your religious affiliation, will also be disclosed to people who ask for you by name. You have the right to request that your name not be included in our directory. If you request to opt out of our facility directory, we cannot inform visitors of your presence, location or general conditions. We also cannot respond to floral deliveries, out of town phone calls, etc.

**Spiritual Care.** Your name, location and general condition will not be disclosed to members of the religious community outside of our Spiritual Care team. It is our policy not to notify your local religious organization, without your approval, that you are a patient with us.

**Promotional Communications.** Saint Agnes Medical Center does not share or sell your PHI to companies that market healthcare products or services directly to consumers for use by those companies to contact you, such as drug companies. Saint Agnes does maintain a database of individuals for promotional communications, disease management, health promotion and fund-raising purposes. This database includes individuals to whom Saint Agnes Medical Center may have sent health improvement materials and news about Saint Agnes previously and also individuals who may have donated to Saint Agnes or who have expressed an interest in donating to Saint Agnes or other health-related activities. Your name may be included in this database. Saint Agnes sends information to the individuals in the database about the programs and services at Saint Agnes. If you wish to be deleted from this database, please notify our Privacy Officer at (559) 450-3432.

**Media Condition Reports.** Saint Agnes may release information for an update to the media if the media requests information about you using your full name after we have given you the opportunity to agree or object. The following information may then be disclosed: your condition described in general terms that do not communicate specific medical information, such as “good,” “fair,” “serious,” or “critical.”

### III. Use or Disclosure Requiring Your Authorization

- **Marketing.** Saint Agnes Medical Center is not permitted to provide your PHI to any other person or company for marketing to you any products or services other than Saint Agnes products or services unless you have signed an authorization.
- **Research.** Saint Agnes Medical Center will use or disclose your PHI as part of research that includes providing you with treatment. For example, if you are involved in a research study that includes treatment, Saint Agnes Clinical Research Center staff will work with you to authorize appropriate release of information.
- **Other Uses.** Any uses or disclosures that are not for treatment, payment or operations and that are not permitted or required for public policy purposes or by law will be made only with your written authorization. You have the right to revoke a written authorization at any time.

### IV. Use or Disclosure Permitted by Public Policy or Law Without Your Authorization

**Law Enforcement Purposes.** Saint Agnes Medical Center will disclose your PHI for law enforcement purposes as required by law, such as responding to a court order or subpoena, identifying a criminal suspect or a missing person, or providing information about a crime victim or criminal conduct.

**Required by Law.** Saint Agnes Medical Center will disclose PHI about you when required by federal, state or local law to make reports or other disclosures. We also will make disclosures for judicial and administrative proceedings such as lawsuits or other disputes in response to a court order or subpoena. We will disclose your medical information to government agencies concerning victims of abuse, neglect or domestic violence. We will report drug diversion and information related to fraudulent prescription activity to law enforcement personnel and regulatory agencies. We are also required to report your information to the Department of Motor Vehicles if you are subject to seizure activity. Specialized government functions will warrant the use and disclosure of PHI. These government functions will include military and veteran activities, national security and intelligence activities, and protective services for the President and others. Saint Agnes will make certain disclosures that are required in order to comply with workers compensation or similar programs.

**Coroners, Medical Examiners, Funeral Directors.** Saint Agnes will release your PHI to a coroner or medical examiner. For example, this will be necessary to identify a deceased person or to determine a cause of death. We will also release your medical information to funeral directors as necessary to carry out their duties.

**Organ Procurement.** Saint Agnes will release PHI to an organ procurement organization or entity for organ, eye or tissue donation purposes.

**Health or Safety.** Saint Agnes will use and disclose PHI to avert a serious threat to the health and safety of a person or the public. We will use and disclose PHI to public

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health agencies for immunizations, communicable diseases, safety or effectiveness of FDA-regulated products or activities, including collecting and reporting adverse events, tracking and facilitating product recalls, etc., and post-marketing surveillance. Any patient receiving a medical device subject to FDA tracking requirements may refuse to disclose or refuse permission to disclose his or her name, address, telephone number, Social Security number, or other identifying information for the purpose of tracking.

## Your Health Information Rights

Although all records concerning your hospitalization and treatment obtained by Saint Agnes are property of Saint Agnes, you have the following rights concerning your PHI.

**Right to Inspect and Copy.** You have the right to inspect and obtain a copy of your PHI as long as we maintain it except for:

- psychotherapy notes
- information that will be used in a civil, criminal or administrative action or proceeding
- where prohibited or protected by law

Saint Agnes Medical Center will deny your request for access to your PHI without giving you an opportunity to review that decision if:

- You don't have the right to inspect the information, or it is otherwise prohibited or protected by law.
- You are an inmate at a correctional institution and obtaining a copy of the information would risk the health, safety, security, custody or rehabilitation of you or other inmates.
- The release of the information would threaten the safety of any officer, employee or other person at the correctional institution or who is responsible for transporting you.
- You are involved in a clinical research project and our Clinical Research Center created or obtained the PHI during that research. Your access to the information will be temporarily suspended for as long as the research is in progress.
- Saint Agnes obtained the information that you seek access to from someone other than the healthcare provider under a promise of confidentiality, and your access request is likely to reveal the source of the information.
- Under other limited circumstances. In these instances, however, Saint Agnes will allow the review of its decision by our Chief Medical Officer or his or her designated representative. This person will not have been involved in the original decision to deny your request.

You agree to pay a reasonable copying charge. You must make your requests to access and copy your PHI in writing to us. The Health Information Management Department is responsible for assisting with your request. We will respond to your request within 30 days of its receipt. If we cannot, we will notify you in writing to explain the delay and the

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date by which we will act upon your request. In any event, Saint Agnes will act upon your request within 60 days of its receipt.

**Right to Amend.** You have the right to amend your PHI for as long as Saint Agnes retains it. However, we have the right to deny your request for amendment if:

- We did not create the information.
- The information is not part of the designated record set.
- The information would not be available for your inspection.
- The information is accurate and complete.

If Saint Agnes denies your request for changes in your PHI, we will notify you in writing with the reason for the denial. We will also inform you of your right to submit a written statement disagreeing with the denial. You may ask that we include your request for amendment and the denial any time that we disclose the information that you wanted changed. Saint Agnes Medical Center may prepare a rebuttal to your statement of disagreement and will provide you with a copy of that rebuttal.

You must make your request for amendment of your PHI in writing to us, including your reason to support the requested amendment. The Health Information Management Department will assist you with your request. Saint Agnes will respond to your request within 60 days of its receipt. If we cannot, we will notify you in writing to explain the delay and the date by which we will act upon your request. In any event, Saint Agnes will act upon your request within 90 days of its receipt.

**Right to an Accounting.** You have a right to receive an accounting of the disclosures of your PHI that Saint Agnes made, except for the following disclosures:

- To carry out treatment, payment or healthcare operations
- To you
- To persons involved in your care
- For national security or intelligence purposes
- To correctional institutions or law enforcement officials
- That occurred prior to April 14, 2003
- Disclosure made pursuant to authorizations you have signed

For each disclosure, you will receive:

- the date of the disclosure
- the name of the receiving institution and address if known
- a brief description of the PHI disclosed
- a brief statement of the purpose of the disclosure

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You must make your request for an accounting of disclosures of your PHI in writing to us. Health Information Management Department can assist you with your request. You must include the time period of the accounting, which will not be longer than six years. Saint Agnes will respond to your request within 60 days of its receipt. If we cannot, we will notify you in writing to explain the delay and the date by which we will act upon your request. In any event, Saint Agnes will act upon your request within 90 days of its receipt.

In any given 12-month period, Saint Agnes will provide you with an accounting of the disclosures of your PHI at no charge. Any additional requests for an accounting will be subject to a reasonable fee in preparing the accounting.

**Right to Request Restrictions.** You have the right to request restrictions on certain uses and disclosures of your PHI:

- To carry out treatment, payment or healthcare operations functions
- To restrict specific information to only specified family members, relatives, close personal friends or other individuals involved in your care
- To limit information in the facility directory
- To opt out of the clergy census

For example, you may ask that your name not be used in the waiting room or that certain information regarding your expected discharge date not be shared with your spouse or children. Saint Agnes will certainly consider your request, but we are not required to agree to the requested restrictions.

**Right to Confidential Communications.** You have the right to receive confidential communications of your PHI by alternative means or at alternative locations. For example, you may request that Saint Agnes only contact you at work or by mail.

**Right to Receive a Copy of this Notice.** You have the right to receive a paper copy of this Notice of Privacy Practices upon request.

**Complaints.** If you believe your privacy rights have been violated, you may file a complaint with Saint Agnes or with the Secretary of the Department of Health and Human Services. To file a complaint with Saint Agnes Medical Center, please contact our Privacy Officer at (559) 450-3432. All complaints must be submitted in writing directly to our Privacy Officer. There will be no retaliation for filing a complaint.

## Sharing and Joint Use of Your Health Information

In the course of providing care to you and in furtherance of the Saint Agnes mission to improve the health of the community, we will share your PHI with other organizations as described below.

**Medical Staff.** The Medical Staff and Saint Agnes participate together in an organized healthcare arrangement to deliver health care to you at Saint Agnes Medical Center. Both Saint Agnes and its Medical Staff have agreed to abide by the terms of this Notice with

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respect to PHI created or received as part of delivery of healthcare services to you at Saint Agnes Medical Center. Physicians and allied healthcare professionals are members of the Saint Agnes Medical Staff and will have access to and use your PHI for treatment, payment and healthcare operations purposes related to your care at Saint Agnes. Such physicians include “hospital-based” groups of physicians providing the following services at Saint Agnes Medical Center: anesthesia, emergency medicine, imaging services (including radiology), nuclear medicine, pathology, infectious diseases, radiation oncology/radiation therapy, critical care, respiratory care and hospitalist services. Saint Agnes will disclose your PHI to the Medical Staff for payment, treatment and healthcare operations.

**Business Associates.** Saint Agnes will use and disclose your PHI to business associates contracted to perform business functions on its behalf including Trinity Health. Whenever an arrangement between Saint Agnes and another company involves the use or disclosure of your PHI, that business associate will be required to keep your information confidential.

**Membership in Trinity Health.** Saint Agnes Medical Center, members of Trinity Health and Trinity Health participate together in an organized healthcare arrangement for utilization review and quality assessment activities. We have agreed to abide by the terms of this Notice with respect to PHI created or received as part of utilization review and quality assessment activities of Trinity Health and its members. Members of Trinity Health will abide by the terms of their own Notice of Privacy Practices in using your PHI for treatment, payment or healthcare operations. As part of Trinity Health, a national Catholic healthcare system, Saint Agnes and other hospitals, nursing homes and healthcare providers in Trinity Health share your PHI for utilization and quality assessment activities of Trinity Health, the parent company, and its members. Members of Trinity Health also use your PHI for your treatment, payment to Saint Agnes Medical Center and/or for the healthcare operations permitted by HIPAA and with respect to our mutual patients.

## Additional Information

For further information regarding the issues covered by this Notice of Privacy Practices, please contact our Privacy Officer at (559) 450-3432.

## Changes to this Notice

Saint Agnes will abide by the terms of the Notice currently in effect. We reserve the right to change the terms of its Notice and to make the new Notice provisions effective for all PHI that it maintains. We will make available the most current Notice to our patients at all times.

