



Episcopal SeniorLife Communities

Corporate Policy

Policy Name: HIPAA Notice of Privacy Practices

Policy: It is the policy of Episcopal SeniorLife Communities (ESLC) to comply with the Health Information Portability and Accountability Act of 1996 (HIPAA) and all updates by providing new residents or his/her personal representative with a Notice of Privacy Practices describing the uses and disclosures of the resident's Protected Health Information, the resident's rights and facility's legal duties with respect to Protected Health Information.

Policy Purpose: The purpose of this policy is to ensure that residents of ESLC are informed of the ways in which his/her protected health information may be used and disclosed and how they can obtain access to this information.

Policy Scope: This policy applies to all ESLC.

Procedures: The Notice of Privacy Practices will be provided to residents and/or their responsible parties as follows:

1. Before or on the day of admission.
2. Upon request.
3. On or after effective date of a material change to the Notice.

A copy of the Notice is maintained in the corporate files of Episcopal SeniorLife Communities.

Reviewed: January 2023

Approved by: Lisa J. Marcello, President/CEO
Episcopal SeniorLife Communities

A handwritten signature in black ink, appearing to read "Lisa J. Marcello", is positioned below the typed name.

Board Approved: January 18, 2022

**EPISCOPAL SENIORLIFE
COMMUNITIES
EPISCOPAL CHURCH HOME
NOTICE OF PRIVACY
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.

Our facility uses your Protected Health Information for treatment, to obtain payment for our services and for our operational purposes, such as improving the quality of care we provide to you. We are committed to maintaining your confidentiality and protecting your health information. We are required by law to provide you with this Notice, which describes our health information privacy practices and those of affiliated health care providers that provide care at our facility.

This Notice applies to all information and records related to your care that our facility workforce members and Business Associates (described below) have received or created. It also applies to health care professionals, such as physicians, and organizations that provide care to you at our facility. It informs you about the possible uses and disclosures of your Protected Health Information and describes your rights and our obligations regarding your Protected Health Information.

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 are currently in effect. We reserve the right to change the terms of this notice, and will notify you or your personal representative by letter if we make any material changes to this Notice.

I. WITH YOUR CONSENT WE MAY USE AND DISCLOSE YOUR PROTECTED HEALTH INFORMATION FOR TREATMENT, PAYMENT AND HEALTH CARE OPERATIONS.

You will be asked to sign a Consent allowing us to use and disclose your Protected Health Information to others to provide you with treatment, obtain payment for our services, and run our health care operations. The Facility will initially limit its use and disclosure or request of resident's Protected Health Information, to the extent practicable, to a limited data set (a limited data set does not include your direct identifiers) or, if needed, to be the minimum necessary to accomplish the intended purpose of such use, disclosure or request. Here are examples of how we may use and disclose your health information.

For Treatment. Our staff and affiliated health care professionals may review and record information in your record about your treatment and care. We will use and disclose this health information to health care professionals in order to treat and care for you. For example, a physician may consult with another physician located at another location to determine how to best diagnose and treat you.

For Payment. Our facility may use and disclose your Protected Health Information to others in order for the Facility to bill for your health care services and receive payment. For example, we may include your health information in our claim to your insurance company, Medicaid or Medicare in order to receive payment for services provided to you. We may also disclose your health information to other health care providers so that they can receive payment for your services.

For Health Care Operations. We may use and disclose your Protected Health Information to others for our facility's business operations. For example, we may use Protected Health Information to evaluate our facility's services, including the performance of our staff, and to educate our staff.

II. **WE MAY USE AND DISCLOSE YOUR PROTECTED HEALTH INFORMATION FOR OTHER SPECIFIC PURPOSES.**

Business Associates. We may share your Protected Health Information with our vendors and agents who help us with obtaining payment or carrying out our business functions. For example, we may give your health information to a billing company to assist us with our billing for services, or to a law firm or an accounting firm that assists us in complying with the law and or improving our services.

Facility Directory. Unless you object, we may include general information about you in our facility directory. This information may include your name, location in the facility and religious affiliation. We may release information in our directory, except for your religious affiliation, to people who ask for you by name. Your religious affiliation may be given to any member of the clergy even if they don't ask for you by name.

Family and Friends Involved in Your Care. Unless you object, we may disclose your Protected Health Information to a family member or close personal friend as allowed by law, including clergy, who is involved in your care or payment for that care.

Disaster Relief. We may disclose your Protected Health Information to an organization assisting in a disaster relief effort.

Personal Representative. If you have a personal representative, such as a legal guardian, we will treat that person as if that person is you with respect to disclosures of your health information. If you become deceased, we may disclose health information to an executor or administrator of your estate to the extent that person is acting as your personal representative or to your next of kin, as permitted under state and federal law.

Public Health Activities. We may disclose your Protected Health Information for public health activities including the reporting of disease, injury, vital events, and the conduct of public health surveillance, investigation and/or intervention. We may also disclose your information to notify 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 if a law permits us to do so.

Health Oversight Activities. We may disclose your Protected Health Information to health oversight agencies authorized by law to conduct audits, investigations, inspections and licensure actions or other legal proceedings. These agencies provide oversight for the Medicare and Medicaid programs, among others.

Reporting Victims of Abuse, Neglect or Domestic Violence. If we have reason to believe that you have been a victim of abuse, neglect or domestic violence, we may use and disclose your Protected Health Information to notify a government authority if required or authorized by law, or if you agree to the report.

Law Enforcement. We may disclose your Protected Health Information for certain law enforcement purposes or other specialized governmental functions.

Judicial and Administrative Proceedings. We may disclose your Protected Health Information in the course of certain judicial or administrative proceedings.

Research. In general, we will request that you sign a written authorization before using your Protected Health Information or disclosing it to others for research purposes. However, we may use or disclose your health information without your written authorization for research purposes provided that the research has been reviewed and approved by a special Privacy Board of Institutional Review Board.

De-identified Information. We may use your health information to create “de-identified” information or we may disclose your information to a Business Associate so that the Business Associate can create de-identified information on our behalf. When we “de-identify” health information, we remove information that identifies you as the source of the information. Health information is considered “de-identified” only if there is no reasonable basis to believe that the health information could be used to identify you.

Limited Data Set. We may use and disclose a limited data set that does not contain specific readily identifiable information about you for research, public health, and health care operations.

Coroners, Medical Examiners, Funeral Directors, Organ Procurement Organizations. We may release your health information to a coroner, medical examiner, funeral director or, if you are an organ donor, to an organization involved in the donation of organs and tissue.

To Avert a Serious Threat to Health or Safety. We may use and disclose your Protected Health Information when necessary to prevent a serious threat to your health or safety or the health or safety of the public or another person. However, any disclosure would be made only to someone able to help prevent the threat.

Military and Veterans. If you are a member of the armed forces, we may use and disclose your Protected Health Information as required by military command authorities. We may also use and disclose Protected Health Information about foreign military personnel as required by the appropriate foreign military authority.

Workers’ Compensation. We may use or disclose your Protected Health Information to comply with laws relating to worker’s compensation or similar programs.

National Security and Intelligence Activities: Protective Services. We may disclose health information to authorized federal officials who are conducting national security and intelligence activities or as needed to provide protection to the President of the United States, or other important officials.

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

III. YOUR AUTHORIZATION IS REQUIRED FOR OTHER USES OF YOUR PROTECTED HEALTH INFORMATION.

We will use and disclose your Protected Health Information other than as described in this Notice or required by law only with your written Authorization. You may revoke your Authorization to use or disclose Protected Health Information in writing, at any time. To revoke your Authorization, contact the Medical Records/Health Information Management (HIM) staff. 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.

Treatment Alternatives and Health-Related Benefits (if applicable). The facility may contact you to provide information about treatment alternatives or other health-related benefits and services that may be of interest to you.

Marketing Practices. In most circumstances, the Facility is required by law to receive your written authorization before we use or disclose your health information for marketing purposes. Under no circumstances will we sell our resident lists or your health information to a third party without your written authorization.

Fundraising. Episcopal SeniorLife Communities may share your name and address and that of your primary contact with the Episcopal Church Home Foundation. The Episcopal Church Home Foundation is a separate and distinct corporation, which raises funds to enhance the lives of our residents. The foundation mailing list is used to send information about fundraising opportunities, the newsletter, "Generations", invitations to events and announcements of special programs and services. You have the opportunity to opt out or restrict receiving fundraising communications.

Psychotherapy Notes. In most circumstances, the Facility is required by law to obtain your written authorization before we use or disclose psychotherapy notes.

IV. YOUR RIGHTS REGARDING YOUR HEALTH INFORMATION

You have the following rights with respect to your health information. If you wish to exercise any of these rights, you should make your request to the Medical Records/HIM Director.

Right of Access to Protected Health Information. You, the resident, or your legal guardian have the right to request, either orally or in writing, to inspect and obtain a copy of your Protected Health Information, subject to some limited exceptions. This right only extends to your Health Care Agent for the purpose of making a health care decision on your behalf. We must allow you to inspect your records within 24 hours of your request. If you request copies of the records, we must provide you with copies within 2 days of that request. We may charge a reasonable cost per page for our costs in copying and mailing your requested information.

In certain limited circumstances, we may deny your request to inspect or receive copies. If we deny access to your Protected Health Information, we will provide you with a summary of the information,

and you have a right to request review of the denial. We will provide you with information on how to request a review of the denial and how to file a complaint with us or the Secretary of the Department of Health and Human Services.

Right to Request Restrictions. You have the right to request restrictions on the way we use and disclose your Protected Health Information for our treatment, payment or health care operations. You also have the right to restrict your Protected Health Information that we disclose to a family member, friend or other person who is involved in your care or the payment for your care.

We are not required to agree to your requested restriction, and in some cases, the law may not permit us to accept your restriction. However, if we do agree to accept your restriction, we will comply with your restriction except if you are being transferred to another health care institution, the release of records is required by law, or the release of information is needed to provide you emergency treatment. If your restriction applies to disclosure of information to a health plan for payment or health care operations purposes and is not otherwise required by law, and where you paid out of pocket, in full, for items or services, we are required to honor that request.

Right to Receive Notice of Breach. We will notify you by first class mail or by email (if you have indicated a preference to receive information by email), of any breaches of Unsecured Protected Health Information as soon as possible, but in any event, no later than 60 days following the discovery of the breach. Except in limited circumstances, a "Breach" means the unauthorized access, acquisition, use, or disclosure of Protected Health Information which compromises the security or privacy of Protected Health Information. The Facility must notify you of any breach unless we can demonstrate, based on a risk assessment, that there is a low probability that the PHI has been compromised. The Facility may also have to post a notification on its website, contact broadcast media, and/or the Secretary of Health and Human Services.

Right to an Accounting of Disclosures. You have the right to request an accounting of our disclosures of your Protected Health Information. This is a listing of certain disclosures or your Protected Health Information made by the facility or by others on our behalf, but does not include disclosures made for treatment, payment and health care operation or certain other exceptions.

You must submit a request in writing, stating a time period beginning after April 14, 2003 that is within six years from the date of your request. For example, you may request a list of disclosures the facility made between May 1, 2003 and May 1, 2004. You are entitled to one free accounting within one 12-month period. For additional requests, we may charge you seventy five cents (\$.75) per page.

We will usually respond to your request within 60 days. Occasionally, we may need additional time to prepare the accounting. If so, we will notify you of our delay, the reason for the delay, and the date when you can expect the accounting.

Right to Request Amendment. If you think that your Protected Health Information is not accurate or complete, you have the right to request that the facility amend such information for as long as the information is kept in our records. Your request must be in writing and state the reason for the requested amendment. We will usually respond within 60 days, but will notify you within 60 days if

we need additional time to respond, the reason for the delay and when you can expect our response. We may deny your request for amendment, and if we do so, we will give you a written denial including the reasons for the denial and an explanation of your right to submit a written statement disagreeing with the denial.

Right to a Paper Copy of This Notice

You have the right to a paper copy of this Notice and one will be provided upon Admission.

Right to Request Confidential Communications. You have the right to request that we communicate with you concerning personal health matters in a certain manner or at a certain location. For example, you can request that we speak to you only at certain private locations in the facility. We will accommodate your reasonable requests.

V. COMPLAINTS

If you believe that your privacy rights have been violated, you may file a complaint in writing with us or with the Office of Civil Rights in the U.S. Department of Health and Human Services. To file a complaint with the facility Privacy Officer,(The Administrator) call 585-546-8400. No one will retaliate or take action against you for filing a complaint.

VI. CHANGES TO THIS NOTICE

We will promptly revise and distribute this Notice whenever there is a material change to the 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 facility as well as for all Protected Health Information we receive in the future. We will post a copy of the current Notice in the facility. In addition, we will provide a copy of the revised Notice to all residents by delivering a hard copy to them or their personal representatives.

VII. FOR FURTHER INFORMATION

If you have any questions about this Notice or would like further information concerning your privacy rights, please contact Privacy Officer (The Administrator)at 585-546-8400.