

## 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.**

*If you have any questions about this Notice, please contact our Privacy Officer at 320-769-4323.*

This Notice of Privacy Practices describes how we may use and disclose your protected health information to carry out treatment, payment or health care operations and for other purposes that are permitted or required by law. It also describes your rights to access and control your protected health information. "Protected health information" is information about you, including demographic information, that may identify you and that relates to your past, present or future physical or mental health or condition and related health care services.

We are required to abide by the terms of this Notice of Privacy Practices. We may change the terms of our notice, at any time. The new notice will be effective for all protected health information that we maintain at that time. Upon your request, we will provide you with any revised Notice of Privacy Practices by accessing our web site <http://jmhsnmn.org>, calling Johnson Memorial Health Services and requesting that a revised copy be sent to you in the mail or asking for one at the time of your next appointment.

### **1. Uses and Disclosures of Protected Health Information**

#### **Permitted Uses and Disclosures of Protected Health Information**

Johnson Memorial Health Services will use or disclose your protected health information as described in this Section 1. Your protected health information may be used and disclosed by a healthcare provider involved in your care and treatment for the purpose of providing health care services to you. Your protected health information may also be used and disclosed to pay your health care bills and to support the operation of Johnson Memorial Health Services.

Upon admission/encounter, or initiation of treatment, you will be asked to sign an acknowledgement of receipt of this Notice of Privacy Practices. If, for any reason, you are unable to sign at the time of admission/encounter, or initiation of treatment, Johnson Memorial Health Services will attempt to get this signed as soon as is practical after the delivery of treatment.

Following are examples of types of uses and disclosures of your protected health information that Johnson Memorial Health Services is permitted to make. These examples are not meant to be exhaustive, but to describe the types of uses and disclosures that may be made by Johnson Memorial Health Services.

**Treatment**: We will use and disclose your protected health information to provide, coordinate, or manage your health care and any related services. This includes the coordination or management of your health care with a third party that has already obtained your permission to have access to your protected health information. For example, we would disclose your protected health information, as necessary, to a home health agency that provides care to you. We will also disclose protected health information to other physicians who may be treating you. For example, your protected health information may be provided to a physician to whom you have been referred to ensure that the physician has the necessary information to diagnose or treat you.

In addition, we may disclose your protected health information from time-to-time to another physician or health care provider (e.g., a specialist or laboratory) who, at the request of your physician, becomes involved in your care by providing assistance with your health care diagnosis or treatment to your physician.

**Emergencies:** We may use or disclose your protected health information in an emergency treatment situation. If this happens, we will try to obtain your signed acknowledgement of receipt of the Notice of Privacy Practices as soon as is practical after the delivery of treatment.

**Payment:** Your protected health information will be used, as needed, to obtain payment for your health care services. This may include certain activities that your health insurance plan may undertake before it approves or pays for the health care services we recommend for you such as; making a determination of eligibility or coverage for insurance benefits, reviewing services provided to you for medical necessity, and undertaking utilization review activities. 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.

**Healthcare Operations:** We may use or disclose, as needed, your protected health information in order to support the business activities of Johnson Memorial Health Services. These activities include, but are not limited to, quality assurance activities, employee review activities, training of students, licensing, marketing and fundraising activities, and conducting or arranging for other business activities.

For example, we may disclose your protected health information to medical school students that see patients at Johnson Memorial Health Services. In addition, we may use a sign in sheet at the registration desk where you will be asked to sign your name and indicate your physician. We may also call you by name in the waiting room when your health care provider is ready to see you. We may use or disclose your protected health information, as necessary, to remind you of your appointment.

We will share your protected health information with third party “business associates” that perform various activities for Johnson Memorial. An example of a business associate would be a copy service used to make copies of your health record. Whenever an arrangement between Johnson Memorial Health Services and a business associate involves the use or disclosure of your protected health information, we will have a written contract that contains terms that will protect the privacy of your protected health information.

We may use or disclose your demographic information and the dates that you received treatment at Johnson Memorial Health Services, as necessary, in order to contact you for fundraising activities by Johnson Memorial Health Services. If you do not want to receive these materials, please contact our Privacy Officer and request that these fundraising materials not be sent to you.

### **Uses and Disclosures of protected Health Information Based Upon Your Written Authorization**

Uses and disclosures of your protected health information for marketing purposes, and disclosures that constitute a sale of protected health information require an authorization. Other uses and disclosures of your protected health information will be made only with your written authorization, unless otherwise permitted or required by law as described below. You may revoke this authorization, at any time, in writing, except to the extent that Johnson Memorial Health Services has taken an action in reliance on the use or disclosure as indicated in the authorization.

**Other Permitted and Required Uses and Disclosures That May Be Made With Your Authorization or Opportunity to Object**

We may use or disclose your protected health information in the following instances. You have the opportunity to agree or object to the use or disclosure of all or part of your protected health care information. If you are not present or able to agree or object to the use or disclosure of the protected health care information, then Johnson Memorial Health Services health care professionals, using their professional judgement, determine whether the disclosure is in your best interest. In this case, only the protected health information that is relevant to your health care will be disclosed.

**Facility Directories:** Unless you object, we will use and disclose in our facility directory your name, the location at which you are receiving care, your condition (in general terms), and your religious affiliation. All of this information, except religious affiliation, will be disclosed to people that ask for you by name. This information will be released to members of the clergy upon your request.

**Others Involved in Your Healthcare:** Unless you object, we may disclose to a member of your family, a relative, or close friend or any other person you identify, your protected health care information that directly relates to that person's involvement with your healthcare. If you are unable to agree or object to such a disclosure, we may disclose such information as necessary if we determine that it is in your best interest based on our professional judgement. We may use or disclose protected health information to notify or assist in notifying a family member, personal representative or any other person that is responsible for your care your location, general condition or death. Finally, we may use or disclose your protected health information to an authorized public or private entity to assist in disaster relief efforts and to coordinate uses and disclosures to family or other individuals involved in your health care.

**Communication Barriers:** We may use or disclose your protected health information if your physician or another healthcare provider at Johnson Memorial Health Services attempts to get authorization from you but is unable to do so due to substantial communication barriers, but in our professional judgement we believe you intend to authorize use or disclosure under the circumstances.

**Other Permitted and Required Uses and Disclosures That May Be Made Without Your Authorization or Opportunity to Object**

We may use or disclose your protected health information in the following situations without your authorization. These situations include:

**Required By Law:** We may use or disclose your protected health information to the extent that the use or disclosure is required by law. The use or disclosure will be made in compliance with the law and will be limited to the relevant requirements of the law. You will be notified, as required by law, of any such uses or disclosures.

**Public Health:** We may disclose your protected health information for public health activities and purposes to a public health authority that is permitted by law to collect or receive the information. The disclosure will be made for the purpose of controlling disease, injury or disability. We may also disclose your protected health information, if directed by the public health authority, to a foreign government agency that is collaborating with the public health authority.

**Communicable Diseases:** We may disclose your protected health information, if authorized by law, to a person who may have been exposed to a communicable disease or may otherwise be at risk of contracting or spreading the disease or condition.

**Health Oversight:** We may disclose protected health information to a health oversight agency for activities authorized by law, such as audits, investigations, and inspections. Oversight agencies seeking this information include government agencies that oversee the health care system, government benefit programs, other government regulatory programs and civil rights laws.

**Abuse or Neglect:** We may disclose your protected health information to a public health authority that is authorized by law to receive reports of child abuse or neglect. In addition, we may disclose your protected health information if we believe that you have been a victim of abuse, neglect or domestic violence to the governmental entity or agency authorized to receive such information. In this case, the disclosure will be made consistent with the requirements of applicable federal and state laws.

**Food and Drug Administration:** We may disclose your protected health information to a person or company required by the Food and Drug Administration to report adverse events, to enable product recalls; to make repairs or replacements.

**Legal Proceedings:** We may disclose protected health information in the course of any judicial or administrative proceeding in response to an order of a court.

**Law Enforcement:** We may also disclose protected health information, so long as applicable legal requirements are met, for law enforcement purposes. These law enforcement purposes include (1) legal processes and otherwise required by law; (2) limited information requests for identification and location purposes, (3) pertaining to victims of a crime, (4) suspicion that death has occurred as a result of criminal conduct, (5) in the event that a crime occurs on the premises of Johnson Memorial Health Services, and (6) medical emergency (not on Johnson Memorial Health Services premises) and it is likely that a crime has occurred.

**Coroners, Funeral Directors, and Organ Donation:** We may disclose protected health information to a coroner or medical examiner for identification purposes, determining cause of death or for the coroner or medical examiner to perform other duties authorized by law. We may also disclose protected health information to a funeral director, as authorized by law, in order to permit the funeral director to carry out their duties. We may disclose such information in reasonable anticipation of death. Protected health information may be used and disclosed for cadaveric organ, eye or tissue donation purposes.

**Criminal Activity:** Consistent with applicable federal and state laws, we may disclose your protected health information, if we believe that the use or disclosure is necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the public. We may also disclose protected health information if it is necessary for law enforcement authorities to identify or apprehend an individual.

**Military Activity and National Security:** When the appropriate conditions apply, we may use or disclose protected health information of individuals who are Armed Forces personnel (1) for activities deemed necessary by appropriate military command authorities, (2) for the purpose of a determination by the Department of Veterans Affairs of your eligibility for benefits, or (3) to foreign military authority if you are a member of that foreign military services. We may also disclose your protected health information to authorized federal officials for conducting national security and intelligence activities, including for the provision of protective services to the President or others legally authorized.

**Workers' Compensation:** Your protected health information may be disclosed by us as authorized to comply with workers' compensation laws and other similar legally established programs. Disclosure of records pertaining to medical surveillance or work-related illness, or injury may be made to your employer.

**Inmates:** We may use or disclose your protected health information if you are an inmate of a correctional facility and your physician created or received your protected health information in the course of providing care to you.

**Required Uses and Disclosures:** Under law, we must make disclosures to you and when required by the Secretary of the Department of Health and Human Services to investigate or determine our compliance with the requirements of Section 164.500 et.seq.

## **2. Your Rights**

Following is a statement of your rights with respect to your protected health information and a brief description of how you may exercise these rights.

**You have the right to inspect and copy your protected health information.** This means you may inspect and obtain a copy of protected health information about you that is contained in a designated record set for as long as we maintain the protected health information. A “designated record set” contains medical and billing records and any other records that your physician and the practice use for making decisions about you.

Under federal law, however, you may not inspect or copy the following records; psychotherapy notes; information compiled in reasonable anticipation of, or use in, a civil, criminal, or administrative action or proceeding, and protected health information that is subject to law that prohibits access to protected health information. Depending on the circumstances, a decision to deny access may be reviewable. In some circumstances, you may have a right to have this decision reviewed. Please contact our Privacy Officer if you have questions about access to your medical record.

**You have the right to request a restriction of your protected health information.** This means you may ask us not to use or disclose any part of your protected health information for purposes of treatment, payment, or healthcare operations. You may also request that any part of your protected health information not be disclosed to family members or friends who may be involved in your care or for notification purposes as described in this Notice of Privacy Practices. Your request must state the specific restriction requested and to whom you want the restriction to apply.

Johnson Memorial Health Services is not required to agree to a restriction that you may request. If Johnson Memorial Health Services believes it is in your best interest to permit use and disclosure of your protected health information, your protected health information will not be restricted. If Johnson Memorial Health Services does agree to the requested restriction, we may not use or disclose your protected health information in violation of that restriction, unless it is needed to provide emergency treatment. With this in mind, please discuss any restriction you wish to request with your health care provider. You may request a restriction by putting your request in writing and submitting it to the Privacy Officer at Johnson Memorial Health Services

**You have the right to request to receive confidential communications from us by alternative means or at an alternative location.** We will accommodate reasonable requests. We may also condition this accommodation by asking you for information as to how payment will be handled or specification of an alternative address or other method of contact. We will not request an explanation from you as to the basis for the request. Please make this request in writing to our Privacy Officer.

**You may have the right to have your health provider amend your protected health information.**

This means you may request an amendment of protected health information about you in a designated record set for as long as we maintain this information. In certain cases, we may deny your request for an amendment. If we deny your request for an amendment, you have the right to file a statement of disagreement with us and we may prepare a rebuttal to your statement and will provide you with a copy of any such rebuttal. Please contact our Privacy Officer to obtain a form for requesting an amendment, and to answer any questions you may have about amending your medical record.

**You have a right to an accounting of certain disclosures we have made, if any, of your protected health information.**

This right applies to disclosures for purposes other than treatment, payment or health care operations as described in this Notice of Privacy Practices. It excludes disclosures we may have made to you, for a facility directory, to family members or friends involved in your care, or for notification purposes. You have the right to receive specific information regarding these disclosures that occurred after April 14, 2003. You may request a shorter timeframe. The right to receive this information is subject to certain exceptions, restrictions and limitations.

**You have the right to restrict certain disclosures of your protected health information.** This means you have the right to restrict certain disclosures of your protected health information to a health plan if you pay for a service in full and out of pocket.

**You have the right to be notified.** This means you will be notified of a breach of your unsecured protected health information in the event they are affected.

**You have the right to obtain a paper copy of this notice from us,** upon request, even if you have agreed to accept this notice electronically. You may also obtain a copy of this notice at our web site

### **3. Complaints**

If you believe that your privacy rights have been violated, a complaint may be made to our Privacy Officer. You may also submit a complaint to the Secretary of the Department of Health and Human Services. You will not be penalized in any way for filing a complaint.

Any complaint regarding the privacy of your protected health information is to be made in writing to:

Johnson Memorial Health Services  
ATTN: Privacy Officer  
1282 Walnut Street  
Dawson MN 56232  
Telephone number 320-769-4323  
This notice becomes effective on April 14, 2003.