

## **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.**

The privacy practices described in this notice apply to Taos Hospice (“Company”). The Company is required by the federal law known as the Health Insurance Portability and Accountability Act (referred to as the HIPAA Privacy Rule) to take reasonable steps to ensure the privacy of your personally identifiable health information (Protected Health Information) and to inform you about:

- the Company’s uses and disclosures of Protected Health Information;
- your privacy rights with respect to your Protected Health Information;
- your right to file a complaint with the Company and to the Secretary of the U.S. Department of Health and Human Services; and
- the person or office to contact for further information about the Company’s privacy practices.

### **USES AND DISCLOSURES OF PROTECTED HEALTH INFORMATION**

Except as otherwise provided in this notice or otherwise permitted under the HIPAA Privacy Rule, uses and disclosures of Protected Health Information will be made only with your written authorization subject to your right to revoke such authorization. If you provide the Company authorization to use or disclose Protected Health Information about you, you may revoke that permission, in writing, at any time by sending a notice of revocation to the Privacy Officer at the address provided below. If you revoke your permission, the Company will no longer use or disclose Protected Health Information about you for the reasons covered by your written authorization. The Company will not be able to reverse any disclosures made prior to your revocation.

The Company may contact you to provide appointment reminders or information about treatment alternatives or other health-related benefits and services that may be of interest to you.

**Note:** Special rules may apply with respect to the use and disclosure of genetic and HIV testing information. You may contact the Privacy Officer for more information about these rules.

### **USES AND DISCLOSURES THAT REQUIRE YOUR WRITTEN AUTHORIZATION**

Your written authorization is generally required before the Company will use or disclose psychotherapy notes about you from your psychotherapist. Psychotherapy notes are separately filed notes about your conversations with your mental health professional during a counseling session. They do not include summary information about your mental health treatment. The Company may use and disclose such notes when needed by the Company to defend against litigation filed by you.

To the extent the Company uses and discloses your Protected Health Information for certain marketing purposes, it will obtain your specific authorization to the extent required by law. Additionally, any disclosures that constitute the sale of your Protected Health Information will also require your specific authorization unless otherwise permitted or required by law.

## **USES AND DISCLOSURES TO CARRY OUT TREATMENT, PAYMENT AND HEALTH CARE OPERATIONS**

The HIPAA Privacy Rule permits the Company and its respective Business Associates to use and disclose Protected Health Information without your consent, authorization, or opportunity to agree or object, to carry out Treatment, Payment and Health Care Operations.

- Treatment is the provision, coordination or management of health care and related services. For example, the Company may disclose your Protected Health Information to your primary care provider to assist in the coordination of your care.
- Payment includes but is not limited to actions to make coverage determinations and payment (including Medicare/insurance eligibility and coverage, and billing). For example, the Company may submit its charges for payment to your insurance carrier or Medicare for payment.
- Health Care Operations include but are not limited to quality assessment and improvement, reviewing competence or qualifications of health care professionals, and working with vendors to coordinate your care. For example, the Company may share your medical records with peer review committees to assess and improve the level of care you are receiving.

## **USES AND DISCLOSURES THAT REQUIRE THAT YOU BE GIVEN AN OPPORTUNITY TO AGREE OR DISAGREE PRIOR TO THE USE OR RELEASE**

Disclosure of your Protected Health Information to family members, other relatives, and your close personal friends is allowed if:

- the information is directly relevant to the family or friend's involvement with your care or payment for that care; and
- you have either agreed to the disclosure or have been given an opportunity to object and have not objected.

## **OTHER USES AND DISCLOSURES FOR WHICH CONSENT, AUTHORIZATION OR OPPORTUNITY TO OBJECT IS NOT REQUIRED**

Use and disclosure of your Protected Health Information is allowed without your consent, authorization, or request under the following circumstances:

- When required by law.
- When permitted for purposes of public health activities, including if you have been exposed to a communicable disease or are at risk of spreading a disease or condition, if authorized by law.
- When authorized by law to report information about certain abuse, neglect or domestic violence to public authorities.
- For public health oversight activities authorized by law.
- For certain judicial or administrative proceedings.
- For certain law enforcement purposes.
- To a coroner or medical examiner for the purpose of identifying a deceased person, determining a cause of death or other duties as authorized by law; and funeral directors, consistent with applicable law.

- For the purpose of facilitating organ, eye or tissue donation or transplantation.
- When consistent with applicable law to prevent or lessen a serious and imminent threat to the health or safety of a person or the public.
- To the extent necessary to comply with workers' compensation or other similar programs established by law.
- To contact you for the purpose of raising funds for the Company, but you have a right to opt out of receiving such communications.

## **REQUIRED USES AND DISCLOSURES**

Upon your request, the Company is required to give you access to certain Protected Health Information in order to inspect and copy it. Under certain circumstances, however, the Company may deny your request.

Use and disclosure of your Protected Health Information may be required by the Secretary of the Department of Health and Human Services to investigate or determine the Company's compliance with the privacy regulations.

## **RIGHTS OF INDIVIDUALS**

In the event any of the following provisions require you to submit a written request to exercise such right, you must submit such request to the Privacy Officer, 1340 Maestas Road, Taos, NM 87571.

### **RIGHT TO REQUEST RESTRICTIONS ON USE OR DISCLOSURES**

You have the right to request a restriction or limitation on the Health Information we use or disclose for treatment, payment, or health care operations. You also have the right to request a limit on the Health Information we disclose to someone involved in your care or the payment for your care, like a family member or friend. For example, you could ask that we not share information about a particular diagnosis or treatment with your spouse. To request a restriction, you must make your request, in writing, to our Privacy Officer. We are not required to agree to your request unless you are asking us to restrict the use and disclosure of your Protected Health Information 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. If we agree, we will comply with your request unless the information is needed to provide you with emergency treatment.

The Company will accommodate reasonable requests to receive communications of Protected Health Information by alternative means or at alternative locations.

### **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 by mail or at work. To request confidential communications, you must make your request, in writing, to our Privacy Officer. Your request must specify how or where you wish to be contacted. We will accommodate reasonable requests.

## **RIGHT TO INSPECT AND COPY PROTECTED HEALTH INFORMATION**

You have a right to request to inspect and obtain a copy of your Protected Health Information contained in a “Designated Record Set,” for as long as the Company maintains the Protected Health Information.

- “Designated Record Set” includes enrollment, payment, billing, claims adjudication and case or medical management record systems maintained by or for a health plan, or other information used in whole or in part by or for the Covered Entity to make decisions about individuals. Information used for quality control or peer review analyses and not used to make decisions about individuals is not in the Designated Record Set.

The requested information will be provided within 30 days. A single 30-day extension is allowed if the Company or its Business Associates are unable to comply with the deadline. The Company will charge a reasonable, cost-based fee to cover the cost of providing copies.

You or your personal representative will be required to complete a form to request access to the Protected Health Information in your Designated Record Set. If access is denied, you or your personal representative will be provided with a written denial setting forth the basis for the denial, a description of how you may exercise your rights to review this denial and a description of how you may complain to the Secretary of the U.S. Department of Health and Human Services.

## **RIGHT TO AMEND PROTECTED HEALTH INFORMATION**

You have the right to request the Company amend your Protected Health Information or a record about you in a Designated Record Set for as long as the Protected Health Information is maintained in the Designated Record Set.

The Company has 60 days after the request is made to act on the request. A single 30-day extension is allowed. If the request is denied in whole or part, the Company must provide you with a written denial that explains the basis for the denial. You or your personal representative may then submit a written statement disagreeing with the denial and have that statement included with any future disclosures of your Protected Health Information.

You or your personal representative will be required to complete a form to request amendment of the Protected Health Information in your Designated Record Set. Any request for an amendment must be in writing and provide a reason to support a requested amendment.

## **RIGHT TO RECEIVE AN ACCOUNTING OF PROTECTED HEALTH INFORMATION DISCLOSURES**

Upon your written request, the Company will also provide you with an accounting of disclosures by the Company of your Protected Health Information during the six years prior to the date of your request. However, such accounting need not include Protected Health Information disclosures made: (1) to carry out Treatment, Payment or Health Care Operations; (2) to individuals about their own Protected Health Information; (3) prior to the compliance date; or (4) based on your written authorization.

If the accounting cannot be provided within 60 days, an additional 30 days is allowed if the individual is given a written statement of the reasons for the delay and the date by which the accounting will be

provided. If you request more than one accounting within a 12-month period, the Company will charge a reasonable, cost-based fee for each subsequent accounting.

#### **RIGHT TO NOTIFICATION OF BREACH OF UNSECURED PROTECTED HEALTH INFORMATION**

In the event that a breach occurs with regard to your Protected Health Information, you have the right to be notified of the breach.

#### **RIGHT TO PAPER COPY OF ELECTRONIC NOTICE OF PRIVACY PRACTICES**

If you received this notice in electronic format, upon your written request, the Company will provide you with a paper copy at no cost.

#### **A NOTE ABOUT DESIGNATED REPRESENTATIVES**

You may exercise your rights through a personal representative. Your designated representative will be required to produce evidence of his or her authority to act on your behalf before that person will be given access to your Protected Health Information or allowed to take any action for you.

The Company retains discretion to deny access to your Protected Health Information to a designated representative to provide protection to those vulnerable people who depend on others to exercise their rights under these rules and who may be subject to abuse or neglect.

#### **THE COMPANY'S DUTIES**

The Company is required by law to maintain the privacy of Protected Health Information and to provide patients with notice of its legal duties and privacy practices. This notice is effective beginning September 23, 2013, and the Company is required to comply with the terms of this notice. However, the Company reserves the right to change its privacy practices and to apply the changes to any Protected Health Information received or maintained by the Company prior to that date.

If a privacy practice is changed, a revised version of this notice will be either mailed to you or posted on our website. In the event the revised notice is mailed to you, it shall be provided by first class mail to your last known address. Any revised version of this notice will be distributed/published within 60 days of the effective date of any material change to the uses or disclosures, the individual's rights, the duties of the Company or other privacy practices stated in this notice.

#### **MINIMUM NECESSARY STANDARD**

When using or disclosing Protected Health Information or when requesting Protected Health Information from another Covered Entity, the Company will make reasonable efforts not to use, disclose or request more than the minimum amount of Protected Health Information necessary to accomplish the intended purpose of the use, disclosure or request, taking into consideration practical and technological limitations.

However, the minimum necessary standard will not apply in the following situations:

- disclosures to or requests by a health care provider for treatment;

- uses or disclosures made to the individual or pursuant to your authorization;
- disclosures for compliance made to the Secretary of the U.S. Department of Health and Human Services;
- uses or disclosures that are required by law; and
- uses or disclosures that are required for the Company's compliance with legal regulations.

#### **YOUR RIGHT TO FILE A COMPLAINT WITH THE COMPANY OR THE HHS SECRETARY**

If you believe that your privacy rights have been violated, you may complain to the Company in care of the following officer: Privacy Officer, 1340 Maestas Road, Taos, NM 87571, or you may call 575-737-0681.

You may file a complaint with the Secretary of the U.S. Department of Health and Human Services, Hubert H. Humphrey Building, 200 Independence Avenue S.W., Washington, D.C. 20201.

The Company will not retaliate against you for filing a complaint.

#### **EFFECTIVE DATE**

This Notice is effective September 23, 2013, and supersedes all prior versions.

#### **ADDITIONAL INFORMATION**

If you have any questions regarding this notice or the subjects addressed in it, you may contact the following officer: Privacy Officer, 1340 Maestas Road, Taos, NM 87571, or you may call 575-737-0681.

The HIPAA Privacy Rule is set out at 45 Code of Federal Regulations Parts 160 and 164. These regulations and additional information about the HIPAA Privacy Rule are available at <http://www.hhs.gov/ocr/hipaa/>.