

SAINT MARY'S HEALTH CARE NOTICE OF PRIVACY PRACTICES

Effective Date: April 14, 2003
Version # 03052007.1

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.

We at Saint Mary's Health Care (Saint Mary's) are 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 are required to post this Notice in a prominent place within our facility. We will only use or disclose your PHI as permitted or required by applicable state law. This Notice applies to your PHI in our possession including the medical records generated by us.

Saint Mary's 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 Saint Mary's will use and disclose your PHI.

This Notice applies to the delivery of health care by Saint Mary's and its medical staff in the main hospital, outpatient departments, physician/providers' offices, clinics, and retail pharmacies. This Notice also applies to the utilization review and quality assessment activities of Trinity Health and Saint Mary's as a member of Trinity Health, a Catholic health care system with facilities in 7 states.

I. Permitted Use or Disclosure

- A. Treatment:** Saint Mary's will use and disclose your PHI in the provision and coordination of health care to carry out treatment functions.
- ◆ Saint Mary's will disclose all or any portion of your patient medical record information to your attending physician, consulting physician(s), resident physicians, nurses, technicians, medical students, other health care providers, staff and hospital volunteers who have a legitimate need for such information in your care and continued treatment.
 - ◆ Saint Mary's is a Catholic sponsored health care provider. Spiritual care providers are members of our care staff and will be a part of Saint Mary's team of care providers who use your medical information to provide health care services to you when you are in Saint Mary's.
 - ◆ Different departments will share medical information about you in order to coordinate specific services, such as lab work, x-rays and prescriptions.
 - ◆ Saint Mary's also will disclose your medical information to people or entities outside Saint Mary's who will be involved in your medical care after you leave Saint Mary's, such as family members, clergy and others who will provide services that are part of your care.
 - ◆ Saint Mary's 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 us and with other health care providers.
 - ◆ Saint Mary's will use and disclose your PHI to inform you of, or recommend possible treatment options or alternatives that will be of interest to you.
 - ◆ Saint Mary's will use and disclose PHI to contact you as a reminder that you have an appointment for treatment or medical care at Saint Mary's. If you are an inmate of a

correctional institution or under the custody of a law enforcement officer, Saint Mary's will disclose your PHI to the correctional institution or law enforcement official.

- B. Payment:** Saint Mary's will disclose 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 disclosed to an insurance company, third party payer, third party administrator, health plan or other health care provider (or their duly authorized representatives) involved in the payment of your medical bill and will include copies or excerpts of your medical records which are necessary for payment of your account. It will also include sharing the necessary information to obtain pre-approval for payment for treatment from your health plan.
 - ◆ Saint Mary's will disclose PHI to collection agencies and other subcontractors engaged in obtaining payment for care.
- C. Health Care Operations:** Saint Mary's will use and disclose your PHI during routine health care operations including quality assurance, utilization review, medical review, internal auditing, accreditation, certification, licensing or credentialing activities of Saint Mary's, and for educational purposes.
- ◆ For instance, Saint Mary's will need to share your demographic information, diagnosis, treatment plan and health status for population based activities relating to improving health or reducing health care costs, protocol development, case management and care coordination, and contacting health care providers and patients with information about treatment alternatives, in order for us to operate our business in an efficient, safe and legal manner.
- D. Other Uses and Disclosures:** As part of treatment, payment and health care operations, we may also use your PHI for the following purposes:
- ◆ Fundraising Activities: Saint Mary's may use or disclose some of your PHI to the Saint Mary's Doran Foundation for certain fund raising activities. For example, Saint Mary's may use your demographic information (e.g., name, address and other contact information, age, gender, and insurance status) and the dates Saint Mary's provided service to you. Any communication sent to you will let you know how you may opt out of receiving similar communications in the future. Saint Mary's may disclose limited PHI to companies contracted to assist Saint Mary's with fundraising. These companies will use your PHI only for the purposes of fundraising for Saint Mary's. (If you wish to opt-out, you may do so by contacting the Saint Mary's Community Development Office at 616-913-1898)
 - ◆ Medical Research: Saint Mary's 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 before any PHI is disclosed to the researchers. Researchers will be required to safeguard the PHI they receive.
 - ◆ Information and Health Promotion Activities: Saint Mary's will use and disclose some of your PHI for certain health promotion activities. For example, your name and address will be used to send you newsletters or general communications. Saint Mary's will also send you information based on your own health concerns. Saint Mary's may send you this information if it has determined that a product or service may help you. The communication will explain how the product or service relates to your well-being and can improve your health.
- E. More Stringent State and Federal Laws:** The State law of Michigan is more stringent than HIPAA in several areas. State law is more stringent when the individual is entitled to greater access to records than under HIPAA and when under state law the records are more protected from disclosure than under HIPAA. Certain federal laws also are more stringent than HIPAA. Saint Mary's 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 regarding substance abuse treatment. An example of more stringent State law is that patients in Michigan have more rights of access to behavioral health information under Michigan law than under HIPAA and the state law defines a minimum necessary standard for release of mental health information. Disclosure is permitted with consent and for treatment without consent but only in an emergency. Minors in Michigan have more rights to confidentiality and protection of certain information (reproductive health, behavioral health and substance abuse) than under HIPAA. State law requires facilities to adopt policies regarding release of information outside the facility. If the facility policy requires consent for release, then consent will be required. State law genetic and HIV testing and disclosure consents remain in place.

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

- A. Family/Friends:** Saint Mary's will disclose PHI about you to a friend or family member who is involved in your medical care. Saint Mary's will also give information to someone who helps you pay for your care. In addition, Saint Mary's 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 a right to request that your PHI not be shared with your family or friends.
- B. Saint Mary's Directory:** Saint Mary's will include certain limited information about you in the Saint Mary's directory while you are a hospital patient. Information will include your name, and location in the hospital. This is so your family and friends can visit you and know how you are doing. The directory information 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 the Saint Mary's directory. If you request not to be listed in the Saint Mary's directory, we cannot inform visitors of your presence, location, or general condition.
- C. Spiritual Care:** Directory information will be given to a member of the religious community such as a priest or rabbi, if they ask for you by name. It is our policy not to notify your local religious organization about your presence at the hospital. A spiritual care provider may be called in to consult regarding your care. Spiritual care providers are members of the health care team at Saint Mary's.
- D. Promotional Communications:** Saint Mary's does not share or sell your PHI to companies that market health care products or services directly to consumers for use by those companies to contact you, such as drug companies. Saint Mary's may maintain mailing lists of individuals for promotional communications, disease management, health promotion, and fundraising purposes. These mailing lists may include individuals to whom Saint Mary's may have sent health improvement materials and news about Saint Mary's previously and also individuals who have donated to Saint Mary's or who have expressed an interest in donating to Saint Mary's or other health-related activities. You may be included on these lists. Saint Mary's may send information about its programs and services to the individuals on these lists. If you wish to be deleted from Saint Mary's mailing lists, you may notify the Saint Mary's Organizational Integrity/Privacy Manager.
- E. Media Conditions Reports:** Saint Mary's may release limited information about you for an update to the media if the media requests information about you by using your full name only after you have been given an opportunity to agree or object. If you agree that Saint Mary's may release information about you to the media only your condition described in general terms that do not communicate specific medical information will be released.

III. Use or Disclosure Requiring Your Authorization

- A. **Marketing:** Saint Mary's is not permitted to provide your PHI to any other person or company for marketing to you of any products or services other than Saint Mary's products or services unless you have signed an authorization.
- B. **Research:** Saint Mary's will use or disclose your PHI as part of research that includes providing you with treatment. For example, if you are part of a research study that includes treatment, Saint Mary's may require that you sign an authorization to allow the researchers to use or disclose your PHI for this research.
- C. **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. Written authorizations will let you know why we are using your PHI. You have the right to revoke an authorization at any time.

IV. Use or Disclosure Permitted by Public Policy or Law without your Authorization

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

- B. **Coroners, Medical Examiners, Funeral Directors:** Saint Mary's will disclose 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. Saint Mary's will also disclose your medical information to funeral directors as necessary to carry out their duties.
- C. **Organ Procurement:** Saint Mary's will disclose PHI to an organ procurement organization or entity for organ, eye or tissue donation purposes.
- D. **Health or Safety:** Saint Mary's will use and disclose PHI to avert a serious threat to health and safety of a person or the public. Saint Mary's will use and disclose PHI to Public Health Agencies for immunizations, communicable diseases, etc. Saint Mary's will use and disclose PHI for activities related to the quality, 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, their name, address, telephone number and social security number, or other identifying information for the purpose of tracking.

V. **Your Health Information Rights**

Although we at Saint Mary's must maintain all records concerning your hospitalization and treatment by Saint Mary's, you have the following rights concerning your PHI:

A. Right to Access, Inspect and Copy: You have the right to access your PHI and to inspect and copy 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, and where prohibited or protected by law. Saint Mary's 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 disclosure 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 an approved clinical research project and Saint Mary's 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 Mary's obtained the information that you seek access to from someone other than the health care provider under a promise of confidentiality and your access request is likely to reveal the source of the information; or
- ◆ Under other limited circumstances. In these instances, however, Saint Mary's will allow the review of its decision by a health care professional that Saint Mary's has chosen. This person will not have been involved in the original decision to deny your request.

You may be required to pay a reasonable copying charge. You must make your requests to access and copy your PHI in writing to Saint Mary's. Saint Mary's will respond to your request within 30 days of its receipt. If Saint Mary's cannot respond to your request within 30 days; Saint Mary's will notify you in writing to explain the delay and the date by which we will act on your request. In any event, Saint Mary's will act on your request within 60 days of its receipt.

B. Right to Amend: You have the right to amend your PHI for as long as Saint Mary's maintains it. However, Saint Mary's will deny your request for amendment if:

- ◆ Saint Mary's did not create the information;
- ◆ The information is not part of the designated record set;
- ◆ The information would not be available for your inspection (due to its condition or nature); or
- ◆ The information is accurate and complete.

If Saint Mary's denies your request to make changes in your PHI, Saint Mary's will notify you in writing with the reason for the denial. Saint Mary's will also inform you of your right to submit a written statement disagreeing with the denial. You may ask that Saint Mary's include your request for amendment and the denial any time that Saint Mary's discloses the information that you wanted changed. Saint Mary's 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 Saint Mary's, including your reason to support the requested amendment. Saint Mary's will respond to your request within 60 days of its receipt. If Saint Mary's cannot, you will be notified in writing to explain the delay and the date by which Saint Mary's will act on your request. In any event, Saint Mary's will act on your request within 90 days of its receipt.

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

- ◆ To carry out treatment, payment or health care operations;
- ◆ To you;
- ◆ To persons involved in your care;
- ◆ For national security or intelligence purposes;
- ◆ To correctional institutions or law enforcement officials; or
- ◆ That occurred prior to April 14, 2003.

For each disclosure, you will receive: the date of the disclosure, the name of the receiving organization and address if known, a brief description of the PHI disclosed and a brief statement of the purpose of the disclosure or a copy of the written request for the information, if there was one.

You must make your request for an accounting of disclosures of your PHI in writing to Saint Mary's. You must include the time period of the accounting, which may not be longer than 6 years. Saint Mary's will respond to your request within 60 days from its receipt. If Saint Mary's cannot respond to your request, you will be notified in writing to explain the delay and the date by which the Saint Mary's will act on your request. In any event, Saint Mary's will act on your request within 90 days of its receipt.

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

D. 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 health care operations functions;
- ◆ Restricting specific information to only specified family members, relatives, close personal friends or other individuals involved in your care; or
- ◆ Limited information in the facility directory.

For example, you may ask that your name not be used in the waiting room or that information about your expected discharge date not be shared with your family. Saint Mary's will consider your request but is not required to agree to the requested restrictions.

E. 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 Mary's only contact you at work or by mail.

F. 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.

For more information regarding your rights to access, amend, receive an accounting or seek restrictions regarding the use of your PHI please feel free to contact the Saint Mary's Health Information Management Department (Medical Records).

Phone: (616) 752-6166
Monday through Friday: 8:00 a.m. – 5:00 p.m.

VI. **Complaints**

If you believe your privacy rights have been violated, you may file a complaint with Saint Mary's or with the Secretary of the Department of Health and Human Services. To file a complaint with Saint Mary's, please feel free to contact our Customer Relations office at 616-752-5444. You may also submit your privacy-related complaints in writing directly to the Saint Mary's Organizational Integrity/Privacy Officer.

Complaints may also be submitted to the Health and Human Services Office for Civil Rights at:

Office for Civil Rights
U.S. Department of Health and Human Services
233 N. Michigan Ave., Suite 240
Chicago, IL 60601
Voice Phone (312) 886-2359
FAX (312) 886-1807

Saint Mary's assures you that there will be no retaliation for filing a complaint.

VII. **Sharing and Joint use of your Health Information**

In the course of providing care to you and in furtherance of Saint Mary's mission to improve the health of the community, Saint Mary's will share your PHI with other organizations as described below whom have agreed to abide by the terms described below:

- A. Medical Staff:** The Medical Staff and Saint Mary's participate together in an organized health care arrangement to deliver health care to you at Saint Mary's. Both Saint Mary's and its Medical Staff have agreed to abide by the terms of this Notice with respect to PHI created or received as part of delivery of health care services to you at Saint Mary's. Physicians and allied health care providers are members of Saint Mary's medical staff and will have access to and use your PHI for treatment, payment and health care operations purposes related to your care within Saint Mary's. Saint Mary's will disclose your PHI to the medical staff for payment, treatment and health care operations.
- B. Advantage Health Physicians Network** Advantage Health Southwest and Saint Mary's participate together in an organized health care arrangement to deliver health care to you. Saint Mary's and Advantage Health Southwest have agreed to abide by the terms of this Notice with respect to PHI created or received as part of delivery of health care services to you at Advantage Health Southwest. The Physicians and health care providers practicing at Advantage Health Southwest will access, use or disclose your PHI for treatment, payment and health care operations purposes related to your care at Advantage Health Southwest and at Saint Mary's.
- C. Southwest Surgical Center (64th St. LLC):** The Southwest Surgical Center and Saint Mary's participate together in an organized health care arrangement to deliver health care to you. Saint Mary's and the Southwest Surgical Center have agreed to abide by the terms of this Notice with respect to PHI created or received as part of delivery of health care services to you at the Southwest Surgical Center. The Physicians and health care providers practicing at the Southwest Surgical Center will access, use or disclose your PHI for treatment, payment and health care operations purposes related to your care at the Southwest Surgical Center and at Saint Mary's.
- D. West Michigan Regional Delivery Network (WMRDN):** Saint Mary's and the WMRDN participate together in an organized health care arrangement for activities including, but not limited to, assessment of the care and outcomes in your case; quality and utilization assessment and improvement programs; medical review and education; financial risk management; and administration. As part of those activities, your medical information may be combined with medical information from other health care providers, although we may

remove information that identifies you so that others may use it to study health care and its delivery without learning the identities of specific patients.

- E. Business Associates:** Saint Mary's will use and disclose your PHI to business associates contracted to perform business functions on its behalf including Trinity Health, its parent company, who performs certain business functions for Saint Mary's. Whenever an arrangement between Saint Mary's and another company involves the use or disclosure of your PHI, that business associate will be required to keep your information confidential.
- F. Membership in Trinity Health:** Saint Mary's, members of Trinity Health and Trinity Health participate together in an organized health care arrangement for utilization review and quality assessment activities. Members of Trinity Health 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 a part of Trinity Health, a national Catholic health care system, Saint Mary's and other hospitals, nursing homes and health care providers in Trinity Health share your PHI for utilization review 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 Mary's and/or for the health care operations permitted by HIPAA with respect to our mutual patients.
- G. Affiliations:** Saint Mary's owns or is affiliated with the following health care organizations:
- Advantage Health /Advantage Health Physicians
 - The Doran Foundation
 - East Hills Imaging Services, INC
 - Grand Rapids Medical Education & Research Center
 - Pine Rest Christian Mental Health Services
 - Rehabilitation Professionals, LLC
 - Saint Mary's Affiliated Pharmacies
 - Saint Mary's Ambulatory Sites
 - Southwest Surgical Center/64th St LLC
 - Spectrum Health - Saint Mary's Shared Technology Services, Inc.
 - West Michigan Financial Shared Services
 - West Michigan Regional Delivery Network

Saint Mary's may share your PHI with these organizations for purposes of treatment, payment and health care operations related to your care.

VIII. Additional Information

For further information regarding the issues covered by this Notice of Privacy Practice, please contact:

Organizational Integrity Office
Saint Mary's Health Care
200 Jefferson Ave SE.
Grand Rapids, Michigan 49503
616-752-6164

IX. Changes to this Notice

Saint Mary's will abide by the terms of the Notice currently in effect. Saint Mary's reserves the right to change the terms of its Notice and to make the new Notice provisions effective for all PHI that it maintains.