

Hospice of the East Bay 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.

WHAT IS “PROTECTED HEALTH INFORMATION?”

Your Protected Health Information (PHI) is health information that contains identifiers, such as your name, Social Security number or other information that reveals who you are. For example, your medical record is PHI because it includes your name and other identifiers.

WHAT ARE THE DUTIES OF THE AGENCY IN PROTECTING YOUR PHI?

Hospice of the East Bay (“Agency”) is required by law to maintain the privacy of your health information and to provide to you and your representative with this notice of its duties and privacy practices.

The Agency may use your protected health information for purposes of providing you treatment, obtaining payment for your care and conducting health care operations. The Agency may collect various types of PHI from you or your family members and from other sources including other health care providers. This PHI may be used, for example, to provide nursing and other professional services to you, to order medications or other supplies, to evaluate benefits and bill your insurance, to measure performance (quality improvement), to review the competence and qualifications of our staff, and to fulfill legal and regulatory obligations.

The Agency has established policies and procedures to guard against unnecessary disclosure of your health information.

WHAT ARE YOUR RIGHTS REGARDING YOUR PHI?

You have the following rights regarding your health information that the Agency maintains:

Right to Inspect and Copy Your Health Information. You have the right to inspect and copy your health information, including billing records. A request to inspect and copy records containing your health information may be made to the **Vice President, Quality & Compliance (925) 887-5678**. If you request a copy of your health information, the Agency may charge a reasonable fee for copying and assembling costs associated with your request. In limited situations, the Agency may deny some or all of your request to see or receive copies of your records, but if we do, we will tell you why in writing and explain your right, if any, to have our denial reviewed.

Right to Request Restrictions. You may request restrictions on certain uses and disclosures of your health information. You have the right to request a limit on the Agency’s disclosure of your health information to someone who is involved in your care or the payment of your care. However, the Agency is not required to agree to your request. If you wish to make a request for restrictions, please contact the **Vice President, Quality & Compliance (925) 887-5678**.

Hospice of the East Bay NOTICE OF PRIVACY PRACTICES

Right to Receive Confidential Communications. You have the right to request that the Agency communicate with you in a certain way. For example, you may ask that the Agency conduct communications pertaining to your health information with you only when no other family members are present. If you wish to receive confidential communications, please contact the **Vice President, Quality & Compliance (925) 887-5678**. The Agency will not request that you provide any reasons for your request and will attempt to honor your reasonable requests for confidential communications.

Right to Amend Health Care Information. You or your representative has the right to request that the Agency amend your records, if you believe that your health information is incorrect or incomplete. That request may be made as long as the information is maintained by the Agency. A request for an amendment of records must be made in writing to **Hospice of the East Bay, Vice President, Quality & Compliance, 3470 Buskirk Avenue, Pleasant Hill, CA 94523**. The Agency may deny the request if it is not in writing or does not include a reason for the amendment. The request also may be denied if your health information records were not created by the Agency, if the records you are requesting are not part of the Agency's records, if the health information you wish to amend is not part of the health information you or your representative are permitted to inspect and copy, or if, in the opinion of the Agency, the records containing your health information are accurate and complete. If the Agency denies your request to amend, you may provide the Agency with your own written amendment.

Right to an Accounting. You or your representative have the right to request an accounting of disclosures of your health information made by the Agency for certain reasons, including reasons related to public purposes authorized by law and certain research. The request for an accounting must be made in writing to **Hospice of the East Bay, Vice President, Quality & Compliance, 3470 Buskirk Avenue, Pleasant Hill, CA 94523**. The request should specify the time period for the accounting starting on or after April 14, 2003. Accounting requests are only able to be granted if the disclosure was made within the past six (6) years. The Agency would provide the first accounting you request during any 12-month period without charge. Subsequent accounting requests may be subject to a reasonable cost-based fee.

Right to a Paper Copy of This Notice. You or your representative has a right to a separate paper copy of this Notice at any time even if you or your representative have received this Notice previously. To obtain a separate paper copy, please contact the **Vice President, Quality & Compliance (925) 887-5678**. You may also obtain a copy of the current version of the Agency's Privacy Notice at their website, www.hospiceeastbay.org.

Hospice of the East Bay NOTICE OF PRIVACY PRACTICES

UNDER WHAT CIRCUMSTANCES MAY WE DISCLOSE YOUR PHI?

The following is a summary of the circumstances under which and purposes for which your health information may be used and disclosed:

To Provide Treatment. The Agency may use your health information to coordinate care within the Agency and with others involved in your care, such as your attending physician, members of the Agency interdisciplinary team and other health care professionals who have agreed to assist the Agency in coordinating care. For example, physicians involved in your care will need information about your symptoms in order to prescribe appropriate medications. The Agency also may disclose your health care information to individuals outside of the Agency involved in your care including family members, clergy who you have designated, pharmacists, suppliers of medical equipment, agencies or companies from which you are entitled to and are requesting benefits or services, or other health care professionals.

To Obtain Payment. The Agency may include your health information in invoices to collect payment from third parties for the care you receive from the Agency. For example, the Agency may be required by your health insurer to provide information regarding your health care status so that the insurer will reimburse you or the Agency. The Agency also may need to obtain prior approval from your insurer and may need to explain to the insurer your need for agency care and the services that will be provided to you.

To Conduct Health Care Operations. The Agency may use and disclose health information for its own operations in order to facilitate the function of the Agency and as necessary to provide quality care to all of the Agency's patients. Health care operations includes such activities as:

- Quality assessment and improvement activities.
- Activities designed to improve health or reduce health care costs.
- Protocol development, case management and care coordination.
- Contacting health care providers and patients with information about treatment alternatives and other related functions that do not include treatment.
- Professional review and performance evaluation.
- Training programs including those in which students, trainees or practitioners in health care learn under supervision.
- Training of non-health care professionals.
- Accreditation, certification, licensing or credentialing activities.
- Review and auditing, including compliance reviews, medical reviews, legal services and compliance programs.
- Business planning and development including cost management and planning related analyses and formulary development.
- Business management and general administrative activities of the Agency.
- Fundraising for the benefit of the Agency.

Hospice of the East Bay NOTICE OF PRIVACY PRACTICES

For example, the Agency may use your health information to evaluate its staff performance, combine your health information with other Agency patients in evaluating how to more effectively serve all Agency patients, disclose your health information to Agency staff and contracted personnel for training purposes, use your health information to contact you as a reminder regarding a visit to you, or contact you as part of general fundraising and community information mailings (unless you tell us you do not want to be contacted).

For Fundraising Activities. The Agency may use information about you including your name, address, phone number and the dates you received care in order to contact you or your family to raise money for the Agency. The Agency may also release this information to the Hospice Foundation of the East Bay. If you do not want the Agency or the Foundation to contact you or your family, notify the **Vice President, Quality & Compliance (925) 887-5678**, and indicate that you do not wish to be contacted.

For Appointment Reminders. The Agency may use and disclose your health information to contact you as a reminder that you have an appointment for a home or facility visit by Agency staff.

For Treatment Alternatives. The Agency may use and disclose your health information to tell you about or recommend possible treatment options or alternatives that may be of interest to you.

The following is a summary of the circumstances under which and purposes for which your PHI may also be used and disclosed:

When Legally Required. The Agency will disclose your health information when it is required to do so by any Federal, State or local law.

When There are Risks to Public Health. The Agency may disclose your health information for public activities and purposes in order to:

- Prevent or control disease, injury or disability, report disease, injury, vital events such as birth or death and the conduct of public health surveillance, investigations and interventions.
- Report adverse events, product defects, to track products or enable product recalls, repairs and replacements and to conduct post-marketing surveillance and compliance with requirements of the Food and Drug Administration.
- Notify a person who has been exposed to a communicable disease or who may be at risk of contracting or spreading a disease.
- Notify an employer about an individual who is a member of the workforce as legally required.

To Report Abuse or Neglect. The Agency is required to notify authorities if the Agency believes a patient or any other person in a protected group (i.e. child, dependent adult or elder) is the victim of abuse or neglect. The Agency will make this disclosure only when specifically required or authorized by law.

Hospice of the East Bay NOTICE OF PRIVACY PRACTICES

To Conduct Health Oversight Activities. The Agency may disclose your health information to a health oversight Agency for activities including audits, civil administrative or criminal investigations, inspections, licensure or disciplinary action. The Agency, however, may not disclose your health information if you are the subject of an investigation and your health information is not directly related to your receipt of health care or public benefits.

In Connection With Judicial and Administrative Proceedings. The Agency may disclose your health information in the course of any judicial or administrative proceeding in response to an order of a court or administrative tribunal as expressly authorized by such order or in response to a subpoena, discovery request or other lawful process, but only when the Agency makes reasonable efforts to either notify you about the request or to obtain an order protecting your health information.

For Law Enforcement Purposes. As permitted or required by State law, the Agency may disclose your health information to a law enforcement official for certain law enforcement purposes as follows:

- As required by law for reporting of certain types of wounds or other physical injuries pursuant to the court order, warrant, subpoena or summons or similar process.
- For the purpose of identifying or locating a suspect, fugitive, material witness or missing person.
- Under certain limited circumstances, when you are the victim of a crime.
- To law enforcement official if the Agency has a suspicion that your death was the result of criminal conduct including criminal conduct at the Agency.
- In an emergency in order to report a crime.

To Coroners and Medical Examiners. The Agency may disclose your health information to coroners and medical examiners for purposes of determining your cause of death or for other duties, as authorized by law.

To Organ Donation Organizations. The Agency may disclose your health information to organ donation organizations that you have designated to assist with organ, eye or other tissue donations.

To Funeral Homes. The Agency may disclose your health information to your selected funeral home consistent with applicable law and if necessary, to carry out their duties with respect to your funeral arrangements. If necessary to carry out their duties, the Agency may disclose your health information prior to and in reasonable anticipation of your death.

In the Event of a Serious Threat to Health or Safety. The Agency may, consistent with applicable law and ethical standards of conduct, disclose your health information if the Agency, in good faith, believes that such disclosure is necessary to prevent or lessen a serious and imminent threat to your health or safety or to the health and safety of the public.

Hospice of the East Bay NOTICE OF PRIVACY PRACTICES

For Specified Government Functions. In certain circumstances, the Federal regulations authorize the Agency to use or disclose your health information to facilitate specified government functions relating to military and veterans, national security and intelligence activities, protective services for the President and others, medical suitability determinations and inmates and law enforcement custody.

For Worker's Compensation. The Agency may release your health information for worker's compensation or similar programs.

ALL OTHER USES AND DISCLOSURES OF YOUR PHI REQUIRE YOUR WRITTEN AUTHORIZATION

Other than is stated above, the Agency will not disclose your health information other than with your written authorization. If you or your representative authorizes the Agency to use or disclose your health information, you may revoke that authorization in writing at any time.

CHANGES TO THIS NOTICE OF PRIVACY PRACTICES

The Agency is required to abide by the terms of this Notice as may be amended from time to time. The Agency reserves the right to change the terms of its Notice and to make the new Notice provisions effective for all health information that it maintains. If the Agency changes its Notice, the Agency will provide a copy of the revised Notice to you or your appointed representative.

HOW TO CONTACT US ABOUT THIS NOTICE OR MAKE A COMPLAINT ABOUT OUR PRIVACY PRACTICES

The Agency has designated the **Vice President, Quality & Compliance** as its contact person for all issues regarding patient privacy and your rights under the Federal privacy standards. You may contact this individual at **Hospice of the East Bay, Vice President, Quality & Compliance, 3470 Buskirk Avenue, Pleasant Hill, CA 94523 (925) 887-5678.**

You or your personal representative has the right to express complaints to the Agency and to the secretary of the Department of Health and Human Services if you or your representative believes that your privacy rights have been violated. The Agency encourages you to express any concerns you may have regarding the privacy of your information. You will not be retaliated against in any way for filing a complaint.

EFFECTIVE DATE

This Notice is effective April 14, 2003

This privacy notice is in effect for the following programs of Hospice of the East Bay:

*Inpatient Facility: Bruns House
Comfort for Kids
Anna's Program*