

## 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.

Knoxville Hospital & Clinics ("Hospital") is required by the Health Insurance Portability and Accountability Act of 1996, and the Health Information Technology for Economic and Clinical Health Act (found in Title XIII of the American Recovery and Reinvestment Act of 2009)(collectively referred to as "HIPAA"), as amended from time to time, 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 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.

Hospital 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 we will use and disclose your PHI.

This notice applies to the delivery of health care by Hospital and its medical staff in the main hospital, outpatient departments, and clinics. This notice also applies to the utilization review and quality assessment activities of Hospital.

### **I. Permitted Use or Disclose**

**A. Treatment:** Hospital will use and disclose your PHI to provide, coordinate, or manage your health care and related services to carry out treatment functions. The following are examples of how Hospital will use and/or disclose your PHI:

- To your attending physician, consulting physician(s), and other health care providers who have a legitimate need for such information in your care and continued treatment.
- To coordinate your treatment (e.g., appointment scheduling) with us and other health care providers such as name, address, employment, insurance carriers, etc.
- To contact you as a reminder that you have an appointment for treatment or medical care at our facilities.
- To provide you with information about treatment alternatives or other health-related benefits or services.
- If you are an inmate of a correctional institution or under the custody of a law enforcement officer, the Hospital will disclose your PHI to the correctional institution or law enforcement official.

### **VII. Sharing and Joint Use of Your Health Information**

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

**A. Medical Staff:** The medical staff and Hospital participate together in an Organized Health Care Arrangement (OHCA) to deliver health care to you. Both Hospital and medical staff have agreed to abide by the terms of this Notice with respect to PHI created or received as part of the delivery of health care to you in the Hospital by Physicians and allied health care professionals who are members of Hospital's medical staff. Hospital will disclose your PHI to the medical staff and allied health professionals for treatment, payment, and health care operations purposes related to your care within Hospital.

**B. Business Associates:** Hospital will share your PHI with business associates and their subcontractors contracted to perform business functions on the Hospital's behalf, including MercyOne which performs certain business functions for Hospital.

### **VIII. Changes to this Notice**

Hospital will abide by the terms of this Notice currently in effect. Hospital reserves the right to make material changes to the terms of its Notice and make the new Notice provisions effective for all PHI that it maintains. Hospital will distribute/provide you with a revised Notice at your first visit following the revision of the Notice in cases where it makes a material change in the Notice. You can also ask Hospital for a current copy of their Notice at any time.

### **IX. Video Monitoring Acknowledgement**

Video images may be captured at various times or locations for security purposes and patient care.

### **X. Redisclosure Acknowledgement**

Information disclosed by Hospital to an individual or entity not regulated by the HIPAA privacy rule may be subject to redisclosure and no longer protected as the recipient is not required to comply with the confidentiality obligations applicable to Hospital and described in this notice.

### **XI. Privacy Official - Questions, Concerns, Additional Information**

If you have any questions, concerns, or want further information regarding the issues covered in this Notice of Privacy Practice or seek additional information regarding Hospital's privacy policies and procedures, please contact Hospital's Privacy Officer: 1002 S. Lincoln St., Knoxville, IA 50138, phone (641) 842-2151.

### **XII. Complaints**

If you believe your privacy rights have been violated, you may file a complaint with Hospital's Privacy Officer (see above). Complaints can also be filed with the Department of Health and Human Services, toll free number (800) 368-1019, or the Accreditation Commission for Health Care (accrediting body of the Hospital's Sleep Disorders Center), toll free number (855) 937-2242. You will not be retaliated against for filing any complaint.

**Knoxville Hospital & Clinics**  
(641) 842-2151

**Pleasantville Clinic**  
(515) 848-3113

**B. Right to Amend:** You have the right to amend your PHI as long as Hospital maintains the data. You must make your request for amendment of your PHI in writing to Hospital, including your reason to support the requested amendment. However, Hospital will deny your request for amendment if:

- Hospital 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 Hospital denies your request for changes in your PHI, Hospital will notify you in writing with the reason for the denial. Hospital will also inform you of your right to submit a written statement disagreeing with the denial. You may ask that Hospital include your request for amendment and the denial any time that Hospital subsequently discloses the information that you wanted changed. Hospital may prepare a rebuttal to your statement of disagreement and will provide you with a copy of that rebuttal.

**C. Right to an Accounting:** You have the right to receive an accounting of the disclosures of your PHI that Hospital has made, except for the following reasons:

- To carry out treatment, payment, or health care operations;
- To you;
- To persons involved in your care;
- For national security or intelligence purposes, or;
- To correctional institutions or law enforcement officials.

You must make your request for an accounting of disclosures of your PHI in writing to Hospital. You must decide the time period of the accounting, which may not be longer than six years. In any given 12-month period, Hospital 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 operation functions, or to prohibit such disclosure. However, Hospital will consider your request, but it is not required to agree to the requested restrictions.

**E. Right to Request Restrictions to a Health Plan:** You have the right to request a restriction on disclosure of your PHI to a health plan (for purposes of payment of health care operations) in cases where you paid out of pocket or in full for the items received or services rendered.

**F. Right to Confidential Communication:** You have the right to receive confidential communication of your PHI by alternative means or at alternative locations. For example, you may request that Hospital only contact you at work or by email.

**G. 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.

### **VI. Breach of Unsecured PHI**

If a breach of unsecured PHI affecting you occurs, Hospital is required to notify you of the breach.

- B. Payment:** Hospital will use and disclose PHI about you for payment purposes. The following are examples of how Hospital will use and/or disclose your PHI:
- To an insurance company, third party payer, third party administrator, health plan or other health care provider (or their duly authorized representatives) for payment purposes such as determining coverage, eligibility, pre-approval/authorization for treatment, billing, claims management, reimbursement audits, etc.
  - To collection agencies and other subcontractors engaged in obtaining payment for care.

- C. Health Care Operations:** Hospital will use and disclose your PHI for health care operations purposes. The following are examples of how Hospital will use and/or disclose your PHI:
- For case management, quality assurance, utilization, accounting, auditing, population-based activities relating to improving health or reducing health care costs, education, accreditation, licensing, and credentialing activities of Hospital.
  - To consultants, accountants, auditors, attorneys, transcription companies, information technology providers, etc.

- D. Other Uses and Disclosures:** As part of treatment, payment, and health care operations, Hospital may also use your PHI for the following purposes:
- Fundraising activities: Hospital will use and may also disclose some of your PHI to a related foundation for certain fundraising activities. For example, Hospital may disclose your demographic information, your treatment dates of service, treatment physician information, department of service and outcomes information to the foundation who may ask you for a monetary donation. Any fundraising communication sent to you will let you know how you can exercise your right to opt-out of receiving similar communications in the future.
  - Medical Research: Hospital will use and disclose your PHI without your authorization to medical researchers who request it for approved medical research projects. Researchers are required to safeguard all PHI they receive.
  - Information and Health Promotion Activities: Hospital will use and disclose some of your PHI for certain health promotion activities. For example, your name and address might be used to send you a general newsletter or specific information based on your own health concerns.

- E. More Stringent State and Federal Laws:** Some of your Protected Health Information may be subject to other laws and regulations and have afforded greater protection than is outlined in this notice.
- More stringent state laws: HIV/AIDS, and mental health information are given more protection under Iowa law and certain substance use disorder records are given more protection under federal law. In the event your Protected Health Information is afforded greater protection under federal or state law, we will comply with the more stringent law. For example, we will generally not release HIV test results without your authorization unless specifically allowed by Iowa Code 141A.9. Similarly, we will require your authorization to release mental health information unless the use or disclosure is for a purpose allowed by Iowa Code 22B, such as to provide professional services to you or to collect payment for those professional services. In cases where the Hospital provides treatment to a patient who resides in a neighboring state, Hospital will abide by the more stringent applicable state laws.
  - More stringent federal laws: Any use or disclosure of your Protected Health Information for treatment, payment or health care operations as described above must also be consistent with and allowed by other applicable laws, including any more stringent state or federal law, including 42 C.F.R. part 2. For example, uses and disclosures of certain substance use disorder treatment records covered by 42 C.F.R. part 2 for treatment, payment and healthcare operations must be consistent with the patient's consent. Other applicable federal laws may include the Children's Online Privacy Protections Act.

- F. Health Information Exchange:** Hospital may elect to share your health record electronically with a Health Information Exchange (HIE) for the purpose of improving the overall quality of health care services provided to you (e.g., avoiding unnecessary duplicate testing). If shared with the HIE, the electronic health records would include sensitive diagnosis such as HIV/AIDS, sexually transmitted diseases, genetic information, and mental health substance abuse, etc. The HIE would function as our business associate and, in acting on our behalf, the HIE would transmit, maintain, and store your PHI for treatment purposes. The HIE has a duty to implement administrative, physical, and technical safeguards that reasonably and appropriately protect the confidentiality and integrity of your medical information. You have the right to opt-out and prevent your health information from being sent to HIE by contacting the Hospital's Privacy Officer at (641) 842-2151.

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

- A. Family/Friends:** Hospital will disclose PHI about you to a friend or family member who is involved in or paying for your medical care. You have a right to request that your PHI not be shared with some or all of your family or friends. In addition, Hospital will disclose PHI about you to an agency assisting in disaster relief efforts so that your family can be notified about your condition, status, and location.

- B. Hospital - Facility Directory:** Hospital will include certain information about you in a facility directory while you are a hospital patient at Hospital. The information will include your name, location in Hospital, your general condition (e.g., fair, stable, critical, etc.) and your religious affiliation. The directory information, except your religious affiliation, will be disclosed to people who ask for you by name. You have the right to request that your name not be included in Hospital's directory. If you request to opt-out of the facility directory, we cannot inform visitors of your presence, location, or general condition.

- C. Spiritual Care:** Directory information, including your religious affiliation, will be given to a member of the clergy, even if they do not ask for you by name. Spiritual care providers are members of the health care team at Hospital and may be consulted upon regarding your care. You have the right to request that your name not be given to any member of the clergy.

- D. Media Reports:** Hospital will release facility directory information to the media (excluding religious affiliation) if the media requests information about you using your name and after we have given you an opportunity to agree or object.

#### ***III. Use or Disclosure Requiring Your Authorization***

- A. Marketing:** Subject to certain limited expectations, your written authorization is required in cases where Hospital receives any direct or indirect financial remuneration in exchange for making the communication to you which encourages you to purchase a product or service or for a disclosure to a third party who wants to market their products or services to you.

- B. Research:** Hospital will obtain your written authorization to use or disclose your PHI for research purposes when required by HIPAA.

- C. Psychotherapy Notes:** Most cases and disclosures of psychotherapy notes require your written authorization.

- D. Sale of PHI:** Subject to certain limited exceptions, disclosures that constitute a sale of PHI require your written authorization.

- E. Other Uses and Disclosures:** Any other uses or disclosures of PHI that are not described in this Notice of Privacy Practices require 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.

- F. Substance Use:** Substance use disorder treatment records received from programs subject to 42 CFR part 2, or testimony relating the content of such records, shall not be used or disclosed in civil, criminal, administrative, or legislative proceedings against the individual unless based on written consent, or a court order, as provided in 42 CFR part 2. A court order authorizing use or disclosure must be accompanied by a subpoena or other legal requirement compelling disclosure before the requested record is used or disclosed.

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

- A. Law Enforcement Purposes:** Hospital will disclose your PHI for law enforcement purposes as required by law, such as identifying a criminal suspect or a missing person, or providing information about a crime victim or criminal conduct.

- B. Required by Law:** Hospital will disclose PHI about you when required by federal, state, or local law. Examples include disclosures in response to court order/subpoena, mandatory state reporting (e.g., gunshot wounds, victims of child abuse or neglect), or information necessary to comply with other laws such as workers' compensation or similar laws. Hospital will report drug diversion and information related to fraudulent prescription activity to law enforcement and regulatory agencies.

- C. Public Health Oversight or Safety:** The Hospital will use and disclose PHI to avert a serious threat to the health and safety of a person or the public. Examples include disclosures of PHI to state investigators regarding quality of care or to public health agencies regarding immunizations, communicable diseases, etc. Hospital will use and disclose PHI for activities related to the quality, safety, or effectiveness of FDA regulated products for activities, including collecting and reporting adverse events, tracking, and facilitating in product recalls, etc.

- D. Coroners, Medical Examiners, Funeral Directors:** Hospital will disclose your PHI to coroner or medical examiner. For example, this will be necessary to identify a deceased person or to determine the cause of death. Hospital may also disclose your medical information to funeral directors as necessary to carry out their duties.

- E. Organ Procurement:** Hospital will disclose PHI to an organ procurement organization or entity for organ, eye, or tissue donation purposes.

- F. Specialized Government Functions:** Hospital will disclose your PHI regarding government functions such as military, national security, and intelligence activities. Hospital will use or disclose PHI to the Department of Veterans Affairs to determine where you are eligible for certain benefits.

- G. Immunizations:** Hospital will disclose proof of immunization to a school where the state or other similar law requires it prior to admitting a student.

#### ***V. Your Health Information Rights***

You have the following individual rights concerning your PHI:

- A. Right to Inspect and Copy:** Subject to certain limited exceptions, you have the right to access your PHI and to inspect and copy your PHI as long as we maintain the data. If Hospital denies your request for access to your PHI, Hospital will notify you in writing with the reason for the denial. For example, you do not have the right to psychotherapy notes or to inspect the information which is subject to law prohibiting access. You may have the right to have this decision reviewed. You also have the right to request your PHI in electronic format in cases where Hospital utilizes electronic health records. You may also access information via patient portal if made available by Hospital. You will be charged a reasonable copying fee in accordance with applicable federal or state law.