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**LUTHERAN  
SENIOR  
SERVICES**

**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 respect the privacy of your personal health information and are committed to maintaining our resident/client confidentiality. This Notice applies to all information and records related to your care that our community\* has received or created. It extends to information received or created by our employees, volunteers, and physicians. This Notice informs you about the possible uses and disclosures of your personal health information. Personal health information means any information that we create or receive that identifies you and relates to your health or payment for health services. It also describes your rights and our obligations regarding your personal health information.

\* **Note:** Community denotes Lutheran Senior Services communities, Home Health, Hospice Care, and Private Duty services. LSS Affordable Housing and the United Way programs are excluded.

We are required by the Health Insurance Portability and Accountability Act of 1996 to:

- maintain the privacy of your protected health information;
- provide to you this detailed Notice of our legal duties and privacy practices relating to your personal health information; and
- abide by the terms of the Notice that is currently in effect.

Sections I and II of this Notice describe different ways that we use and disclose protected health information that we have and share with others. Each category of uses or disclosures provides a general explanation and provides some examples of uses. Not every use or disclosure in a category is either listed or actually in place. The explanation is provided for your general information only.

**I. THE FOLLOWING IS A SUMMARY OF THE CIRCUMSTANCES UNDER WHICH AND PURPOSES FOR WHICH YOUR PERSONAL HEALTH INFORMATION WILL OR MAY BE USED AND DISCLOSED.**

It is our policy that we will not ask for permission to use or disclose your personal health information for treatment, payment, or health care operations as discussed immediately below:

**For Treatment:** We will use and disclose your personal health information in providing you with treatment and services. We may disclose your personal health information to community and non-community personnel who may be involved in your care, such as physicians, nurses, nurse aides, and physical therapists. For example, a nurse caring for you will report any change in your condition to your physician. We also may disclose personal health information to individuals who will be involved in your continuing care after you leave the community.

**For Payment:** We may use and disclose your personal health information so that we can bill and receive payment for the treatment and services you receive at the community. For billing and payment purposes, we may disclose your personal health information to your representative, an insurance or managed care company, Medicare, Medicaid, or another third party payor. For example, we may contact Medicare or your health plan to confirm your coverage or to request prior approval for a proposed treatment or service.

**For Health Care Operations:** We may use and disclose your health information for community operations. These uses and disclosures are necessary to manage the community and to monitor our quality of care. For example, we may use personal health information to evaluate our community's services, including the performance of our staff.

## **II. WE MAY USE AND DISCLOSE PERSONAL HEALTH INFORMATION ABOUT YOU FOR OTHER SPECIFIC PURPOSES.**

**Community Directory:** Unless you object, we will include certain limited information about you in our community directory. This information may include your name, your location in the community, your general condition, and your religious affiliation. Our directory does not include specific medical information about you. We may release information in our directory, except for your religious affiliation, to persons who ask for you by name. We may provide the directory information, including your religious affiliation, to any member of the clergy or his/her designee.

**Individuals Involved in Your Care or Payment for Your Care:** Unless you object, we may disclose to a family member, close friend, or clergy personal health information that directly relates to that person's involvement in your health care so that they can help you. 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.

**Disaster Relief:** We may disclose your personal health information to a facility assisting in a disaster relief effort or in an emergency situation so that your family can be notified about your condition, status, and location.

**As Required By Law:** We may disclose your personal health information for public health activities. These activities may include, for example:

- Reporting to a public health or other government authority for preventing or controlling disease, injury or disability, or reporting abuse or neglect.
- Reporting to the federal Food and Drug Administration (FDA) concerning adverse events or problems with products, for tracking products in certain circumstances, to enable product recalls, or to comply with other FDA requirements.
- To notify a person who may have been exposed to a communicable disease or may otherwise be at risk of contracting or spreading a disease or condition.
- For certain purposes involving workplace illnesses or injuries.

**Reporting Victims of Abuse, Neglect, or Domestic Violence:** If we believe that you have been a victim of abuse, neglect, or domestic violence, we will use and disclose your personal health information to notify a government authority if required or authorized by law, or if you agree to the report.

**Health Oversight Activities:** We may disclose your personal health information to a health oversight agency for oversight activities authorized by law. These may include, for example, audits, investigations, inspections, and licensure actions or other legal proceedings. These activities are necessary for government oversight of the health care system, government payment or regulatory programs, and compliance with civil rights laws.

**Judicial and Administrative Proceedings:** We may disclose your personal health information in response to a court or administrative order. We also may disclose information in response to a subpoena, discovery request, and other legal process; efforts must be made to contact you about the request or to obtain an order or agreement protecting the information.

**Law Enforcement:** We may disclose your personal health information for certain law enforcement purposes, including:

- As required by law to comply with reporting requirements,
- To comply with a court order, warrant, subpoena, summons, investigative demand, or similar legal process.
- To identify or locate a suspect, fugitive, material witness, or missing person.
- When information is requested about the victim of a crime if the individual agrees or under other limited circumstances.
- To report information about a suspicious death.
- To provide information about criminal conduct occurring at the community.
- To report information in emergency circumstances about a crime.
- Where necessary to identify or apprehend an individual in relation to a violent crime or an escape from lawful custody.

**Research:** We may allow personal health information of residents from our community to be used or disclosed for research purposes provided that the researcher adheres to certain privacy protections. Your personal health information may be used for research purposes only if the privacy aspects of the research have been reviewed and approved by a special Privacy Board or Institutional Review Board, if the researcher is collecting information in preparing a research proposal, if the research occurs after your death, or if you authorize the use or disclosure.

**Coroners, Medical Examiners, Funeral Directors, Organ Donation Facilities:** We may release your personal health information to a coroner, medical examiner, funeral director, or, if you are an organ donor, to a facility involved in the donation of organs and tissue.

**To Avert a Serious Threat to Health or Safety:** We may use and disclose your personal health information when necessary to prevent a serious threat to your health or safety or the health or safety of the public or another person. However, any disclosure would be made only to someone able to help prevent the threat.

**Military and Veterans:** If you are a member of the armed forces, we may use and disclose your personal health information as required by military command authorities. We may also use and disclose personal health information about foreign military personnel as required by the appropriate foreign military authority.

**Worker's Compensation:** We may use or disclose your personal health information to comply with laws relating to workers' compensation or similar programs.

**National Security and Intelligence Activities — Protective Services for the President and Others:** We may disclose personal health information to authorized officials conducting national security and intelligence activities or as needed to provide protection to the President of the United States, certain other persons or foreign heads of state, or to conduct certain special investigations.

**Fundraising Activities:** Unless you object, we may use personal health information to contact you in an effort to raise money for the community and its operations. We may disclose personal health information to a foundation related to the community so that the foundation may contact you in raising money for the community. In doing so, we would only release contact information, such as your name, address, and phone number, and the dates you received treatment or services at the community.

**Appointment Reminders:** Unless you object, we may use or disclose personal health information to remind you about appointments.

**Treatment Alternatives:** We may use or disclose personal health information to inform you about treatment alternatives that may be of interest to you.

**Health-Related Benefits and Services:** We may use or disclose personal information to inform you about health-related benefits and services that may be of interest to you.

### III. **YOUR AUTHORIZATION IS REQUIRED FOR OTHER USES OF PERSONAL HEALTH INFORMATION.**

We will use and disclose personal health information (other than as described in this Notice or required by law) only with your written Authorization. You may revoke your Authorization to use or disclose personal health information in writing at any time. If you revoke your Authorization, we will no longer use or disclose your personal health information for the purposes covered by the Authorization, except where we have already relied on the Authorization.

### IV. **YOUR RIGHTS REGARDING YOUR PERSONAL HEALTH INFORMATION**

You have the following rights regarding your personal health information at the community:

**Right to Request Restrictions:** You have the right to request restrictions on our use or disclosure of your personal health information for treatment, payment, or health operations. You also have the right to restrict the personal health information we disclose about you to a family member, friend, or other person who is involved in your care or the payment of your care. We are required to agree to your requested restriction unless you are being transferred to another health care institution, the release of records is required by law, or the release of information is needed to provide you emergency treatment.

**Right of Access to Personal Health Information:** You have the right to request, either orally or in writing, your medical or billing records or other written information that may be used to make decisions about your care. We must allow you to inspect your records within 24 hours of your request. If you request copies of the records, we must provide you with copies within two days of that request. We may charge a reasonable fee for our costs in copying and mailing your requested information

We may deny your request to inspect or receive copies in certain limited circumstances. If you are denied access to personal health information, in some cases you will have a right to request review of the denial. This review would be performed by a licensed health care professional designated by the community who did not participate in the decision to deny.

**Right to Request Amendment:** You have the right to request the community amend any personal health information maintained by the community for as long as the information is kept by or for the community. Your request must be made in writing and must state the reason for the requested amendment.

We may deny your request for amendment if the information:

- was not created by the community, unless the originator of the information is no longer available to act on your request;
- is not part of the personal health information maintained by or for the community;
- is not part of the information to which you have a right of access; or
- is already accurate and complete, as determined by the community.

If we deny your request for amendment, we will give you a written denial including the reasons for the denial and the right to submit a written statement disagreeing with the denial.

**Right to an Accounting of Disclosures:** You have a right to request an “accounting” of our disclosures of your personal health information. This is a listing of certain disclosures of your personal health information made by the community or by others on our behalf, but does not include disclosures for treatment, payment, and health care operations or certain other exceptions.

To request an accounting of disclosures, you must submit a request in writing, stating a time period beginning after April 15, 2003, that is within six years from the date of your request. An accounting will include, if requested: the disclosure date; the name of the person or entity that received the information and address, if known; a brief description of the information disclosed; a brief statement of the purpose of the disclosure or a copy of the authorization or request; or certain summary information concerning multiple similar disclosures. We may charge you our costs.

**Right to a Paper Copy of This Notice:** You have the right to obtain a paper copy of this Notice, even if you have agreed to receive this Notice electronically. You may request a copy of this Notice at any time. (You may obtain a copy of this Notice at our website, [www.LSSLiving.org](http://www.LSSLiving.org).)

**Right to Request Confidential Communications:** You have the right to request that we communicate with you concerning personal health matters in a certain manner or at a certain location. For example, you can request that we contact you only at a certain phone number. We will accommodate your reasonable requests.

## V. COMPLAINTS

If you believe that your privacy rights have been violated, you may file a complaint with the community or with the office of Civil Rights in the U.S. Department of Health and Human Services. To file a complaint with the community, contact the Lutheran Senior Services Privacy Officer at 1.877.363.1211 (Toll-Free).

**We will not retaliate against you if you file a complaint.**

## VI. CHANGES TO THIS NOTICE

We will promptly revise and distribute this Notice whenever there is a material change to the uses or disclosures, your individual rights, our legal duties, or other privacy practices stated in the Notice. We reserve the right to change this Notice and to make the revised or new Notice provisions effective for all personal health information already received and maintained by the community as well as for all personal health information we receive in the future. We will post a copy of the current Notice in the community. In addition, we will make available a copy of the revised Notice for all current residents.

## VII. FOR FURTHER INFORMATION

If you have any questions about the Notice or would like further information concerning your privacy rights, please contact the Lutheran Senior Services Privacy Officer, at 1-877-363-1211 (Toll-Free).

UPDATED April 2010



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