

SENIOR SERVICES, INC

STATEMENT OF POLICY AND PROCEDURE

SUBJECT: NOTICE OF PRIVACY PRACTICES

ORIGINATED: 4/15/03

REVIEWED: 7/30/2013

APPLICATION: This policy and Procedure applies to Senior Services, Inc.

POLICY: We endeavor to provide our consumers with the highest level of health care while protecting the privacy of their health information. If they have any questions, comments, or concerns regarding the policies set forth above, the consumer is invited to discuss such matters with the President/CEO of Senior Services, Inc.

PURPOSE: This notice describes how Protected Health Information about a consumer or participant in Senior Services, Inc. programming may be used and disclosed and how the consumer can get access to this information.

PROCEDURE:

- A. **Understanding Protected Health Information:** Each time an individual receives services from Senior Services, Inc. a record is established. This record contains protected health information generated during intake and assessment, received by our agency from other health care providers, or provided by the recipient. In this "Notice of Privacy Practices," we shall refer to the information contained in the record as the consumer's "protected information." This term shall have the same meaning as "protected health information" defined in the Health Insurance Portability and Accountability Act of 1996, as amended ("HIPAA"). "Protected information" is information about the consumer, including demographic information, that may identify them and that relates to their past, present, or future circumstances and related health care services.

Protected Information Rights: Within the limits provided by federal and state law, consumers have the right to:

- Request restrictions on certain uses and disclosures of protected information;
- Receive confidential communications of protected information. The consumer may request that we communicate with them about protected information by alternative means or at an alternative location;
- Inspect and obtain a copy of their protected information, except with regard to psychotherapy notes or information compiled in reasonable anticipation of certain civil, criminal or administrative proceedings;
- Request an amendment to their protected information that we have created, except with regard to those portions of protected information that the consumer is precluded from inspecting and copying as set forth above.
- Obtain an accounting of certain disclosures of protected information; and
- Receive a paper copy of the Notice of Privacy Practices in addition to any electronic copy the consumer may receive.

The consumer may exercise any of the above rights by submitting a signed letter detailing the request and mailing or delivering the letter to: President & CEO, Senior Services, Inc. 918 Jasper St. Kalamazoo, MI. 49001. However, we encourage consumers to call first so that we can help them be as specific as possible with their request. We will promptly provide any forms needed to process such a request.

Our Responsibilities—this agency is required by law to:

- Maintain the privacy of the consumer's protected information
- Provide the consumer with this Notice of our legal duties and privacy practices with respect to protected information we collect and maintain about them;
- Abide by the terms of this Notice, currently in effect, and as amended from time to time;
- Notify them if we are unable to honor the consumer's request to restrict a use or disclosure of, or to amend, their protected information; and
- Accommodate reasonable requests they may have to communicate their protected information by alternative means or at alternative locations.

We reserve the right to change our privacy practices and to make the new provisions effective for all of the protected information we already have, as well as any protected information we receive or create in the future. Should our privacy practices change, we will post a copy of the revised Notice in our waiting area, which indicates the effective date of the amended Notice. Each time the consumer visits our agency for services we will offer them a copy of our current Notice of Privacy Practices.

If use or disclosure of a consumer's protected information is not permitted under law without a written authorization, we will not use or disclose that protected information without that written authorization. A consumer may at any time revoke a written authorization in writing, except to the extent that we have already taken action in reliance of that authorization.

B. For More Information or to Report a Problem: If consumers have questions and would like additional information concerning this Notice, they may call Senior Services, Inc. Clinical Director at (269) 382-0515 ex. 117.

If a consumer believes that we have violated any of their privacy rights, they may file a written complaint with President & CEO, Senior Services, Inc. 918 Jasper St. Kalamazoo, MI. 49001. They may also file a complaint with the Secretary of Health and Human Services. There will be no penalty or retaliation for filing a complaint.

C. Examples of Uses and Disclosures for Treatment, Payment and Health Operations

The following are examples of uses and disclosures of protected information which are permitted by law:

- We will use protected information for treatment. We will use protected information to provide, coordinate, and manage services to the consumer. Any of our staff involved in a consumer's care will have access to his protected information. We may also provide protected information to other home and health care providers involved in their care to assist staff in providing services to the consumer. However, we will not disclose psychotherapy notes to care providers who are not part of our practice unless we have the consumer's written authorization to do so.
- We will use protected information for payment. Protected information will be used, as needed and appropriate, to obtain payment for consumer services. A consumer's health plan, health insurer, or funding source of their services may require certain information about their condition and the services they receive from us, before payment will be made. Accordingly, for billing purposes, we may disclose a consumer's protected information to their health plan, health insurer, or service funding source.
- We will use protected information for regular health care operations. We may use or disclose, as needed, a consumer's protected information in order to support the business activities of the agency. These activities include, but are not limited to, quality

assessment and utilization review activities, training of interns, licensing, accreditation, marketing, and fundraising activities, and conducting or arranging for other business activities.

For example, members of our staff or outside funding, accrediting, and regulatory sources may review and use protected information from a consumer record to assess the care and outcomes in a consumer's case and others like it. This information will then be used in an effort to continually improve the quality and effectiveness of our services.

We may disclose a consumer's protected information with third party "business associates" that perform various activities such as billing, accounting, and auditing services for the agency. Whenever an arrangement between our agency and a business associate involves the use or disclosure of protected information, we will have a written contract that contains terms that will protect the privacy of the consumer's protected information.

We may use or disclose protected information, as necessary, to provide the consumers with alternatives or other health care benefits and services that may be of interest to them. We may also use and disclose protected information for other marketing activities. For example, a consumer's name and address may be used to send a newsletter about our agency and the services we offer. We may also send a consumer information about products or services that we believe may be beneficial to them. We may use or disclose only the consumer's demographic information, as necessary, in order to contact them for fundraising activities supported by our agency. If the consumer does not want to receive these materials, they may contact the Director of Fund Development at our agency and request that these materials not be sent.

D. Additional Uses and Disclosures

1. **Business Associates:** Certain of our business operations may be performed by other businesses. We refer to these companies as "business associates." In order for these business associates to perform the required service (billing, accounting services, etc.), we may need to disclose a consumer's protected information to them so that they can perform the job we've asked them to do. To protect the consumer, we require our business associates to safeguard protected information.
2. **Communication with Persons Involved in a Consumer's Care:** We may disclose a consumer's protected information that is directly relevant to the care to individuals they wish to receive such information, including family members, relatives, close personal friends, or other persons they identify. Before we do so, we will ask the consumer, and follow their instructions, as to whether or not to make such disclosures. If the consumer is incapacitated, or involved in an emergency, we may use or make disclosures of their protected information that we believe in our professional judgment are in the consumer's best interest, but only to the extent that such protected information is directly relevant to the recipients involvement in the consumer's care.
3. **Required by Law:** We may use or disclose protected information to the extent such use or disclosure is required by law and is limited to the relevant requirements of such law.
4. **Public Health: Health Oversight and the Food and Drug Administration (FDA):** As required by law, we may disclose a consumer's protected information to public health or legal authorities charged with preventing or controlling disease, injury, or disability. We may also be required by law to disclose protected information to health oversight agencies responsible for regulating the health care system, government benefit programs, and civil rights laws, so that they may conduct, among other things, audits, investigations, and inspections. For the purpose of activities relating to the quality, safety or effectiveness of a FDA-regulated product or activity, we may disclose to the FDA a

- consumer's protected information relating to adverse events with drugs, supplements, and other products, as well as information needed to enable product recalls, repairs, or replacements.
5. **Victims of Abuse: Neglect, Exploitation, or Domestic Violence:** If we reasonably believe that a consumer is the victim of abuse, neglect, exploitation, or domestic violence, we may disclose their protected information to a governmental authority responsible for receiving these types of reports, to the extent the disclosure is required by law, or the consumer agrees to the disclosure. If the disclosure is authorized by law, but not required, we may disclose their protected information if we determine that disclosure is necessary to prevent serious harm to the consumer or others.
 6. **Judicial and Administrative Proceedings:** If the consumer is involved in a judicial or administrative proceeding, we may, in response to an order of a court or administrative tribunal, or in response to a subpoena, discovery request, or other lawful process, disclose the specific portions of the protected information that is requested. If the subpoena, discovery request or other lawful process is not accompanied by a court or administrative tribunal order, we may disclose his protected information only after we are assured that reasonable efforts have been made to notify the consumer of the request, and the time for him to raise objections to the request has expired, or reasonable efforts have been made by the request or to seek a protective order concerning the requested protected information.
 7. **Law Enforcement:** We may disclose a consumer's protected information to a law enforcement official for law enforcement purposes as required by law, a court ordered subpoena or summons, a grand jury subpoena or summons, or an administrative subpoena or summons, under certain circumstances. In specific situations, the law also permits us to disclose limited pieces of your protected information, when the information is needed by law enforcement officials to: 1) identify a suspect, fugitive, material witness, or missing person; 2) identify a victim of a crime; 3) alert law enforcement officials concerning your death; 4) notify law enforcement officials when a crime has been committed on our premises; or 5) in an emergency, when necessary to alert law enforcement officials about a crime, its location, or the identity of a perpetrator.
 8. **Coroners, Medical Examiners and Funeral Directors:** We may disclose a consumer's protected information to a coroner or medical examiner for the purpose of identifying them upon their passing, or to determine a cause of death. We may also disclose the consumer's protected information to his funeral director if needed to complete their authorized duties.
 9. **Cadaveric Organ, Eye or Tissue Donation:** If the consumer is an organ donor, we may release their protected information to organizations that procure, bank or transplant organs for the purpose of facilitating organ, eye or tissue donation and transplantation.
 10. **Research:** We may disclose a consumer's protected information to researchers when their research has been approved by an institutional review board or privacy board that has reviewed the research proposal and established protocols to ensure the privacy of their protected information, thereby meeting the requirements under HIPAA.
 11. **Avert a Serious Threat to Health or Safety:** Consistent with applicable law and standards of ethical conduct, we may, in limited circumstances, use or disclose a consumer's protected information if we, in good faith, believe such use or disclosure is necessary to prevent or lessen a serious and imminent threat to health or safety of a person or the public.
 12. **Military Personnel:** If the consumer is a member of the United States Armed Services, we may disclose their protected information to the appropriate military command authority when such information is deemed necessary to assure the proper execution of the military mission.
 13. **National Security and Presidential Protective Services:** We may disclose a consumer's protected information to authorized federal officials for the conduct of lawful intelligence and national security activities, as well as the provision of protective services to the President and other protected individuals.

14. Inmates and Individuals in Custody: If a consumer is an inmate or otherwise in custody, we may disclose their protected information to the correctional facility or law enforcement official having lawful custody.
15. Workers' Compensation: We may disclose a consumer's protected information to the extent authorized and necessary to comply with laws relating to workers compensation or other similar programs established by law.
16. Appointment Reminders and Information on Treatment Alternatives: We may contact you to provide appointment reminders, information concerning treatment alternatives or other health-related benefits, alternatives and services that may be of interest to the consumer.