

# Notice of Privacy Practices

## **What is This Notice?**

We are required by law to maintain the privacy of your personal health information, and to give you notice of our legal duties and privacy practices with respect to your protected health information.

## **Our Duties to You**

We are required to abide by the terms of our Privacy Notice currently in effect. We reserve the right to change our privacy practices (that is, to change the ways in which we use or share your protected health information as described in this Notice), so long as the new practices are permitted by the Federal Privacy Rule or other applicable law, and are described in a revised notice of our privacy practices. We further reserve the right to make any such revised Notice provisions effective for all protected health information we maintain, including information created or received before the effective date of the revised notice. Revised Notices will be posted in each Branch Office, and will be available on request from each of the Branch Offices or by calling the number on the last page of this notice.

## **Useful Definitions**

**Protected Health Information ("PHI"):** Any information created or received by us in any form that identifies an individual and is related to the past, present, or future physical or mental health of the individual, provision of health care to the individual or payment for health care provided to the individual. If all personal identifiers have been removed from the information, it is considered **"de-identified health information"** and may be used more freely than protected health information.

**"Uses" and "Disclosures":** We use these terms as they are defined in the Privacy Rule. We "use" your protected health information when we examine, review, analyze, apply, or share it within the VNH and with other health providers involved with your care. We "disclose" your protected health information when we release, transfer, provide access to, or share it in any other way with any healthcare organization or institution- for example, to a state agency or your health insurer.

## **Your Privacy Rights**

The Federal Privacy Rule gives you several new rights with respect to your protected health information (in addition to those rights you already have under state law). Beginning April 14, 2003, you have the right to:

- Receive written notice of our privacy practices

(this document). If you have received this notice electronically, you have the right to a paper copy if you want it.

- Ask for further restrictions on the ways in which we use and disclose your protected health information. We are not required to agree to a requested restriction. We will not agree to any request unless we feel that we can fully meet our commitment.
- Ask that we communicate with you at a different address, or use a different means of communication. We will make efforts to accommodate reasonable requests. You must make this request in writing.
- See and get a copy of your medical record or any other protected health information that we keep in a regular paper or electronic file. We will charge you a reasonable fee for copies and postage. You must make this request in writing. We may ask for a verification of identity as you make these requests. (Note: There are a few situations specified in the Privacy Rule where this right does not apply.)
- Ask for an amendment of your protected health information. Entries are not deleted from medical records because of legal requirements but may be corrected or amended by the author of the entry. You may request an amendment of your medical record or other protected health information that we keep in a regular file. You must make this request in writing. If the information is accurate and complete as determined by the author of the entry, we will decline the request for amendment but will include your request, statement and our refusal in your file.
- Receive a written accounting of the disclosures we have made of your protected health information, except those for treatment, payment or healthcare operations, disclosures authorized by you, and certain other exceptions. You must make this request in writing.
- Designate a "Personal Representative" to help you exercise your rights concerning your protected health information. This personal representative must be designated in writing, and the personal representative must show this documentation any time he or she wishes to exercise the rights attached to it. New Hampshire and Vermont State laws apply to the rights and responsibilities of personal representatives.
- The Privacy Rule allows the VNH to maintain a patient list (a directory) but gives you the right to agree or object to being included in it. You also have the right to agree or object to your friends and family being involved in your care.

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## **Use and Disclosure of Your Protected Health Information**

The Privacy Rule permits us to use your “protected health information” for:

- **Treatment:** Health care and related services. For example, when a doctor or nurse sees you for care and they read your medical record, or when they share information with others involved in your healthcare.
- **Payment:** Getting paid for healthcare. For example, when you get health care, we send a bill to your insurance company.
- **Health Care Operations:** Training, nurses and therapists, maintaining a medical record for you or evaluating the quality of care are all examples. We also use your protected health information to contact you to provide appointment reminders or to inform you of certain test results.
- **Education:** Protected health information is regularly used in the clinical training of physicians, nurses, and other healthcare professionals. They receive privacy training both in their coursework and in the treatment setting. Under the Privacy Rule, clinical training is considered a part of education. If you have any questions about how those in training may use your health information to assist us in your care, please ask.
- **Research:** Those involved in research may use or disclose protected health information under certain conditions. Generally, data collected from the care of patients in a research study needs to be linked to the patients so that the accuracy of the data collected can be confirmed or additional follow-up can be obtained. Data from multiple patients are usually aggregated and analyzed statistically. When the results of the study are discussed or published, the identities of individual patients involved in the study are not revealed. Federal law requires all research on human subjects to be reviewed and approved by an Institutional Review Board. This process will inform you of how your health information will be used and stored and who will have access to it. The Privacy Rule permits us to use or disclose patient health information for research purposes without further notice to or written authorization from you in three instances:
  - o Reviews preparatory to research, when setting up a research “protocol.”
  - o Research on a deceased individual’s records.
  - o Institutional Review Board waiver of authorization.

- **Business Associates:** We sometimes disclose protected health information to individuals or organizations that provide services on our behalf. Our contracts with these business associates provide for privacy protection of that protected health information.
- **Other Uses and Disclosures:** Other uses and disclosures require your written authorization. You may revoke your authorization (that is, change your mind) if you contact us and put it in writing.

## **Disclosures Required By Law**

For many years New Hampshire and Vermont state laws have required us to report certain health information to state agencies or public health authorities. In balancing the public interest against your personal privacy rights, the Legislature has decided that in these specific instances the public interest comes first. Some examples of where “PHI” may be released:

- **Vital Statistics:** Births and deaths are reported to the state Bureau of Vital Records and Health Statistics (VRHS) in New Hampshire and to the Town Clerk in Vermont. Fetal deaths (including abortions) are reported to VRHS in New Hampshire and the Vermont Department of Health for statistical purposes only (these are not public records).
- **Public Health Reporting**
  - o New Hampshire and Vermont require that all cancer cases must be reported to cancer registries.
  - o All cases of communicable diseases (e.g., anthrax, cholera, diphtheria, hepatitis, measles, mumps, rabies, tuberculosis, and sexually transmitted diseases such as HIV, AIDS, chlamydia, and gonorrhea) must be reported to the Department of Health and Human Services in New Hampshire or to the Department of Health in Vermont.
  - o Physicians and hospitals in Vermont must report all cases of treatment for the abuse of regulated drugs to the Board of Health, but patient names are not included.
  - o In Vermont, parents or guardians must be notified if a minor child requires immediate hospitalization resulting from drug usage, alcoholism, or venereal disease.
- **Work-related exposures** to poisons and similar ailments are reported to HHS in New Hampshire. Acute care and specialty hospitals are required to report 24 categories of individual patient discharge

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data to HHS in New Hampshire and health care costs and utilization data to the Vermont Department of Health (without patient names).

- **Suspected Abuse, Neglect or Crime**

- o Suspected child abuse or neglect must be reported to HHS in New Hampshire and to Social and Rehabilitation Services (SRS) in Vermont.
- o Suspected abuse, neglect, or exploitation of an incapacitated or disabled adult must be reported to HHS in New Hampshire and to the Department of Aging and Disabilities in Vermont.
- o Deaths suspected of being caused by crime or suspicious circumstances must be reported to the medical examiner and county attorney in New Hampshire and to the medical examiner in Vermont.
- o Gunshot-related injuries must be reported to law enforcement in both New Hampshire and Vermont.
- o In Vermont, physicians treating motor vehicle accident victims in an emergency room must report to law enforcement if a test result reveals that the patient's blood alcohol content exceeds the legal limit. In New Hampshire, disclosure of such test results is permitted if requested by law enforcement officials.

- **Decedents:** We will disclose protected health information to a medical examiner to assist in identifying a dead person and determining the cause of death.
- **Duty to Warn:** Physicians and mental health providers are required by law in New Hampshire and Vermont to warn a potential victim when a patient or client makes a serious threat of physical violence to a person or substantial damage to real property.

## **Disclosures Permitted by Law**

For many years New Hampshire and Vermont State laws have permitted us to report certain protected health information. The Federal Privacy Rule also permits us to make certain other disclosures of protected health information in the public interest. Some examples appear below.

- **Public Health Activities:** Adverse events relating to products regulated by the Food and Drug Administration (FDA) and disclosures to employers to prevent work-related illnesses.

- **Health Oversight Activities:** If a doctor or facility from which you have received care is audited or investigated by a state board or agency, your records relating to that care could be provided to the agency in response to a subpoena or other legal process.
- **Domestic Violence Victims:** We may report domestic violence resulting in injury to local law enforcement officials, if the patient/victim agrees to the disclosure.
- **Court Proceedings:** We could be required by order of a court or administrative agency to release specific protected health information required for evidence in a proceeding before that body.
- **Law Enforcement:** We may respond to a judicial order or warrant, subpoena, or summons, according to state law.
- **Threats to Health or Safety:** We may use or disclose your protected health information, if we believe it is necessary to prevent or reduce a serious and immediate threat to the health or safety of an individual (including you) or group of people.
- **Workers Compensation:** We disclose protected health information of injured workers as authorized by law in order to assist in processing workers compensation claims.

## **Marketing and Fundraising**

### **Marketing**

Unless we have your written authorization, we will not use or disclose your health information for marketing purposes (that is, for communications that encourage you to purchase products or services, or in disclosures to other entities who may want to send you marketing materials).

We may make limited uses and disclosures of your health information for the following purposes:

- Communications to you about health-related products or services;
- Communications to you concerning your own treatment, including care coordination and recommendations about alternative treatments, therapies, providers, or care settings;
- Face-to-face communications with you personally; and
- Promotional gifts of nominal value.

We will not sell or otherwise give your protected health information to any other person or organization so that they may use it to send you marketing information.



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## **Fundraising**

As permitted in the Privacy Rule, we will use only the following elements of your health information for purposes of raising funds for our own activities:

- Demographic information, such as your name and mailing address, and
- The dates during which we may have provided health care services to you.

We will not use any other elements of your protected health information for fundraising purposes unless we have your written authorization to do so, and you may opt out of receiving any fundraising requests at any time.

## **Complaints**

If you believe your privacy rights have been violated, you may complain to us and to the Secretary, U.S. Department of Health and Human Services, Washington, D.C. 20201.

To make and file a complaint with us, contact the Privacy Officer at the VNH in person or by phone at the number listed below for the appropriate forms to complete. We will respond to all properly completed complaint forms. You will not be adversely affected or discriminated against in any way for filing any such complaint.

**Need More Information? Call us at 888-300-8853.**