

NOTICE OF PRIVACY PRACTICES FOR PROTECTED HEALTH INFORMATION

**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.

A. Introduction

During the course of providing services and care to you, Alzheimer's Family Services Center gathers, creates, and retains certain personal information about you that identifies who you are and relates to your past, present, or future physical or mental condition, the provision of health care to you, and payment for your health care services. This personal information is characterized as your "protected health information." This Notice of Privacy Practices describes how Alzheimer's Family Services Center maintains the confidentiality of your protected health information, and informs you about the possible uses and disclosures of such information. It also informs you about your rights with respect to your protected health information.

B. Alzheimer's Family Services Center's Responsibilities

Alzheimer's Family Services Center is required by federal and state law to maintain the privacy of your protected health information. Alzheimer's Family Services Center is also required by law to provide you with this Notice of Privacy Practices that describes the agency's legal duties and privacy practices with respect to your protected health information. Alzheimer's Family Services Center will abide by the terms of this Notice of Privacy Practices. The agency reserves the right to change this or any future Notice of Privacy Practices and to make the new notice provisions effective for all protected health information that it maintains, including protected health information already in its possession. If Alzheimer's Family Services Center changes its Notice of Privacy Practices, it will personally deliver or mail a revised notice to you at your current address.

C. Use and Disclosure With Your Authorization

Alzheimer's Family Services Center will require a written authorization from you before it uses or discloses your protected health information, unless a particular use or disclosure is expressly permitted or required by law without your authorization. Alzheimer's Family Services Center has prepared an authorization form for you to use that authorizes Alzheimer's Family Services Center to use or disclose your protected health information for the purposes set forth in the form. Once you sign the authorization, Alzheimer's Family Services Center's use or disclosure of the protected health information that is the subject of the authorization must be consistent with the

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authorization. You are not required to sign the form as a condition of receiving services/treatment or having your care paid for. If you sign an authorization, you may revoke it at any time by written notice. Alzheimer's Family Services Center then will not use or disclose your protected health information, except where it has already relied on your authorization.

D. How Alzheimer's Family Services Center May Use and Disclose Your Protected Health Information Without Your Authorization

1. Mandatory Disclosures

Alzheimer's Family Services Center will disclose protected health information to outside persons or entities without your written authorization as required by law in the following circumstances:

a. Legal Process

- i. Court Order; Order of Administrative Tribunal – Alzheimer's Family Services Center will disclose protected health information in accordance with an order of a court or of an administrative tribunal of a governmental agency, but only to the extent expressly authorized by such order.
- ii. Subpoena – Alzheimer's Family Services Center will disclose protected health information in accordance with a valid subpoena, discovery request, or other process issued by a party to adjudication before a court, an administrative tribunal, or a private arbitrator. The subpoena and attachments must show compliance with federal and state laws requiring that the subpoenaing party (1) make reasonable efforts to notify the participant of the subpoena, or (2) a qualified protective order must have been obtained prohibiting the parties from disclosing the information for purposes other than the proceeding and requiring the return or destruction of the information at the end of the proceeding.
- iii. Law Enforcement Agencies – Alzheimer's Family Services Center will disclose protected health information to law enforcement agencies as required by law and in accordance with (1) a court order or court-ordered warrant, or a subpoena or summons issued by a judicial officer, (2) a grand jury subpoena, or (3) an administrative request, such as an administrative subpoena or summons, a civil or an authorized investigative demand, or similar process authorized under law, provided that: (1) the information sought is relevant and material to a legitimate law enforcement inquiry; (2) the request is specific and limited in scope to the extent reasonably practicable in light of the purpose for which the information is sought; and (3) de-identified information could not reasonably be used.

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b. Coroner

Alzheimer's Family Services Center will disclose protected health information to a coroner where the coroner requests the information to identify a decedent, to determine cause of death, or for the purpose of other duties authorized by law; to notify next of kin; or to investigate deaths that may involve public health concerns, suspicious circumstances, elder abuse, or organ or tissue donation. Alzheimer's Family Services Center may choose, at its discretion, to disclose protected health information to a coroner in other circumstances as permitted by applicable law.

c. When Compelled by a Participant or Personal Representative

Alzheimer's Family Services Center will disclose a participant's protected health information when the participant or the participant's personal representative compels disclosure pursuant to applicable law.

d. For Compliance Purposes

Alzheimer's Family Services Center will disclose protected health information when legally required to do so as requested by the Secretary of Health and Human Services for the purpose of an investigation or determination of AFSC's compliance with HIPAA.

e. Elder Abuse Reporting

Alzheimer's Family Services Center will disclose protected health information about a participant who is suspected to be the victim of elder abuse to the extent necessary to complete any oral or written report mandated by law. Under certain circumstances, Alzheimer's Family Services Center may disclose further protected health information about the participant to aid the investigating agency in performing its duties. Alzheimer's Family Services Center will promptly inform the participant about any disclosure unless the agency believes that informing the participant would place the participant in danger of serious harm, or would be informing the participant's personal representative, whom the agency believes to be responsible for the abuse, and believes that informing such person would not be in the participant's best interest.

f. Other Disclosures Required by Law

Alzheimer's Family Services Center will use or disclose protected health information about a participant when otherwise required by law, so long as such use or disclosure is limited to the relevant requirements of such law.

2. Permissive Disclosures

Alzheimer's Family Services Center may, in its discretion, use or disclose your protected health without your written authorization in the following circumstances:

a. Your Care and Treatment

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Alzheimer's Family Services Center may use or disclose your protected health information to provide you with or assist in your treatment, care and services. For example, Alzheimer's Family Services Center may disclose your health information to health care providers who are involved in your care to assist them in your diagnosis and treatment, as necessary. Alzheimer's Family Services Center may also disclose your protected health information to individuals who will be involved in your care if you disenroll from the center.

b. Billing and Payment

- i. Medicare, Medi-Cal and Other Public or Private Health Insurers – Alzheimer's Family Services Center may use or disclose your protected health information to public or private health insurers (including medical insurance carriers, HMOs, Medicare, and Medi-Cal) in order to bill and receive payment for your treatment and services that you receive at the Alzheimer's Family Services Center. The information on or accompanying a bill may include information that identifies you, as well as your diagnosis, procedures, and supplies used.
- ii. Health Care Providers – Alzheimer's Family Services Center may also disclose your protected health information to health care providers in order to allow them to determine if they are owed any reimbursement for care that they have furnished to you and, if so, how much is owed.

c. Health Care Operations

Alzheimer's Family Services Center may use your protected health information for health care operations at the center. These uses and disclosures are necessary to manage Alzheimer's Family Services Center and to monitor our quality of services and care. For example, we may use your protected health information to review our services and to evaluate the performance of our staff in caring for you.

d. Licensing and Accreditation

Alzheimer's Family Services Center may disclose your protected health information to any government or private entity, such as the California Department of Health Services or the California Department of Aging, responsible for licensing or accrediting the center, so that the government or private entity can carry out its oversight activities. These oversight activities include audits; civil, administrative, or criminal investigations; inspections; licensure or disciplinary actions; civil, administrative, or criminal proceedings or actions; or other activities necessary for appropriate oversight.

e. Provision of Basic Information about Participants

Alzheimer's Family Services Center allows staff to provide certain basic information about a participant to persons who ask for the participant by name and to members of the clergy. Unless you notify Alzheimer's Family Services Center that

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you object, it may disclose your name, your location at the center, and your general condition to anyone who asks for you by name. It will disclose your name, your location at the center, your general condition, and your religious affiliation to members of the clergy.

f. Individuals Involved in Your Care or Payment for Your Care

Unless you specifically object, Alzheimer's Family Services Center may disclose to a family member, other relative, a close personal friend, or to any other person identified by you, all protected health information directly relevant to such person's involvement with your care or directly relevant to payment related to your care. Alzheimer's Family Services Center may also disclose your protected health information to a family member, personal representative, or other person responsible for your care to assist in notifying them of your location, general condition, or death.

g. Disaster Relief

Alzheimer's Family Services Center may disclose your protected health information to a public or private entity authorized to assist in disaster relief efforts.

h. Disclosures within Provider Community

Unless you specifically object, Alzheimer's Family Services Center may disclose certain general information about you (e.g., past activities, present interests, birthday) to members of its community, including other participants and staff, by means such as newsletter or bulletin board.

i. Business Associates

Alzheimer's Family Services Center may contract with certain individuals or entities to provide services on its behalf. Examples include data processing, quality assurance, legal, or accounting services. Alzheimer's Family Services Center may disclose your protected health information to a business associate, as necessary, to allow the business associate to perform its functions on Alzheimer's Family Services Center's behalf. Alzheimer's Family Services Center will have a contract with its business associates that obligate the business associates to maintain the confidentiality of your protected health information.

j. Fundraising

Alzheimer's Family Services Center may use certain protected health information to contact you in an effort to raise money for the center and its operations.

Alzheimer's Family Services Center may disclose the protected health information to business associates or to related foundations that it uses to raise funds for its own benefit. Alzheimer's Family Services Center will disclose only your name, address, and phone number and the dates you receive health care services. You

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may notify Alzheimer's Family Services Center in writing if you object to such disclosures.

k. Research

Alzheimer's Family Services Center may disclose your protected health information for research purposes, provided that an outside Institutional Review Board overseeing the research approves the disclosure of the information without a written authorization.

l. Public Health Activities

Alzheimer's Family Services Center may disclose protected health information to: (1) any public health authority that is authorized by law to collect it for purposes of preventing or controlling disease, injury, or disability; (2) a public health authority or other appropriate government authority authorized by law to receive reports of abuse or neglect; (3) a person subject to the jurisdiction of the Food and Drug Administration ("FDA") with respect to an FDA-regulated product or activity for which that person has responsibility, for the purpose of activities related to the quality, safety, or effectiveness of such FDA-regulated product or activity; (4) 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, if ASC is authorized by law to notify such person as necessary in the conduct of a public health intervention or investigation; or (5) an employer, about an individual who is a member of the workforce of the employer, but only in the specific circumstances provided at 45 C.F.R. § 164.512(b)(1)(v).

m. Hospital Peer Review

Alzheimer's Family Services Center may disclose your protected health information to hospital medical staffs to aid in the credentialing of applicants and in the peer review of members.

n. Organ Procurement

Alzheimer's Family Services Center may disclose your protected health information following your death to an organ procurement agency or tissue bank in order to aid in using your organs or tissues in transplantation.

o. Coroner, Medical Examiners, and Funeral Directors

Alzheimer's Family Services Center may disclose protected health information to the coroner or a medical examiner to allow them to perform their duties. Alzheimer's Family Services Center may also disclose protected health information to funeral directors, consistent with applicable law, as necessary for the directors to carry out their duties with respect to a decedent.

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p. Members of Workforce

It is Alzheimer's Family Services Center's policy to allow members of its workforce to share participants' protected health information with one another to the extent necessary to permit them to perform their legitimate functions on the center's behalf. The center's workforce includes all employees, volunteers and trainees, and board and committee members. At the same time, Alzheimer's Family Services Center will work with and train its workforce members to ensure that there are no unnecessary or extraneous communications that will violate the rights of its participants to have the confidentiality of their protected health information maintained.

q. Incident to a Permitted or Required Use or Disclosure

Alzheimer's Family Services Center may, use or disclose protected health information when such use or disclosure is incident to a use or disclosure otherwise permitted or required by applicable law or this Notice of Privacy Practices, provided that it has complied with all applicable legal requirements.

r. To Avert a Serious Threat to Health or Safety

Under certain circumstances, Alzheimer's Family Services Center may, consistent with applicable law and standards of ethical conduct, use or disclose protected health information if it believes in good faith that the use or disclosure: (1) is necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the public; or (2) is necessary for law enforcement authorities to apprehend an individual.

s. For Specialized Government Functions

Under certain circumstances (as further described at 45 C.F.R. § 164.512(k)), Alzheimer's Family Services Center may, consistent with applicable law, use or disclose protected health information in connection with military and veterans activities, national security and intelligence activities, protective services for the President and others, medical suitability determinations, and correctional institutions and other law enforcement custodial situations.

t. For Workers' Compensation

Alzheimer's Family Services Center may disclose protected health information as authorized by and to the extent necessary to comply with laws relating to workers' compensation or other similar programs, established by law, that provide benefits for work-related injuries or illness without regard to fault.

3. Other Disclosures

Safety - To maintain safety, each participant is required to wear a name badge during the hours s/he is at Alzheimer's Family Services Center. The participant's first name and

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last initial are printed on the front of the name badge; additional information is printed on the reverse, for purposes of identification should a participant ever exit the center. Information on the reverse side of the name badge includes the primary emergency contact name, address and phone numbers plus a secondary contact with phone numbers, and any allergies the participant has.

Adult School Registration - Experienced teachers from the Huntington Beach Adult School lead classes (e.g., sing-a-longs, exercise, physical games, and trivia) for participants at Alzheimer's Family Services Center on a daily basis. These teachers help the center provide high quality programming, at no additional cost. In order to have instructors at the center, staff must register all participants with the schools on an annual basis. To streamline registration, the center enrolls participants in classes on a timely, ongoing basis, thereby ensuring that the instructors are available year-round. This involves the center releasing each participant's name, gender, date of birth, and birthplace to the schools.

E. Your Rights Regarding Protected Health Information

You have the following rights with respect to your protected health information. To exercise these rights, contact Alzheimer's Family Services Center at the following address: Alzheimer's Family Services Center, 9451 Indianapolis Ave., Huntington Beach, CA 92646. Attention: Guita Sharifi, Privacy Officer OR (714) 593-9630.

a. **Right to Receive a Copy of the Notice of Privacy Practices**

You have the right to request and receive a copy of Alzheimer's Family Services Center's Notice of Privacy Practices for Protected Health Information in written or electronic form.

b. **Right to Request Access**

You have the right to inspect and copy your health records maintained by Alzheimer's Family Services Center. In certain limited circumstances, Alzheimer's Family Services Center may deny your request as permitted by law.

c. **Right to Request Amendment**

You have the right to request an amendment to your health records maintained by Alzheimer's Family Services Center. If your request for an amendment is denied, you will receive a written denial, including the reasons for such denial, and an opportunity to submit a written statement disagreeing with the denial.

d. **Right to Request Use or Disclosure Restrictions or Confidential Communications**

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You have the right to request restrictions on the use and disclosure of your protected health information for treatment, payment or health care operations, or providing notifications regarding your identity and status to persons inquiring about or involved in your care. Alzheimer's Family Services Center is not required to grant your request, but if it does, it will comply with your request, except in an emergency situation or until the restriction is terminated by you or Alzheimer's Family Services Center. You also have the right to request that Alzheimer's Family Services Center communicate protected health information to the recipient by alternative means or at alternative locations.

e. Right to an Accounting

You have the right to receive an accounting of disclosures of your protected health information created and maintained by Alzheimer's Family Services Center. Alzheimer's Family Services Center is not required to provide an accounting of certain routine disclosures or of disclosures of which you already are aware.

F. COMPLAINTS

If you believe that your privacy rights have been violated, you may file a complaint with Alzheimer's Family Services Center at the following address: Alzheimer's Family Services Center, 9451 Indianapolis Ave., Huntington Beach, CA 92646. Attention: Guita Sharifi, Privacy Officer. You also have the right to submit a complaint to the Secretary of the U.S. Department of Health and Human Services, 50 United Nations Plaza – Room 322, San Francisco, CA 94102, Attention OCR Regional Manager. **Alzheimer's Family Services Center will not retaliate against you if you file a complaint.**

G. FURTHER INFORMATION

If you have questions about this Notice of Privacy Practices or would like further information about your privacy rights, contact Alzheimer's Family Services Center at the following address: Alzheimer's Family Services Center, 9451 Indianapolis Ave., Huntington Beach, CA 92646 Attention: Guita Sharifi, Privacy Officer OR (714) 593-9630.