

Effective Date: September 23, 2013

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.

This Notice is provided to you pursuant to the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), as amended by the Health Information Technology for Economic and Clinical Health Act ("HITECH"). It is designed to tell you how we may, under federal law, use or disclose your Protected Health Information ("PHI").

We are required by law to provide you with this Notice of our legal duties and privacy practices with respect to your PHI that we maintain. HIPAA, as amended by HITECH, places certain obligations upon us with regard to your PHI and requires that we keep confidential any medical information that identifies you. We take this obligation seriously and when we need to use or disclose your PHI, we will comply with the full terms of this Notice. Anytime we are permitted to or required to share your PHI with others, we only provide the minimum amount of data necessary to respond to the need or request unless otherwise permitted by law.

#### **I. USES AND DISCLOSURES OF YOUR PHI THAT DO NOT REQUIRE YOUR AUTHORIZATION.**

We are permitted by law to use and disclose your PHI without your written or other form of authorization under certain circumstances as described below. This means that we do not have to ask you before we use or disclose your PHI for purposes such as to provide you with treatment, seek payment for our services, or for health care operations. We may also use or disclose your PHI without asking you for other activities or to state and/or federal officials.

- **Treatment, Payment and Health Care Operations.**
  - We may use and disclose your PHI in order to provide you with treatment and related services. We may disclose your PHI to our health care professionals – including doctors, nurses and technicians – for purposes of assisting them with providing treatment to you, as well as to residents, interns and other trainees who may be assisting with the provision of your care.
  - We may use your information – and send relevant parts to your insurance companies – in order to determine your eligibility and benefits for services you receive and obtain payment for the services we have provided to you.
  - You may privately pay for care without a bill being submitted to insurance.
  - We may access or send your information to our attorneys or accountants in the event we need the information in order to address one of our own business functions or to our other business partners in order to conduct our operations.
- **To Other Healthcare Providers.** We may disclose your PHI to other health care professionals where it may be required by them to treat you, to obtain payment for the services they provided you with or for their own health care operations.
- **Disclosures to Relatives, Close Friends, Caregivers.** We may disclose your PHI to family members and relatives, close friends, caregivers or other individuals that you may identify so long as we:
  - Obtain your agreement;
  - Provide you with the opportunity to object to the disclosure and you do not object; or
  - We reasonably infer that you would not object to the disclosure.
- If you are not present or, due to your incapacity or an emergency, you are unable to agree or object to a use or disclosure, we may exercise our professional judgment in order to determine whether such use or disclosure would be in your best interests. Where we would disclose information to a family member, other relatives, or a close friend, we would disclose only that information we believe

is directly relevant to his or her involvement with your care or payment related to your care. We will also disclose your PHI in order to notify or assist with notifying such persons of your location, general condition or death. You may at any time request that we do NOT disclose your PHI to any of these individuals.

- **Public Health Activities.** We may disclose your PHI for certain public health activities as required by law, including:
  - to report PHI to public health authorities for the purpose of preventing or controlling disease, injury or disability;
  - to report certain immunization information where required by law, such as to the state immunization registry or to your child's school;
  - to report births and deaths;
  - to report child abuse to public health authorities or other government authorities authorized by law to receive such reports;
  - to report information about products and services under the jurisdiction of the U.S. Food and Drug Administration, such as reactions to medications;
  - to notify you and other patients of any product or medication recalls that may affect you;
  - to alert 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; and
  - to report information to your employer as required under laws addressing work-related illnesses and injuries or workplace medical surveillance.
- **Health Oversight Activities.** We may disclose your PHI to a health oversight agency such as Medicaid or Medicare that oversees health care systems and delivery, to assist with audits or investigations designed for ensuring compliance with such government health care programs.
- **Health Information Exchange.** We, along with other health care providers in New Jersey participate in Jersey Health Connect, a Health Information Exchange ("HIE") which allows patient information to be shared electronically through a secured network that is accessible to the providers treating you. We may disclose your PHI to the HIE unless you opt out of participating. To opt out, please contact Jersey Health Connect at (855) 624-6542 or visit [www.jerseyhealthconnect.org](http://www.jerseyhealthconnect.org) to print out the form which you can mail or fax in.
- **Victims of Abuse, Neglect, Domestic Violence.** Where we have reason to believe that you are or may be a victim of abuse, neglect or domestic violence, we may disclose your PHI to the proper governmental authority, including social or protective service agencies, who are authorized by law to receive such reports.
- **Judicial and Administrative Proceedings.** We may disclose your PHI pursuant to a court order, subpoena or other lawful process in the course of a judicial or administrative proceeding. For example, we may disclose your PHI in the course of a lawsuit you have initiated against another party for compensation or damage for personal injuries you received to that person or his/her insurance carrier.
- **Law Enforcement Officials.** We may disclose your PHI to police or other law enforcement officials as may be required or permitted by law or pursuant to a court order, subpoena or other lawful process. For example, we may disclose your PHI to police in order to identify a suspect, fugitive, material witness or missing person. We may also disclose your PHI to police where it may concern a death we believe is a result of criminal conduct or due to criminal conduct within our premises. We may also disclose your PHI where it would be necessary in an emergency to report a crime, identify a victim of a crime, or identify or locate the person who may have committed a crime.
- **Decedents.** We may disclose your PHI to medical coroners for

purposes of identifying or determining cause of death or to funeral directors in order for them to carry out their duties as permitted or required by law.

- **Workers Compensation.** We may use or disclose your PHI to the extent necessary to comply with state law for workers' compensation or other similar programs, for example, regarding a work-related injury you received.
- **Research.** Although generally we will ask for your written authorization for any use or disclosure of your PHI for research purposes, we may use or disclose your PHI under certain circumstances without your written authorization where our research committee has waived the authorization requirement.
- **Fundraising Communications.** From time to time, we may contact you by phone, email or in writing to solicit tax-deductible contributions to support our activities. In doing so, we may disclose to our fundraising staff certain demographic information about you, such as your name, address and phone number, as well as certain other limited information. You have a right to opt-out of receiving these communications and may do so at any time by calling us at 973-754-4483, emailing us at [optoutsj@sjhmc.org](mailto:optoutsj@sjhmc.org), or by writing to us at The Foundations of St. Joseph's Health, Annual Giving Manager, 703 Main Street, Paterson, NJ 07503.
- **Health or Safety.** We may use or disclose your PHI where necessary to prevent or lessen threat of imminent, serious physical violence against you or another identifiable individual, or a threat to the general public.
- **Military and Veterans.** For members of the armed forces and veterans, we may disclose your PHI as may be required by military command authorities. If you are a foreign military personnel member, your PHI may also be released to appropriate foreign military authority.
- **Specialized Government Functions.** We may disclose your PHI to governmental units with special functions under certain circumstances. For example, your PHI may be disclosed to any of the U.S. Armed Forces or the U.S. Department of State.
- **National Security and Intelligence Activities.** We may disclose your PHI to authorized federal officials for purpose of intelligence, counter-intelligence and other national security activities that may be authorized by law.
- **Protective Services for the President and Others.** We may disclose your PHI to authorized federal officials for purposes of providing protection to the President of the United States, other authorized persons or foreign heads of state or for purposes of conducting special investigations.
- **Inmates.** If you are an inmate in a correctional institution or otherwise in the custody of law enforcement, we may disclose PHI about you to the correctional institution or law enforcement official(s) where necessary:
  - For the institution to provide health care;
  - To protect your health and safety or the health and safety of others; or
  - For the safety and security of the correctional institution.
- **Organ and Tissue Procurement.** Where you are an organ donor, we may disclose your PHI to organizations that facilitate or procure organs, tissue or eye donations or transplantation.
- **As Required by Law.** We may use or disclose your PHI in any other circumstances other than those listed above where we would be required by state or federal law or regulation to do so.

## **II. USES AND DISCLOSURES OF YOUR PHI THAT REQUIRE YOUR WRITTEN AUTHORIZATION.**

In general, we will need your **specific written authorization** on our HIPAA Authorization Form to use or disclose your PHI for any purpose other than those listed above in Section I. For example, in order for us to send your information to your life insurance company, you would

need to sign our HIPAA Authorization Form and tell us what information you would like sent.

We will seek your **specific written authorization** for *at least* the following information unless the use or disclosure would be otherwise permitted or required by law as described above:

- **HIV/AIDS Information.** In most cases, we will NOT release any of your HIV/AIDS related information unless your authorization expressly states that we may do so. There are certain purposes, however, for which we may be permitted to release your HIV/AIDS information without obtaining your express authorization. Under New Jersey law, all cases of HIV Infection are reported to the New Jersey State Department of Health.
- **Sexually Transmitted Disease Information.** We must obtain your specific written authorization prior to disclosing any information that would identify you as having or being suspected of having a sexually transmitted disease. However, we may use and disclose information related to sexually transmitted diseases without obtaining your authorization only where permitted by law.
- **Tuberculosis Information.** We must obtain your specific written authorization prior to disclosing any information that would identify you as having or being suspected of having tuberculosis (TB). We may use and disclose information related to TB without obtaining your authorization where authorized by law. For example, under New Jersey State law, we are required to report your diagnosis of tuberculosis to the Department of Health, even if you do not consent.
- **Psychotherapy Notes.** We must obtain your specific written authorization prior to disclosing any psychotherapy notes unless otherwise permitted by law. However, there are certain purposes for which we may disclose psychotherapy notes, without obtaining your written authorization, including the following: (1) to carry out certain treatment, payment or healthcare operations, (2) to the Secretary of the Department of Health and Human Services to determine our compliance with the law, (3) as required by law, (4) for health oversight activities authorized by law, (5) to medical examiners or coroners as permitted by state law, or (6) for the purposes of preventing or lessening a serious or imminent threat to the health or safety of a person or the public.
- **Mental Health.** We must obtain your specific written authorization prior to disclosing certain mental health PHI or information that would identify you as having a mental health condition. We may use and disclose information related to mental health without obtaining your authorization only where permitted by law. For example, if we reasonably believe that you are threatening imminent harm to yourself or others, we will disclose information about you to protect yourself or others, even if you do not consent.
- **Drug and Alcohol Information.** We must obtain your specific written authorization prior to disclosing information related to drug and alcohol treatment or rehabilitation under certain circumstances such as where you received drug or alcohol treatment at a federally funded treatment facility or program.
- **Genetic Information.** We must obtain your specific written authorization prior to using or disclosing your genetic information for treatment, payment or health care operations purposes. We may use or disclose your genetic information, or the genetic information of your child, without your written authorization only where it would be permitted by law. For example, under New Jersey State law, we may disclose your genetic information for purposes of identifying bodies.
- **Information Related to Emancipated Treatment of a Minor.** If you are a minor who sought emancipated treatment from us, such as treatment related to your pregnancy or treatment related to your child, or a sexually transmitted disease, we must obtain your specific written authorization prior to disclosing any of your PHI related to such treatment to another person, including your parent(s) or guardian(s), unless otherwise permitted or required by law.

- **Marketing Activities.** We must obtain your specific written authorization in order to use any of your PHI to provide you with marketing materials by mail, email or telephone. However, we may provide you with marketing materials face-to-face without obtaining authorization, in addition to communicating with you about services or products that relate to your treatment, case management, care coordination, alternative treatments, therapies, providers or care settings. If you do provide us with your written authorization to send you marketing materials, you have a right to revoke your authorization at any time. If you wish to revoke your authorization, please contact the Privacy Officer.
- **Activities Where We Receive Money for Giving Your PHI to a Third Party.** For certain activities in which we would receive remuneration, directly or indirectly, from a third party in exchange for your PHI, we must obtain your specific written authorization prior to doing so. However, we would not require your authorization for activities such as for treatment, public health or research purposes. If you do provide us with your written authorization, you have a right to revoke your authorization at any time. If you wish to revoke your authorization, please contact the Privacy Officer.

### III. YOUR RIGHTS.

1. **Right to Request Additional Restrictions.** You have the right to request restrictions on the uses and disclosures of your PHI, such as:
  - For treatment, payment and health care operations;
  - To individuals involved in your care or payment related to your care;
  - To notify or assist individuals to locate you or obtain information about your condition;
  - Your right to privately pay for care without a bill being submitted to insurance.

Although we will carefully consider all requests for additional restrictions on how we will use or disclose your PHI, we are not required to grant your request unless your request relates *solely* to disclosure of your PHI to a health plan or other payor for the *sole purpose of payment or health care operations for a health care item or service that you or your representative have paid us for in full*. Requests for restrictions must be in writing. Please contact the Privacy Officer if you wish to request a restriction.

2. **Right to Confidential Communications.** You have the right to make a reasonable written request to receive your PHI by alternative and reasonable means of communication or at alternative reasonable locations.
3. **Right to Inspect/Copy PHI.** You have the right to inspect and request copies of your PHI that we maintain. For PHI that we maintain in any electronic designated record set, you may request a copy of such PHI in a reasonable electronic format, if readily producible. However, under limited circumstances, you may be denied access to a portion of your records. For example, if your doctor believes that certain information contained within your medical record could be harmful to you, we would not release that information to you. Please contact the Health Information Management Department if you would like to inspect or request copies of your PHI from us. We may charge you a reasonable fee for paper copies of your PHI or the amount of our reasonable labor costs for a copy of your PHI in an electronic format.
4. **Right to Notice of Breach.** We take very seriously the confidentiality of our patients' information, and we are required by law to protect the privacy and security of your PHI through appropriate safeguards. We will notify you in the event a breach occurs involving your unsecured PHI and inform you of what steps you may need to take to protect yourself.
5. **Right to Paper Copy of Notice of Privacy Practices.** You may at any time request a paper copy of this Notice, even if you previously agreed to receive this Notice by email or other electronic

format. Please contact the Privacy Officer to obtain a paper copy of this Notice.

6. **Right to Revoke Authorization.** You may at any time revoke your authorization, whether it was given verbally or in writing. You will generally be required to revoke your authorization **in writing** by contacting our Privacy Officer. Any revocation will be granted except to the extent we may have taken action in reliance upon your authorization.
7. **Right to Request Amendment.** You may request in writing that we amend, or change, your PHI that we maintain by contacting the Director of Health Information Management. We will comply with your request unless:
  - We believe the information is accurate and complete;
  - We maintain the information you have asked us to change but we did not create or author it; for example, your medical records from another doctor were brought to us and incorporated into your medical records with our doctors;
  - The information is not part of the designated record set or otherwise unavailable for inspection.

Requests for amendments must be in writing.

8. **Right to an Accounting.** You may request an accounting of certain disclosures we have made of your PHI within the period of six (6) years from the date of your request for the accounting. The first accounting you request within a period of twelve (12) months is free. Any subsequently requested accountings may result in a reasonable charge for the accounting statement. Please contact the Privacy Officer if you wish to request an accounting of disclosures. We will generally respond to your request in writing within thirty (30) days from receipt of the request.

### IV. OUR DUTIES.

We are required by law to maintain the privacy of your PHI and to provide you with a copy of this Notice. We are also required to abide by the terms of this Notice. We reserve the right to amend this Notice at any time in the future and to make the new Notice provisions applicable to all your PHI – even if it was created prior to the change in the Notice. However, if we do change this Notice, we will only make changes to the extent permitted by law. We will also make the revised Notice available to you by posting it in a place where all individuals seeking services from us will be able to read the Notice. You may obtain the Notice in hard copy from our Privacy Officer.

### V. COMPLAINTS TO THE GOVERNMENT.

If you believe your privacy rights have been violated, you may file a complaint with the Secretary of the Department of Health and Human Services or the Privacy Officer for St. Joseph's Health. To file a complaint with St. Joseph's Health, contact the Privacy Officer at the address below. We will not retaliate against you for any complaint you make to the government about our privacy practices.

### VI. CONTACT INFORMATION.

If you have any questions or would like additional information about this Notice, please contact the Privacy Officer at:

St. Joseph's University Medical Center  
703 Main Street  
Paterson, New Jersey 07503  
Phone: 973-754-2859

### VII. ELECTRONIC NOTICE.

This Notice of Privacy Practices is also available on our web page at [www.StJosephsHealth.org](http://www.StJosephsHealth.org)

### ST. JOSEPH'S HEALTH HOSPITALS

- St. Joseph's University Medical Center
- St. Joseph's Children's Hospital
- St. Joseph's Wayne Medical Center
- St. Joseph's Healthcare & Rehab Center  
Formerly St. Vincent's Healthcare & Rehab Center