



BAPTIST HEALTH PLAN

NOTICE OF PRIVACY PRACTICES

Effective September 1, 2015

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.

Baptist Health Plan (BHP) respects the confidentiality of your Protected Health Information (PHI). PHI is any information about you that can be used to identify you. BHP will protect your PHI in a responsible and professional manner. BHP is required by law to maintain the privacy of your health information and to abide by the terms of this Privacy Notice.

This Notice explains how BHP uses PHI and when BHP can share that information with others. It also informs you of your rights with respect to your PHI and how you can exercise those rights.

HOW BHP MAY USE OR SHARE PROTECTED HEALTH INFORMATION

BHP will use or disclose your PHI for medical treatment, to obtain payment, and for health care operations. These types of uses or disclosures do not require your authorization. Listed below are some examples of how BHP can use or share your PHI for these reasons. The examples are not meant to be exhaustive, but describe common types of disclosures BHP may make.

Examples of Uses and Disclosures for Treatment:

1. BHP may use or share your PHI with your doctors, hospitals or other medical providers to help them provide medical care to you. For example, if you are in the hospital, BHP may provide your medical records to the hospital in order to help with your treatment.
2. BHP may use or share your PHI with others to help manage your health care. For example, BHP may provide your medical records to your primary care doctor so he or she may provide you with a referral or to your other doctors so they may consult with each other regarding your treatment.

Examples of Uses and Disclosures for Payment:

1. BHP may use or share your PHI to determine your eligibility for benefits and process your claims. For example, BHP may use your PHI to determine the amount to reimburse your doctor for your care.
2. BHP may use or share your PHI with another covered entity to determine who is primarily responsible for paying your health care provider's claims. For example, BHP may share your PHI with another insurer to determine the amount of reimbursement BHP and the other insurer are each obligated to pay.

Examples of Uses and Disclosures for Health Care Operations:

1. BHP may use or share your PHI for quality improvement, patient safety, compliance, or case management activities.
2. BHP may use or share your PHI in order to provide you with information about alternative medical treatments and programs, or about health related products and services for which you may have an interest. For example, BHP might send you information about smoking cessation or weight loss programs.

OTHER USES OR DISCLOSURES THAT MAY BE MADE WITHOUT YOUR AUTHORIZATION

BHP may use or disclose your health information without your authorization for the reasons provided below. When BHP is required to inform you of one of these uses or disclosures, or in situations where you may be provided an opportunity to agree to them, the information and agreement may be provided orally.

Business associates: BHP may disclose your PHI to BHP's business associates that provide services for BHP and may allow its business associates to create, receive, use, maintain, or transmit your PHI on BHP's behalf. Examples of business associate services may include pharmacy benefits management and claims processing services. When BHP contracts for services like these, BHP may disclose your health information to BHP business associates so that they can perform the job BHP has asked them to do. However, to protect your health information, BHP requires the business associate to contractually agree to appropriately safeguard your information, to use or disclose it only as authorized in the contract, and to return, destroy or continue to safeguard the PHI at the termination of the contract. In addition, BHP business associates are required to independently comply with all applicable laws regarding the use or disclosure of PHI.

Plan sponsors: BHP may disclose certain types of PHI to a plan sponsor (for example, an employer providing insurance for its employees), such as information on whether you are enrolled and participating in the plan. BHP may disclose PHI to a plan sponsor for the purpose of obtaining premium bids or modifying, amending or terminating the plan, if the PHI has been summarized so that it does not identify individual employees. BHP may disclose PHI to a plan sponsor if the plan documents restrict the uses or disclosures of PHI by the plan sponsor in a manner that provides similar protections to those contained in this Privacy Notice. In addition, neither BHP nor the plan sponsor may use or disclose PHI for employment-related actions or decisions or in connection with any other benefit or employee benefit plan of the plan sponsor.

Those Involved in an individual's care and for notification purposes: BHP may use or disclose to a family member, other relative, close personal friend, or any other person identified by or with an individual, PHI that is directly relevant to such person's involvement with the individual's health care or payment related to the individual's health care. BHP may also use or disclose PHI to notify, or assist in notifying (including identifying or locating) a family member, personal representative or other person responsible for the care of the individual, that concerns the individual's location, general condition, or death.

Abuse, neglect, or domestic violence: BHP may disclose PHI about an individual who BHP reasonably believes to be a victim of abuse, neglect, or domestic violence, to a government authority authorized to receive such reports when BHP is required to do so by law. In such cases BHP will notify you or your personal representative of the disclosure, unless BHP believes that the notice may place you at risk.

Judicial or administrative proceedings: BHP may disclose PHI in response to a court or administrative order, but only as required. BHP may also use or disclose PHI in response to a subpoena, discovery request, or other lawful process, but only if BHP receives satisfactory assurances that the party seeking disclosure has attempted to notify you of the request or to obtain a protective order regarding the information disclosed, or if BHP tries to notify you of the request or obtain a protective order directly.

Law enforcement purposes: BHP may disclose PHI to a law enforcement official for law enforcement purposes. Examples include when BHP is required by law to report certain types of injuries; in response to a court-ordered warrant, subpoena, summons, or similar process; or

for the purpose of identifying a suspect, fugitive, witness, or missing person. BHP may also disclose PHI about you to law enforcement officials if you are the victim of a crime, but only if you agree to the disclosure or we are unable to obtain your agreement because of emergency or incapacity and the law enforcement officials involved represent that the information is necessary and will not be used against you. BHP may also disclose PHI to law enforcement officials about an individual who has died to alert law enforcement if BHP suspects criminal conduct may be involved with the death, or if the disclosure of PHI may provide evidence about a crime that has occurred on BHP premises.

Public health activities: BHP may use or disclose PHI to public health authorities authorized to receive information for the purpose of controlling disease, injury or disability; authorities authorized to receive reports of child abuse or neglect; or Food and Drug Administration (FDA) related inquiries into the quality, safety, or effectiveness of an FDA-regulated product. BHP may use or disclose PHI to a person who may have been exposed to a communicable disease or is at risk of contracting one, when authorized by law; or to a school about a student or prospective student if the PHI disclosed is limited to proof of immunization, the school is required to have proof of immunization prior to admitting the student, and BHP obtains and documents the agreement of a parent, guardian or the student (if the student is an adult or emancipated minor).

Health oversight activities: BHP may disclose PHI to a health oversight agency authorized by law to conduct audits, civil, administrative, or criminal investigations; other proceedings; inspections, licensure or disciplinary actions; or other oversight activities involving the health care system, government benefit programs, or entities subject to government regulations and civil rights law regarding the use of health care information.

Decedents: BHP may disclose PHI to a coroner or medical examiner for the purpose of identifying a deceased person, determining a cause of death, or for other duties authorized by law. BHP may also disclose PHI to funeral directors consistent with applicable law and as necessary to carry out duties with respect to a decedent or in anticipation of an individual's death.

Organ, eye, or tissue donation: BHP may disclose PHI to organ procurement organizations or other organizations that obtain, bank or transplant cadaveric organs, eyes, or tissues for the purpose of facilitating donation and transplants.

Research purposes: BHP may use or disclose PHI for research purposes, provided that the use or disclosure involves no more than a minimal risk to the privacy of individuals, the research could not be conducted without a waiver of authorization (from an Institutional Review Board or privacy board), and the research could not be conducted without access to and use of the PHI.

To avert a serious threat to health or safety: BHP may use or disclose PHI consistent with applicable law and standards of ethical conduct, if BHP believes in good faith that the use or disclosure is necessary to prevent a serious and imminent threat to the health and safety of a person or the public, and the disclosure is made to a person or persons reasonably able to prevent or lessen the threat. BHP may also use or disclose PHI that law enforcement authorities need to identify or apprehend an individual, when based on either a statement made by an individual that admits to participation in a violent crime resulting in harm, or where an individual has escaped from a correctional institution or other lawful custody.

Specialized government functions: BHP may use or disclose the PHI of domestic or foreign Armed Forces personnel for military activities that are approved by military command authorities and published in the Federal Register. BHP may disclose PHI to authorized federal officials for national security and intelligence activities when authorized by the National Security Act. BHP may disclose PHI to authorized federal officials for the provision of protective services to the President or to foreign heads of state or in conjunction with related investigations. BHP may

use or disclose PHI to a correctional facility or law enforcement official having lawful custody or an inmate or individual, if BHP receives a representation that use or disclosure is necessary for the provision of health care to the inmate or individual, the health and safety of others, or the safety and security of the correctional institution.

Worker's Compensation: BHP may use or disclose PHI authorized by and to the extent necessary to comply with worker's compensation laws or other similar legally-established programs that provide benefits for work-related injuries or illness without regard to fault.

Genetic Information: BHP is prohibited from using or disclosing your PHI that is genetic information for underwriting purposes.

Note for Kentucky residents: In accordance with Kentucky law, BHP recognizes a patient's right of privacy in patient records and communications with a health care provider concerning mental health and chemical dependency. When mental health and chemical dependency are involved, BHP will request from providers only the information necessary for determining covered services and supplies, medical necessity, appropriateness, and quality of care. BHP will request only information needed either for authorization or continuation of mental health and chemical dependency health services, or for payment for those services. In addition, BHP will not re-disclose or otherwise reveal patient records made by a provider concerning mental health and chemical dependency beyond the purpose for which the original disclosure was made, unless BHP first obtains the patient's specific written consent to the re-disclosure.

Note for Indiana residents: BHP adheres to the requirements of Indiana law regarding the use or disclosure of PHI, as contained in Article 13, Title 27 of the Indiana Code.

USES AND DISCLOSURES THAT REQUIRE YOUR WRITTEN AUTHORIZATION

Psychotherapy notes: BHP will not use or disclose psychotherapy notes concerning you made in the course of treatment without your written authorization unless they are for the use of the medical provider who originated the notes and the disclose is for providing further treatment, or for BHP to defend itself in a legal action initiated by you.

Marketing: BHP will not use or disclose your PHI for marketing purposes without your written authorization unless the marketing communication is in the form of a face-to-face communication between BHP and you, or if BHP is providing you with a gift of nominal value.

Sale of protected health information: BHP will not use or disclose your PHI in return for compensation from the recipient of the PHI without your written authorization. Any such authorization will inform you that the disclosure of the PHI will result in compensation to BHP.

OTHER USES AND DISCLOSURES; AUTHORIZATIONS

Other uses and disclosures not described in this Notice will be made only with your written authorization. If you provide us with a written authorization, you may revoke your authorization at any time, provided that the revocation is in writing. Revocations may not be effective to the extent BHP has previously taken action with respect to use and disclosure of PHI in reliance on your authorization, or if the authorization was obtained as a condition of obtaining insurance coverage and other law provides BHP with the right to contest a claim or the insurance policy itself.

YOUR RIGHTS WITH RESPECT TO PROTECTED HEALTH INFORMATION

1. **You have the right to request restrictions** on how BHP may use or disclose your PHI for treatment, payment, or health care operations. You also have the right to request restrictions

on PHI that BHP may provide to family members or to others who are involved in your health care or in the payment for your health care. However, BHP is not required to agree to a requested restriction. Please also note that requested restrictions will not be effective where otherwise permitted or required by law.

2. **You have the right to receive confidential communications** of PHI. BHP will accommodate reasonable requests to communicate your PHI to you by alternate means or to alternate locations if you inform us that disclosure of all or part of the PHI could endanger you. BHP may require that you make the request in writing in which you state that disclosure of the PHI to you by standard communication means could endanger you and describe how and/or where you wish to have the PHI sent to you.
3. **You have the right of access to inspect and obtain a copy of PHI** that is maintained in a designated record set by BHP or a BHP business associate. However, you do not have a right of access to certain types of PHI, including psychotherapy notes; information compiled in reasonable anticipation of or for use in a civil, criminal or administrative action or proceeding; or PHI subject to certain federal laws governing clinical laboratories. BHP may require that you make your request in writing.
4. **You have a right to amend PHI** maintained in a designated record set. BHP may deny your request for an amendment if we did not create the PHI and the PHI is otherwise available from the entity that did (for example, your healthcare provider), if you do not have a right of access or inspection to the PHI, or if the PHI is accurate and complete. BHP may require that your request be made in writing and include the reason you are requesting an amendment. If BHP denies your request, BHP will notify you in writing and inform you of other rights you may have.
5. **You have the right to receive an accounting** of disclosures of PHI made by BHP, except for disclosures which were made:
 - To carry out treatment, payment, or health care operations;
 - Previously to you;
 - Incidental to a permitted use or disclosure;
 - Pursuant to your authorization;
 - To facility directories or persons involved in your care;
 - For national security or intelligence purposes;
 - To correctional institutions or law enforcement;
 - As part of a limited data set for the purposes of research, public health, or health care operations, and from which information that might identify you, your relatives, employers, or household members has been removed; and
 - Six years or more before the date the accounting is requested.

BHP will act on your request within 60 days. If BHP needs additional time to act on your request, BHP may take up to an additional 30 days and will notify you in writing. Your first accounting request in any 12 month period will be free. For subsequent requests BHP may impose a reasonable cost-based fee, but will inform you in advance of the fee and provide you with an opportunity to withdraw or modify your request.

6. **You have a right to obtain a paper copy of this Notice upon request.** You may receive a paper copy of this notice by contacting the BHP Privacy Officer at the address listed below, or you may view and print a copy of the Notice on BHP's internet website at www.baptisthealthplan.com.

BHP'S LEGAL DUTIES

1. BHP is required by law to maintain the privacy of PHI, to provide you with notice of our legal duties and privacy practices with respect to PHI, and to notify you or other affected individuals following a breach of unsecured PHI.
2. BHP must abide by the terms of the BHP Privacy Notice currently in effect.
3. BHP reserves the right to change the terms of this Notice, and to make the new notice provisions effective for all PHI that BHP maintains. If there is a material change to the Privacy Notice, BHP will prominently post the change and/or revised notice on BHP's website by the effective date of the material change, and provide the revised notice, or information about the material change and how to obtain the revised notice, in its next scheduled mailing to enrollees.

QUESTIONS, REQUESTS AND COMPLAINTS

If you have questions about the way BHP handles your PHI, or would like to make a request or submit a complaint, please contact BHP's Privacy Officer at the address listed below. BHP will not retaliate against a person for filing a complaint.

Baptist Health Plan
Attn: Privacy Officer
651 Perimeter Drive, #300
Lexington, Kentucky 40517
(859) 269-4475
(800) 787-2680
(859) 335-3720 fax

Privacy.Officer@baptisthealthplan.com

You may also contact the Secretary of the U.S. Department of Health and Human Services at 200 Independence Avenue, S.W., Washington, D.C. 20201, or telephone at (877) 696-6775.