

## NOTICE OF PRIVACY PRACTICES

**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.**

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) imposes numerous requirements on employer health plans concerning the use and disclosure of individual health information. This information, known as protected health information (PHI), includes virtually all individually identifiable health information held by the plan, whether received in writing, in an electronic medium, or as an oral communication.

This Notice of Privacy Practices ("Notice") describes the privacy practices of the Lancaster County sponsored self-insured group dental plan and flexible spending account plan.

The Plan must abide by the terms of the privacy Notice currently in effect. This Notice took effect on April 14, 2004 and has been updated effective October 1, 2013. However, we reserve the right to change the privacy practices described in this notice in accordance with the law. If the privacy practices are changed, a revised version of this Notice will be provided to individuals then covered by the Plan for which the Plan still maintains PHI.

### **USE AND DISCLOSURE OF YOUR PROTECTED HEALTH INFORMATION WITHOUT YOUR WRITTEN AUTHORIZATION**

**Uses and Disclosures to Carry Out Treatment, Payment and Health Care Operations.** The Plan has the right to and will use PHI without your authorization or opportunity to agree or object so the Plan can carry out treatment, payment and health care operations. The Plan may also disclose PHI to the Plan Sponsor and to certain agents and employees of the Plan Sponsor. The Plan Documents have been amended to protect your PHI as required by the Privacy Regulations.

The Plan may disclose your protected health information to other persons or organizations known as business associates who provide services for the Plan under contract. We require our business associates to protect the information we provide to them pursuant to the Privacy Regulations.

**Individuals Involved With Your Care or Payment Of Your Care.** The Plan may disclose your PHI to family members, other relatives and your close personal friends if the information is directly relevant to the family or friend's involvement with your care or payment for that care and you have either agreed to the disclosure or have been given an opportunity to object and have not objected.

### **Other Uses and Disclosures for Which Authorization is Not Required:**

- 1. Required by Law.** The Plan may use or disclose your health information to the extent that the use or disclosure is required by law.
- 2. Public Health Activities.** The Plan may use or disclose your health information for public health activities required or permitted by law. These activities generally include the following: to prevent or control disease, injury or disability; to report births or deaths; to report reactions to medications or problems with products; to notify people of recalls of products they may be using; or to notify a person who may have been exposed to a disease or may be at risk for getting or spreading a disease or condition.
- 3. Health Oversight Activities.** The Plan may use or disclose your health information to a health oversight agency for activities authorized by law such as audits, investigations, licensure and inspections. These agencies might include government agencies that oversee the health care system, government benefit programs, other government regulatory programs, and civil rights law.
- 4. Abuse or Neglect.** The Plan may use or disclose your health information if we believe that you have been a victim of abuse, neglect, or domestic violence, to the governmental entity or agency authorized to receive such information, In this case, the disclosure will be made consistent with the requirements of applicable federal and state law.
- 5. Coroners, Medical Examiners and Funeral Directors.** The Plan may use or disclose your health information to coroners, medical examiners and funeral directors so they can carry out their duties such as identifying the body, determining cause of death, or in the case of funeral directors, to carry out funeral preparation.

- 6. Law Enforcement.** The Plan may use and disclose health information for law enforcement purposes, including but not limited to the following: in response to legal proceedings; to identify or locate a suspect, fugitive, material witness or missing person; pertaining to a victim of a crime; pertaining to a death believed to be the result of criminal conduct; pertaining to crimes occurring on-site; and in emergency situations to report a crime, the location of the crime or victims involved.
- 7. Organ, Eye and Tissue Donation.** The Plan may use or disclose your health information to people involved with obtaining, storing, or transplanting organs, eyes or tissue donation after death.
- 8. Military and National Security Activities.** The Plan may use or disclose your health information to authorized federal officials for conducting intelligence, counterintelligence, and other national security activities.
- 9. Legal Proceedings.** The Plan may use or disclose your health information in the course of any judicial or administrative proceeding, in response to a court or administrative order and in certain conditions in response to a subpoena, discovery request or other lawful process.
- 10. Worker's Compensation.** The Plan may use or disclose your health information to comply with workers' compensation laws and other similar legal programs that provide benefits for work-related injuries or illness.
- 11. Health or Safety.** The Plan may use or disclose your health information to law enforcement or other agencies to prevent a serious threat to your health and safety or the health and safety of other people.
- 12. Inmates.** The Plan may use or disclose health information to a correctional institution or law enforcement official if you are an inmate of a correctional institution or under the custody of a law enforcement official.
- 13. For Research.** Under certain circumstances, and only after a special approval process, the Plan may use or disclose your health information to help conduct research.
- 14. HHS Investigations.** The Plan may use or disclose your health information to the Department of Health and Human Services (HHS) to investigate or determine the Plan's compliance with the HIPAA privacy rule.

#### **YOUR RIGHTS WITH REGARD TO YOUR HEALTH INFORMATION:**

**Right to Inspect and Copy.** You have the right to inspect and obtain a copy of your health information. However, this right does not apply to psychotherapy notes; information gathered in reasonable anticipation of, or use in, a civil, criminal or administrative action or proceeding; and protected health information that is subject to law that prohibits access to protected health information. You may be charged a reasonable fee for a copy of your records. In some circumstances you may have the right to receive this information in an electronic copy sent to an entity or individual you have clearly, specifically, and conspicuously designated.

**Right to Request to Correct or Amend.** If you believe your health information is incorrect, you may ask us to correct or amend the information. Your request must be made in writing and must include a reason for the correction or change. If we did not create the health information that you believe is incorrect, or if we disagree with you and believe your health information is correct, we may deny your request.

**Right to Request Restrictions.** You have the right to ask for restrictions on how your health information is used or disclosed for treatment, payment and health care operations. Your request must be in writing and must include what information you want to limit; whether you want to limit our use, disclosure or both; and to whom you want the limits to apply. We are not legally required to agree with your requested restriction(s) unless (1) your request is to restrict disclosures to health plans; (2) your request only limits disclosures made for the purpose of carrying out payment or health care operations; (3) the request only limits disclosures relating to health care items or services for which you, or another person on your behalf other than the health plan, have paid out of pocket in full; and (4) the disclosure is not otherwise required by law.

**Right to Request Confidential Communications.** You have the right to ask that we communicate your health information to you using alternative means or an alternative location. For example, you may wish to receive information about your health status in a special, private room or through a written letter sent to a private address. We will accommodate reasonable requests.

**Right to an Accounting of Disclosures.** You have the right to ask that we provide you with a list of the disclosures we have made of your health information in the six years prior to the date on which the accounting is requested. This list will not include disclosures made for treatment, payment or health care operations. This list will not include disclosures made to you or your legal representative, law enforcement/corrections, regarding inmates, certain health oversight activities, our directory, national security or pursuant to your authorization. In some circumstances, if we maintain an

electronic health record about you, you may have the right to receive an accounting of disclosures, for the last three years, which were made for treatment, payment or healthcare operations purposes.

**Right to Receive Notification of Certain Breaches.** You have the right to receive a notification from Lancaster County in certain situations. Generally you will receive this notification if we become aware that (1) your personal health information has been accessed, disclosed, or used in violation of federal laws, and your information was not secured according to federal standards; and (2) we determine that the improper access, disclosure, or use could cause significant financial harm to you, harm to your reputation, or cause other harm to you. The notification we send will contain important information about the improper access, disclosure or use and where you can obtain further information.

**Right to Revoke Your Authorization.** If you sign an authorization form, you may withdraw your authorization at any time, as long as your withdrawal is in writing.

**Right to a Paper Copy of this Notice.** You have the right to a paper copy of this notice upon request.

**Compliance with the Genetic Information Nondisclosure Act of 2008.** In accordance with federal law, the Plan does not intend to use or disclose genetic information for any underwriting purposes.

**Complaints.** If you believe your privacy rights have been violated, you may file a complaint with us and/or with the Secretary of the U.S. Department of Health and Human Services in Washington, D.C. We will not retaliate against you for filing such a complaint.

**If you have any questions or concerns regarding your privacy rights, the information in this notice, or if you wish to file a complaint, please contact the following individual for information:**

Lancaster County  
ATTN: Privacy Officer  
555 S. 10 Street  
Lincoln, NE 68502  
402-441-7883

**This Notice of Privacy Practices is effective Oct. 1, 2013.**