

# Notice of Privacy Practices of Bryan Health

**THIS NOTICE DESCRIBES HOW HEALTH INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN OBTAIN ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY.**

We are required by law to maintain the privacy of your health information and to provide you with notice of our legal duties, privacy practices and your rights with respect to your health information. Your health information includes your individually identifiable medical, insurance, demographic and medical payment information. For example, it includes information about your diagnosis, medications, insurance status and policy number, medical claims history, address, and social security number.

## Who will follow this notice

### Bryan Health Affiliated Covered Entity

This Notice describes the privacy practices of the Bryan Health Affiliated Covered Entity (“Bryan Health ACE” or “Bryan Health”), which consists of Bryan Medical Center, Bryan Physician Network, Integrated Cardiology Group, L.L.C. doing business as Bryan Heart, Crete Area Medical Center, and Merrick Medical Center, and all of the programs, departments, clinics and service locations of any of these affiliates. A full list of departments and clinic locations can be obtained by contacting the Privacy Officer at the address listed at the end of this Notice. All the affiliates that make up the Bryan Health ACE will use and distribute this Notice as their “Joint Notice of Privacy Practices” and follow the information practices described in this Notice when using or disclosing records and information. They will share your health information with each other as necessary to carry out treatment, payment or health care operations as described in this Notice.

### Medical Staff

This Notice also describes the privacy practices of the physicians, nurse practitioners and other health care professionals on our medical staffs and other health care providers that provide health care services in our hospitals, clinics and other sites. This arrangement is called an “organized health care arrangement” or “OHCA” between the Bryan Health ACE and eligible providers on the Medical Staffs of the affiliates listed above. Because Bryan Health is a clinically-integrated care setting where our patients receive care from Bryan Health staff as well as from independent providers providing services at the affiliate, the Bryan Health affiliates and their Medical Staffs must be able to share your medical information freely for treatment, payment and health care operations as described in this Notice. Because of this, Bryan Health and all eligible providers on our Medical Staffs have entered into the OHCA under which Bryan Health and the eligible Practitioners will:

- Use and distribute this Notice as their Joint Notice of Privacy Practices;
- Obtain a single signed acknowledgment of receipt;
- Follow the information practices described in this Notice when using or disclosing Bryan Health records; and
- Share health information from inpatient and outpatient visits among participants so that they can help Bryan Health with its health care operations.

**Nothing in this Notice is meant to imply or create an employment relationship between any independent physician or other practitioner and us. The OHCA does not cover the information practices or health information of medical staff members in their private offices or at other practice locations.**

# Your individual rights

## Request for restrictions

You have the right to request a restriction or limitation on the medical information we use or disclose about you for treatment, payment or health care operations or to persons involved in your care. We are not required to agree to your request, with one exception explained in the next paragraph, and we will notify you regarding our decision about your request.

We are required to agree to your request that we not disclose certain health information to your health plan for payment or health care operations purposes, if you pay out-of-pocket in full within 30 days for all expenses related to that service, and the disclosure is not otherwise required by law. Such a restriction will only apply to records that relate solely to the service for which you have paid in full. If we later receive an authorization from you dated after the date of your requested restriction which authorizes us to disclose all of your records to your health plan, we will assume you have withdrawn your request for restriction.

Several different covered entities listed at the beginning of this Notice use this Notice. However, that does not necessarily include all covered entities involved in the care you receive at a Bryan Health location. You must make a separate request to each covered entity from whom you will receive services that are involved in your request for any type of restriction. Examples of these covered entities might include the surgeon who performs your surgery, the radiologist who reads your x-rays, or the hospitalist who oversaw your medical care and any other specialist involved. If you have questions regarding which covered entities will be involved in your care, contact the Privacy Officer at Bryan Health using the contact information at the end of this notice.

## Access to health information

You may inspect and receive a paper or electronic copy of much of the health information we maintain about you, with some exceptions. In most cases, we have 30 days to respond to your request. If we maintain the health information electronically in one or more designated record sets and you ask for an electronic copy, we will provide the information to you in the electronic form and format you request, if it is readily producible. If we cannot readily produce the record in the electronic form and format you request, we will produce it in another readable electronic form we both agree to. We may charge a cost-based fee for producing copies or, if you request one, a summary. If you direct us to transmit your health information to another person, we will do so, provided your signed, written direction clearly designates the recipient and location for delivery.

## Amendment

You may request that we amend certain health information that we keep in your records. We are not required to make all requested amendments, but will give each request careful consideration. If we deny your request, we will provide you with a written explanation of the reasons and your rights.

## Accounting

You have a right to receive an accounting of certain disclosures of your health information made by us or our business associates for the six years prior to your request. Your right to an accounting does not include disclosures for treatment, payment and health care operations and certain types of disclosures, for example, as part of a facility directory or disclosures in accordance with your authorization. The first accounting in any 12-month period is free, and you may be charged a fee for each subsequent accounting you request within the same 12-month period.

## Confidential communications

You may request that we communicate with you about your health information in a certain way or at a certain location. We will agree to your request if it is reasonable and specifies the alternate means or location.

## Notification in the case of a breach

We are required by law to notify you of a breach of your unsecured health information. We will provide such notification to you without unreasonable delay, but in no case later than 60 days after we discover the breach.

## How to exercise these rights

All requests to exercise these rights must be in writing. We will respond to your request on a timely basis in accordance with our written procedures and as required by law. You may receive request forms or exercise your rights by contacting Release of Information in the Health Information Management Department at 402-481-8424.

# Uses and disclosures of your health information without your authorization

The following are the types of uses and disclosures we may make of your health information without your permission. Where State or federal law restricts one of these uses or disclosures, we will follow the requirements of such State or federal law. These are general descriptions only and they do not cover every example of use and disclosure within a category.

## We will use and disclose your health information for treatment purposes.

*For example:*

- We will use and disclose health information about you with nurses, physicians and technicians who are involved in your care at Bryan Health.
- We will disclose your health information to your physician and other physicians, providers and health care facilities for their use in treating you in the future.
- If you are transferred to a nursing facility, we will send health information about you to the nursing facility.

## We will use and disclose your health information for payment purposes.

*For example:*

- We will use your health information to prepare your bill, and we will send health information to your insurance company with your bill.
- We may disclose health information about you to other medical care providers, medical plans and health care clearinghouses for their payment purposes.
- If you are brought in by ambulance, we may disclose your health information to the ambulance provider for its billing purposes.

If State law requires, we will obtain your permission prior to disclosing to other providers or health insurance companies for payment purposes.

## We will use and disclose your health information for health care operations.

*For example:*

- Our medical staff members or members of our workforce may review your health information to evaluate the treatment and services provided, and the performance of our staff in caring for you.
- In some cases, we will furnish your health information to other qualified parties for their health care operations.
- The ambulance company, for example, may want information on your condition to help them know whether they have done an effective job of stabilizing your emergency condition.

If State law requires, we will obtain your permission prior to disclosing your medical information to other providers or health insurance companies for their health care operations.

## **We will allow our business associates to use or disclose your health information to perform their services for us.**

For example, we may disclose your health information to an outside billing service so that they can assist us in billing for services.

### **Patient directory**

While you are a patient at Bryan Health, your name, location in the facility patient directory, general condition (e.g., fair, serious, etc.) and religious affiliation may be included in a patient directory. This information may be provided to members of the clergy and, except for religious affiliation, to other people who ask for you by name. We will not include your information in the patient directory if you object or if State or federal law prohibits us.

### **Family, friends and others**

We may disclose your location or general condition to a family member, your personal representative or another person identified by you. If any of these individuals are involved in your care or payment for care, we may also disclose to them such health information as is directly relevant to their involvement. We will only release this information if you agree, are given the opportunity to object and do not, or if in our professional judgment, it would be in your best interest to allow the person to receive the information or act on your behalf. For example, we may allow a family member to pick up your prescriptions, medical supplies or X-rays. We may also disclose your information to an entity assisting in disaster relief efforts so that your family or individual responsible for your care may be notified of your location and condition.

### **Required by Law**

We will use and disclose your information as required by federal, State or local law, including disclosing your information to the Secretary of the Department of Health and Human Services to evaluate our compliance with privacy laws.

### **Public health activities**

We may disclose health information about you for public health activities. These activities may include disclosures:

- To a public health authority authorized by law to collect or receive such information for the purpose of preventing or controlling disease, injury or disability;
- To appropriate authorities authorized to receive reports of child abuse and neglect;
- To FDA-regulated entities for purposes of monitoring or reporting the quality, safety or effectiveness of FDA-regulated products;
- To notify a person who may have been exposed to a disease or may be at risk for contracting or spreading a disease or condition; and
- With parent or guardian permission, to send proof of required immunization to a school.

### **Abuse, neglect or domestic violence**

We may notify the appropriate government authority if we believe you have been the victim of abuse, neglect or domestic violence. Unless such disclosure is required by law (for example, to report a particular type of injury), we will only make this disclosure if you agree.

### **Health oversight activities**

We may disclose health information to a health oversight agency for activities authorized by law. These oversight activities include, for example, audits, investigations, inspections and licensure. These activities are necessary for the government to monitor the health care system, government programs and compliance with civil rights laws.

## **Judicial and administrative proceedings**

If you are involved in a lawsuit or a dispute, we may disclose health information about you in response to a court or administrative order. We may also disclose health information about you in response to a subpoena, discovery request or other lawful process by someone else involved in the dispute, but only if reasonable efforts have been made to notify you of the request or to obtain an order from the court protecting the information requested.

## **Law enforcement**

We may release certain health information if asked to do so by a law enforcement official.

For example, we may disclose health information:

- As required by law, including reporting certain wounds and physical injuries;
- In response to a court order, subpoena, warrant, summons or similar process;
- To identify or locate a suspect, fugitive, material witness, or missing person;
- In emergency circumstances to report a crime; the location of the crime or victims; or the identity, description or location of the person who committed the crime;
- To alert authorities of a death we believe may be the result of criminal conduct;
- Information we believe is evidence of criminal conduct occurring on our premises; and
- If you are the victim of a crime if we obtain your agreement or, under certain limited circumstances, if we are unable to obtain your agreement.

## **Deceased individuals**

We are required to apply safeguards to protect your health information for 50 years following your death. Following your death we may disclose health information to a coroner, medical examiner or funeral director as necessary for them to carry out their duties and to a personal representative (for example, the executor of your estate). We may also release your health information to a family member or other person who acted as a personal representative or was involved in your care or payment for care before your death, if relevant to such person's involvement, unless you have expressed a contrary preference.

## **Organ, eye or tissue donation**

We may release health information to organ, eye or tissue procurement, transplantation or banking organizations or entities as necessary to facilitate organ, eye or tissue donation and transplantation.

## **Research**

Under certain circumstances, we may use or disclose your health information for research, subject to certain safeguards. For example, we may disclose information to researchers when a special committee who has reviewed the research proposal and established protocols to ensure the privacy of your health information has approved their research. We may disclose health information about you to people preparing to conduct a research project, but the information will stay on site.

## **Threats to health or safety**

Under certain circumstances, we may use or disclose your health information to avert a serious threat to health and safety if we, in good faith, believe the use or disclosure is necessary to prevent or lessen the threat and is to a person reasonably able to prevent or lessen the threat (including the target) or is necessary for law enforcement authorities to identify or apprehend an individual involved in a crime.

## **Specialized government functions**

We may use and disclose your health information for national security and intelligence activities authorized by law or for protective services of the President. If you are a military member, we may disclose to military authorities under certain circumstances. If you are an inmate of a correctional institution or under the custody of a law enforcement official, we may disclose to the correctional institution, its agents or the law enforcement official your health information necessary for your health and the health and safety of other individuals.

## **Workers' compensation**

We may release health information about you as authorized by law for workers' compensation or similar programs that provide benefits for work-related injuries or illness.

## **Incidental uses and disclosures**

There are certain incidental uses or disclosures of your information that occur while we are providing service to you or conducting our business. For example, after surgery the nurse or doctor may need to use your name to identify family members that may be waiting for you in a waiting area. Other individuals waiting in the same area may hear your name called. We will make reasonable efforts to limit these incidental uses and disclosures.

## **Health information exchange**

We participate in one or more electronic health information exchanges which permits us to electronically exchange health information about you with other participating providers (for example, doctors and hospitals) and health plans and their business associates. For example, we may permit a health plan that insures you to electronically access our records about you to verify a claim for payment for services we provide to you. Or, we may permit a physician providing care to you to electronically access our records in order to have up to date information with which to treat you. As described earlier in this Notice, participation in a health information exchange also lets us electronically access health information from other participating providers and health plans for our treatment, payment and health care operations purposes as described in this Notice. We may in the future allow other parties, for example, public health departments that participate in the health information exchange, to access your health information electronically for their permitted purposes as described in this Notice.

## **Appointment reminders**

We may contact you as a reminder that you have an appointment for treatment or medical services.

## **Treatment alternatives**

We may contact you to provide information about treatment alternatives or other health-related benefits and services that may be of interest to you.

## **Fundraising**

We may contact you as part of a fundraising effort. We may also use or disclose to a business associate or to a foundation related to Bryan Health certain health information, about you such as your name, address, phone number, dates you received treatment or services, treating physician, outcome information and department of service (for example, cardiology or orthopedics), so that we or they may contact you to raise money for Bryan Health. You will have the opportunity to 'opt out' and not receive further fundraising communications related to the specific fundraising campaign or appeal for which you are being contracted, unless we have already sent a communication prior to receiving notice of your election to opt out.

## Uses and disclosures requiring your authorization

There are many uses and disclosures we will make only with your written authorization. These include:

- *Uses and Disclosures Not Described Above* – We will obtain your authorization for any use of disclosure of your health information that is not described in the preceding examples.
- *Psychotherapy Notes* – These are notes made by a mental health professional documenting conversations during private counseling sessions or in joint or group therapy. Many uses or disclosures of psychotherapy notes require your authorization.
- *Uses and Disclosures for Marketing* – We will not use or disclose your health information for marketing purposes without your authorization. Moreover, if we will receive any financial remuneration from a third party in connection with marketing, we will tell you that in the authorization form.
- *Sale of Health Information* - We will not sell your health information to third parties without your authorization. Any such authorization will state that we will receive remuneration in the transaction.

If you provide authorization, you may revoke it at any time by giving us notice in accordance with our authorization procedure and the instructions in our authorization form. Your revocation will not be effective for uses and disclosures made in reliance on your prior authorization.

## About this notice

We are required to follow the terms of the Notice currently in effect. We reserve the right to change our practices and the terms of this Notice and to make the new practices and notice provisions effective for all health information that we maintain. Before we make such changes effective, we will make available the revised Notice by posting it in our registration areas, where copies will also be available. The revised Notice will also be posted on our website at: [bryanhealth.org](http://bryanhealth.org). You are entitled to receive this Notice in written form. Please contact the Privacy Officer at the address listed below to obtain a written copy.

## Complaints

If you have concerns about any of our privacy practices or believe that your privacy rights have been violated, you may file a complaint with Bryan Health using the contact information at the end of this Notice. You may also submit a written complaint to the U.S. Department of Health and Human Services. There will be no retaliation for filing a complaint.

### Contact information

Privacy Officer  
Bryan Health  
1600 S. 48th St Lincoln, NE 68506  
402-481-8961

EFFECTIVE DATE OF NOTICE: March 3, 2018; Version 3  
Reference: Title 45 of the Code of Federal Regulations, Section 164.520

