

NORTHERN MICHIGAN UNIVERSITY GROUP HEALTH PLANS

NOTICE OF PRIVACY PRACTICES

Effective Date: September 23, 2019

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 Group Health Plans sponsored by Northern Michigan University, (collectively referred to as the "Plan") is required by law to take reasonable steps to ensure the privacy of your individually identifiable health information and to inform you about:

- the Plan's uses and disclosures of Protected Health Information (PHI);
- your privacy rights with respect to your PHI;
- the Plan's duties with respect to your PHI;
- your right to file a complaint with the Plan and to the Secretary of the U.S. Department of Health and Human Services; and
- the person or office to contact for further information about the Plan's privacy practices.

The term PHI includes all individually identifiable health information transmitted or maintained by the Plan, regardless of form (oral, written, or electronic). The term Plan Sponsor means Northern Michigan University.

NOTICE OF PHI USES AND DISCLOSURES

The following categories describe different ways that the Plan uses and discloses health information. For each category of uses or disclosures, we will explain what we mean and try to give some examples. Not every use or disclosure in a category will be listed. However, all of the ways we are permitted to use and disclose information will fall within one of the categories. Use and disclosure of your PHI may be required by the Secretary of the U.S. Department of Health and Human Services to investigate or determine the Plan's compliance with the privacy regulations.

- **For Treatment, Payment, and Health Care Operations.** The Plan and its business associates will use PHI without your consent, authorization or opportunity to agree or object to carry out treatment, payment and health care operations. The Plan also will disclose PHI to the Plan Sponsor for purposes related to treatment, payment and health care operations. The Plan Sponsor has amended its plan documents to protect your PHI as required by federal law.

- Treatment is the provision, coordination or management of health care and related services. It also includes, but is not limited to, consultations and referrals between one or more of your providers. For example, the Plan may disclose to a treating orthodontist the name of your treating dentist so that the orthodontist may request dental x-rays from the treating dentist.
- Payment includes, but is not limited to, actions to make coverage determinations and payment (including billing, claims management, subrogation, plan reimbursement, reviews for medical necessity and appropriateness of care and utilization review and pre-authorizations). For example, the Plan may tell a doctor whether you are eligible for coverage or what percentage of the bill will be paid by the Plan.
- Health Care Operations include, but are not limited to, quality assessment and improvement, reviewing competence or qualifications of health care professionals, underwriting, premium rating and other insurance activities relating to creating or renewing insurance contracts. It also includes disease management, case management, conducting or arranging for medical review, legal services and auditing functions including fraud and abuse compliance programs, business planning and development, business management and general administrative activities. For example, the Plan may use information about your claims to refer you to a disease management program, project future benefit costs or audit the accuracy of its claims processing functions. But please note that the Plan is prohibited from using or disclosing for underwriting purposes any PHI that is genetic information.
- **Uses and Disclosures that Require Your Written Authorization.** Your written authorization generally will be obtained before the Plan will use or disclose psychotherapy notes about you from your psychotherapist. Psychotherapy notes are separately filed notes about your conversations with your mental health professional during a counseling session. They do not include summary information about your mental health treatment. The Plan may use and disclose such notes when needed by the Plan to defend against litigation filed by you.
- **Uses and Disclosures that Require that You be Given an Opportunity to Agree or Disagree Prior to the Use or Disclosure.** Disclosure of your PHI to family members, other relatives and your close personal friends is allowed 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.
- **Uses and Disclosures for Which Consent, Authorization, or Opportunity to Object is Not Required.** We may use or disclose health information about you as required by state or federal laws and regulations relating to any or all of the following, as such may apply to you:
 - community/public health activities and reports such as disease control, abuse or neglect and health and vital statistics.

- to avert a serious threat to your health or safety and to protect the health and safety of the public. Any disclosure would only be to someone able to prevent the threat.
- administrative oversight for such things as audits, investigations, licensure or determining cause of death.
- court order or other legal processes related to law enforcement activities, including custody of inmates, legal actions or national security activities.
- military and veteran reporting on members of the armed forces of U.S. or foreign military as required by military command authorities.
- organ and tissue donation and transplant reports as required by regulatory organizations as necessary to facilitate organ or tissue donation and transplant.
- workers' compensation or other rehabilitative activities reporting as required by law or insurers in order to provide benefits for work related or victim injuries or illnesses.

YOUR RIGHTS REGARDING PHI

You have the following rights regarding health information we maintain about you:

Right to Inspect and Copy. You may inspect and obtain a copy of your PHI contained in a designated record set. A designated record set includes the medical records and billing records about individuals maintained by or for a covered health care provider; enrollment, payment, billing, claims adjudication and case or medical management record systems maintained by or for a health plan; or other information used in whole or in part by or for the covered entity to make decisions about individuals. Information used for quality control or peer review analyses and not used to make decisions about individuals is not in the designated record set.

The requested information will be provided within 30 days of the request. A single 30-day extension is allowed if the Plan is unable to comply with the deadline.

You will be required to complete a form to request access to the PHI in your designated record set. Requests for access to PHI should be made to the Privacy Officer.

If access is denied, you will be provided with a written denial setting forth the basis for the denial, a description of how you may appeal the decision and a description of how you may complain to the Secretary of the U.S. Department of Health and Human Services.

Right to Amend. If you feel that medical information we have about you is incorrect or incomplete, you may ask us to amend the information. You also have the right to add a statement.

The Plan has 60 days after the request is made to act on the request. A single 30-day extension is allowed if the Plan is unable to comply with the deadline. If the request is denied in whole or in part, the Plan must provide you with a written denial that explains the basis for the denial. You may then submit a written statement disagreeing with the denial and have that statement included with any future disclosures of your PHI.

Requests for amendment of PHI in a designated record set should be made to the Privacy Officer. You will be required to complete a form to request an amendment of the PHI in your designated record set. In addition, you also must provide a reason that supports your request.

We may deny your request for an amendment if it is not in writing or does not include a reason to support the request. In addition, we may deny your request if you ask us to amend information that:

- was not created by us, unless the person or entity that created the information is no longer available to make the amendment;
- is not part of the health information kept by or for the Plan;
- is not part of the information which you would be permitted to inspect and copy; or
- is accurate and complete.

Right to an Accounting of Disclosures. You may request an "accounting of disclosures." This is a list of certain disclosures we made of your health information. However, such accounting need not include disclosures of PHI made: (1) to carry out treatment, payment or health care operations; (2) to individuals about their own PHI; (3) prior to the compliance date; and (4) pursuant to an authorization form.

If the accounting cannot be provided within 60 days, an additional 30 days is allowed if the individual is given a written statement of the reasons for the delay and the date by which the accounting will be provided.

To request this list of an accounting of disclosures, you must submit your request in writing to the Privacy Officer. Your request must state a time period, which may not be longer than six years, and may not include dates before April 14, 2004. Your request should indicate in what form you want the list (for example, on paper or electronically). The first list you request within a 12-month period will be free. For additional lists, we may charge you for the costs of providing the list. We will notify you of the cost involved and you may choose to withdraw or modify your request at that time before any costs are incurred.

Right to Request Restrictions. You may request a restriction or limitation on the health information we use or disclose about you for treatment, payment or health care operations. You also have the right to request a limit on the health

information we disclose about you to someone who is involved in your care or the payment for your care, like a family member or friend. For example, you could ask that we not use or disclose information about a surgery you had.

We are not required to agree to your request unless the request is to restrict disclosure of your PHI to a health plan and the PHI pertains solely to a health care item or service for which you have already paid the medical provider in full.

You will be required to complete a form to request restrictions on uses and disclosures of your PHI. Such requests should be made to the Privacy Officer.

In your request, you must tell us: (1) what information you want to limit; (2) whether you want to limit our use, disclosure or both; and (3) to whom you want the limits to apply (for example, disclosures to your spouse).

Right to Request Confidential Communications. You have the right to request that we communicate with you about medical matters in a certain way or at a certain location. For example, you can ask that we only contact you at work or by mail.

To request confidential communications, you must make your request in writing to the Plan's Privacy Officer. We will not ask you the reason for your request. We will accommodate all reasonable requests. Your request must specify how or where you wish to be contacted.

Right to Paper Copy of this Notice. You have the right to a paper copy of this notice, even if you have agreed to receive this notice electronically. You may ask us to give you a copy of this notice at any time. To obtain a paper copy of this Notice, contact the Privacy Officer.

You may also obtain a copy of this notice at our website: www.nmu.edu/hr.

THE PLAN'S DUTIES

Changes to this Notice. We reserve the right to change this notice. We reserve the right to make the revised or changed notice effective for health information we already have about you as well as any information we receive in the future. If a privacy practice described in this notice is changed, a revised version of this notice will be posted on the Human Resources Department website: www.nmu.edu/hr.

Breach Information. The Plan will notify you if it learns of a breach of your PHI, if that PHI was unsecured at the time of the breach.

COMPLAINTS

If you believe your privacy rights have been violated, you may file a complaint with the Plan or with the Secretary of the U.S. Department of Health and Human Services. To file a complaint with the Plan, you must submit your complaint in writing to the Privacy Officer at the address listed below.

You will not be penalized for filing a complaint.

WHO TO CONTACT AT THE PLAN FOR MORE INFORMATION

If you have questions regarding this notice or the subjects addressed in it, you may contact the Privacy Officer:

**Ms. Kristen I. Bjorne
Northern Michigan University
Human Resources Department
1401 Presque Isle Avenue
Marquette, MI 49855
(906) 227-1030**

OTHER USES OF HEALTH INFORMATION

Other uses and disclosures of health information not covered by this notice will be made only with your written permission. If you provide us permission to use or disclose health information about you, you may revoke that permission, in writing, at any time. If you revoke your permission, we will no longer use or disclose health information about you for the reasons covered by your written authorization. You understand that we are unable to take back any disclosures we have already made with your permission, and that we are required to retain our records of the care that we provided to you.