

Notice of Privacy Practices

Your Information. Your Rights. Our Responsibilities.

This Notice of Privacy Practices ("NPP") applies to all Self-Funded Medical Plans sponsored by Foth & Van Dyke, LLC. ("Foth Health Plans").

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.

Your Rights

You have the right to:

- ◆ Obtain a copy of your health and claims records
- ◆ Correct your health and claims records
- ◆ Request confidential communication
- ◆ Ask us to limit the information we share
- ◆ Obtain a list of those with whom we've shared your information
- ◆ Obtain a copy of this privacy notice
- ◆ Choose someone to act for you
- ◆ File a complaint if you believe your privacy rights have been violated

› See page 2
for more information on these rights and how to exercise them

Your Choices

You have some choices in the way we use and share information as we:

- ◆ Answer coverage questions from your family and friends
- ◆ Provide disaster relief

› See page 3
for more information on these choices and how to exercise them

Our Uses and Disclosures

We may use and share your information as we:

- ◆ Help manage the health care treatment you receive
- ◆ Operate our business
- ◆ Pay for your health services
- ◆ Administer your health plan
- ◆ Help with public research and/or health and safety issues
- ◆ Comply with the law
- ◆ Respond to organ and tissue donation requests and work with a medical examiner or funeral director
- ◆ Address workers' compensation, law enforcement, and other government requests
- ◆ Respond to lawsuits and legal actions

› See page 3
and 4 for more information on these uses and disclosures

When it comes to your health information, you have certain rights.
This section explains your rights and some of our responsibilities to help you.

Obtain a copy of your health and claims records

- ◆ You can ask to see or obtain a copy of your health and claims records and other health information we have about you. Ask us how to do this.
- ◆ We will provide a copy or a summary of your health and claims records, usually within 30 days of your request. We may charge a reasonable, cost-based fee.

Ask us to correct health and claims records

- ◆ You can ask us to correct your health and claims records if you think they are incorrect or incomplete. Ask us how to do this.
- ◆ We may say "no" to your request, but we'll tell you why in writing within 60 days.

Request confidential communications

- ◆ You can ask us to contact you in a specific way (for example, home or office phone) or to send mail to a different address.
- ◆ We will consider all reasonable requests, and must say "yes" if you tell us you would be in danger if we do not.

Ask us to limit what we use or share

- ◆ You can ask us **not** to use or share certain health information for treatment, payment, or our operations.
- ◆ We are not required to agree to your request, and we may say "no" if it would affect your care.

Obtain a list of those with whom we've shared information

- ◆ You can ask for a list (accounting) of the times we've shared your health information for six years prior to the date you ask, with whom we shared it, and why.
- ◆ We will include all the disclosures except for those about treatment, payment, and health care operations, and certain other disclosures (such as any you asked us to make). We'll provide one accounting per year for free but will charge a reasonable, cost-based fee if you ask for another accounting within 12 months.

Obtain a copy of this privacy notice

- ◆ You can ask for a paper copy of this notice at any time, even if you have agreed to receive the notice electronically. We will provide you with a paper copy promptly.

Choose someone to act for you

- ◆ If you have given someone medical power of attorney or if someone is your legal guardian, that person can exercise your rights and make choices about your health information.
- ◆ We will make sure the person has this authority and can act for you before we take any action.

File a complaint if you feel your rights are violated

- ◆ You can complain if you feel we have violated your rights by contacting us using the information on page 5.
- ◆ You can file a complaint with the U.S. Department of Health and Human Services Office for Civil Rights by sending a letter to 200 Independence Avenue, S.W., Washington, D.C. 20201, calling 1-877-696-6775, or visiting www.hhs.gov/ocr/privacy/hipaa/complaints/.
- ◆ We will not retaliate against you for filing a complaint.

Your Choices

For certain health information, you can tell us your choices about what we share. If you have a clear preference for how we share your information in the situations described below, talk to us. Tell us what you want us to do, and we will follow your instructions.

In these cases, you have both the right and choice to tell us to

- ◆ Share information with your family, close friends, or others involved in payment for your care.
- ◆ Share information in a disaster relief situation.

If you are not able to tell us your preference, for example if you are unconscious, we may go ahead and share your information if we believe it is in your best interest. We may also share your information when needed to lessen a serious and imminent threat to health or safety.

In these cases we never share your information unless you give us written permission

- ◆ Marketing purposes
- ◆ Sale of your information

Our Uses and Disclosures

How do we typically use or share your health information?

We typically use or share your health information in the following ways.

Help manage the health care treatment you receive

- ◆ We can use your health information and share it with professionals who are treating you.

Example: A doctor sends us information about your diagnosis and treatment plan so we can arrange additional services.

Operating our business

- ◆ We can use and disclose your information to run our organization and contact you when necessary.
- ◆ **We are not allowed to use genetic information to decide whether we will provide you coverage and the price of that coverage.** This does not apply to long term care plans.

Example: We use health information about you to develop better services for you.

Pay for your health services

- ◆ We can use and disclose your health information as we pay for your health services.

Example: We share information about you with your dental plan to coordinate payment for your dental work.

Administer your plan

- ◆ We may disclose your health information to your health plan sponsor for plan administration.

Example: Foth's Health Plan(s) contracts with a third party(ies) to provide a health plan, and your information is used with certain statistics to explain the premiums charged by the third party(ies).

Our Uses and Disclosures (cont.)

How else can we use or share your health information?

We are allowed or required to share your information in other ways—usually in ways that contribute to the public good, such as public health and research. We have to meet many conditions in the law before we can share your information for these purposes. For more information see: www.hhs.gov/ocr/privacy/hipaa/understanding/consumers/index.html.

Help with public research and/or health and safety issues

- ◆ We can share health information about you for certain situations such as:
 - Public health research
 - Preventing disease
 - Helping with product recalls
 - Reporting adverse reactions to medications
 - Reporting suspected abuse, neglect, or domestic violence
 - Preventing or reducing a serious threat to anyone's health or safety

Comply with the law

- ◆ We will share information about you if state or federal laws require it, including with the Department of Health and Human Services if it wants to see that we're complying with federal privacy law.

Respond to organ and tissue donation requests and work with a medical examiner or funeral director

- ◆ We can share health information about you with organ procurement organizations.
- ◆ We can share health information with a coroner, medical examiner, or funeral director when an individual dies.

Address workers' compensation, law enforcement, and other government requests

- ◆ We can use or share health information about you:
 - For workers' compensation claims
 - For law enforcement purposes or with a law enforcement official
 - With health oversight agencies for activities authorized by law
 - For special government functions such as military, national security, and presidential protective services

Respond to lawsuits and legal actions

- ◆ We can share health information about you in response to a court or administrative order, or in response to a subpoena.

Foth's Health Plan(s) does not market or sell your Protected Health Information (PHI).

Foth's Health Plan(s) may contract with individuals or entities known as Business Associates to perform various functions or to provide these services to assist in the administration of one or more of Foth's Health Plan(s). Business Associates who create, receive, maintain or transmit PHI on behalf of the Foth's Health Plan(s) may do so, but only after, the Business Associate agrees in writing to implement appropriate safeguards regarding your PHI, as well as agreeing to comply with all the HIPAA regulations applicable to Business Associate relationships.

For purposes of administering the Foth Health Plan(s), it may be necessary to disclose PHI on a minimum necessary basis only to certain Foth members. However, absent your express written consent, these members will only use PHI as necessary to perform the plan administration functions as outlined above, or as otherwise required by HIPAA.