

Notice of New Jersey Carpenters Health Fund Privacy Practice

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 Fund is required by law to take reasonable steps to ensure the privacy of your personally identifiable health information and to inform you about:

1. The Fund's uses and disclosure of Protected Health Information (PHI);
2. Your privacy rights with respect to your PHI
3. The Fund's duties with respect to your PHI
4. Your right to file a complaint with the Fund and to the Secretary of the U.S. Department of Health and Human Services; and
5. The person or office to contact for further information about the Fund's privacy practice.

I. Uses and Disclosures of Health Information

The term "Protected Health Information" (PHI) includes all individually identifiable health information transmitted or maintained by the Fund relating to your participation in the Fund, your physical or mental health, the provision of health care to you, or payment for the provision of health care to you, regardless of form (oral, written, electronic).

When the Fund may use and disclose PHI

- **At your request.** Upon your request, the Fund is required to give you access to your PHI in order to inspect and copy it.
- **As Required by the Secretary of the Department of Health and Human Services.** The Fund may use or disclose your PHI if required by the Secretary of the Department of Health and Human Services to investigate or determine the Fund's compliance with the privacy regulations.
- **For Treatment/Payment/Health Care Operations** We have the right to use and give out your PHI for the treatment, payment and health care operations of the Fund. For example, your PHI may be disclosed to a treating physician or surgeon, used to pay or deny claims, to collect premiums, to coordinate coverage with other insurers, or to prepare an explanation of benefits statement. In connection with treatment, payment and health care operations, we may disclose your PHI to entities known as the Fund's "business associates", who include but are not limited to, the Fund's various benefit managers, attorneys and accountants. The Fund has obtained agreements with its business

associates in which the business associates have offered satisfactory assurances that they will appropriately safeguard your PHI.

Uses of PHI which do not require your written authorization or the opportunity to object

The Fund may use or disclose your PHI for the following without your written authorization or the opportunity to object:

- **Law Enforcement Purposes.** Your health information may be disclosed for law enforcement purposes without your permission, if required or permitted by law, including:
 - In connection with laws that require reporting of certain types of wounds or physical injuries;
 - Pursuant to a court order issued by a judicial officer or a grand jury subpoena;
 - Pursuant to an administrative request, such as an administrative subpoena or summons, a civil or an authorized investigative demand, or similar process provided that:
 - The information sought is relevant and material to a legitimate law enforcement inquiry;
 - The request is specific and limited in scope to the extent reasonably practicable in light of the purpose for which the information is sought; and
 - De-identified information could not reasonably be used.
 - Subject to certain limitations, to respond to a law enforcement official's request for information about an individual who is a victim of a crime;
 - To notify a law enforcement official that the Fund believes that the death of an individual may have resulted from criminal conduct; and
 - In connection with a good faith belief that a crime occurred on the Fund's premises.
- **Reporting Decedent Information.** The Fund may disclose PHI to a coroner or medical examiner for purposes of determining a cause of death or other duties as authorized by law. The Fund may also disclose PHI to funeral directors to carry out their duties with respect to the decedent.
- **Judicial and Administrative Proceedings.** The Fund may disclose your PHI to support government audits and inspections, to facilitate law-enforcement investigations, and to comply with government mandated reporting.
- **Reporting Victims of Abuse, Neglect, or Domestic Violence.** The Fund may disclose your health information to appropriate authorities if we reasonably believe that you are a possible victim of abuse, neglect, or domestic violence or the possible victim of other crimes and that the disclosure is necessary to prevent serious harm to you or other

individuals. We may disclose your health information to the extent necessary to avert a serious threat to your health or safety or the health or safety of others.

- **Public Health Reporting.** The Fund may disclose your health information to public health agencies as required by law (such as reporting disease outbreaks).
- **Health Oversight Activities.** The Fund may disclose your PHI to a health oversight agency for oversight activities authorized by law.
- **Research.** The Fund may use or disclose your PHI in connection with research, subject to the applicable requirements of HIPAA.
- **Workers' Compensation Programs.** The Fund may disclose PHI as is necessary to comply with laws relating to workers' compensation or similar programs established by law.

Other uses and disclosures require your authorization

Disclosure of PHI or its use for any purposes other than those listed above requires your specific written authorization. In general and subject to certain exceptions, your written authorization is required for the following:

- the use or disclosure of your psychotherapy notes;
- any use or disclose your PHI for marketing purposes;
- any sale of your PHI.

If you change your mind after authorizing a use or disclosure of you information you may submit a written revocation of the authorization at any time. Your decision to revoke the authorization will be effective after the date you submit your written revocation and will not affect or undo any use or disclosure of information that occurred before you notified us of your decision.

Unless you object to such disclosure and subject to certain limitations, we may disclose your health information to a family member, friend or other person(s) that you designate to the extent necessary: (1) to help with your healthcare or with payment for your healthcare; or (2) to assist in notifying such persons about your location, general condition, or death.

II. Your Privacy Rights

You have certain rights under the federal privacy standards. You or your personal representative will be required to submit a written request to exercise these rights to the Fund's Privacy Officer. These include:

- **The right to request restrictions on the use and disclosure of your PHI.** However, the Fund is not required to agree to your request (except that the Fund must comply with your request to restrict a disclosure of your confidential information for payment or health care operations if you paid for the services to which the information relates in full, out of pocket).

- **The right to receive confidential communications concerning your medical condition and treatment.** The Fund will accommodate your reasonable request to receive communications of PHI by alternative means and/or at alternative locations if you clearly state that the disclosure of all or part of your PHI could endanger you.
- **The right to inspect and copy your PHI.** You have the right inspect and copy your PHI contained in a “designated record set”. The Fund will act on your request no later than 30 days after the receipt of your request but may extend the time period by 30 days, if necessary.
- **The right to amend or submit corrections to your PHI.** You have the right to request an amendment of your PHI that is in a designated record set for so long as that PHI is maintained in the designated record set. The Fund will act on your request no later than 60 days after its receipt of your request but may extend the time period by 30 days, if necessary.
- **The right to receive an accounting of how and to whom your PHI has been disclosed.** You have the right to receive an accounting of certain disclosures of PHI made by the Fund. The accounting will not contain certain disclosures including, but not limited to, those necessary to carry out treatment, payment and health care operations or those disclosures which were requested or authorized by you.
- **The right to receive a paper copy of the Fund’s notice of privacy practices.** Upon request, the Fund will provide you with a paper copy of this Notice.

Personal representatives

You may exercise your rights through a personal representative. However, an individual purporting to act as your personal representative will be required to produce evidence of his/her authority to act on your behalf before that person will be provided access to your PHI or being allowed to take any action for you.

Notwithstanding the foregoing, the Fund retains the right not to treat a person as a personal representative in certain abuse, neglect or endangerment situations where the Fund concludes it is not in your best interest to do so. The Fund retains discretion to deny access to your PHI to a personal representative to provide protection to those vulnerable individuals who depend on others to exercise their rights under these rules and who may be subject to abuse or neglect. This also applies to personal representatives of minors.

III. The Fund’s Rights and Duties

We are required by law to maintain the privacy of your PHI and to provide you with this notice of privacy practices. We are also required to abide by the privacy practices that are outlined in this notice.

Minimum Necessary standard

When using or disclosing PHI, or when requesting PHI from another covered entity, the Fund will make reasonable efforts to limit the use or disclosure of PHI to the minimum amount

necessary to accomplish the intended purpose of the use, disclosure or request, taking into consideration practical and technological limitations.

However, the minimum necessary standard will not apply in the following situations:

- Disclosures to or requests by a health care provider for treatment;
- Uses or disclosures made to you or pursuant to an authorization initiated by you;
- Disclosures made to the Secretary of the U.S. Department of Health and Human Services;
- Uses or disclosures that are required by law; and
- Uses or disclosures that are required for the Plan's compliance with legal regulations.

Notice of Breach

The Fund is required by law to maintain the privacy of participants' PHI and to provide individuals with notice of its legal duties and privacy practices. In the event of a breach of unsecured PHI, the Fund will notify affected individuals of the breach.

De-identified information

This notice does not apply to information that has been de-identified. De-Identified information is information that does not identify an individual and with respect to which there is not reasonable basis to believe that the information can be used to identify an individual.

Summary Health Information

The Fund may disclose "summary health information" to the Trustees for obtaining insurance premium bids or modifying, amending or terminating the plan. "Summary health information" summarizes the claims history, claims expenses or type of claims experience by participants and excludes identifying information in accordance with HIPAA.

Right to revise Privacy Practices

As permitted by law, we reserve the right to amend or modify our privacy policies and practices. These changes in our policies and practices may be required by change in federal and state laws and regulations. Whatever the reason for these revisions, we will provide you with a revised notice by either posting the Notice on the Fund's website, www.njcf.org, and mailing the notice to you in the Fund's next annual mailing; or by mailing the Notice to you within 60 days of the date of the any material change to the Notice. The revised policies and practices will be applied to all PHI that we maintain.

Requests to inspect PHI

As permitted by federal regulations, we require that requests to inspect or copy PHI be submitted in writing. Please send your request to our contact person listed at the end of this notice.

Disclosure of genetic information for underwriting purposes

The Fund will not use or disclose any PHI that constitutes genetic information for underwriting purposes.

IV. Complaints

If you would like to submit a comment or complaint about our privacy practices, you can do so by sending a letter outlining your concern(s). If you believe that your privacy rights have been violated, you should call the matter to our attention by sending a letter describing the cause of your concern(s). Send all correspondence to our contact person listed at the end of this notice.

You may also submit a written request complaint to the U.S. Department of Health and Human Services. We will provide you with the address to file your complaint with the U.S. Department of Health and Human Services upon request. We support your right to the privacy of your health information. We will not retaliate in any way if you choose to file a complaint with us or with the U.S. Department of Health and Human Services.

V. Contact Person

The name and address of the person you can contact if you want more information about our privacy practices or if you have any questions, concerns or complaints is:

Rachel Corradi/HIPAA Compliance Office
New Jersey Carpenters Health Fund
Raritan Plaza II
P.O. Box 7818
Edison, NJ 08818-7818
1-732-417-3900

This notice is effective on or after September 23, 2013

VI. Conclusion

PHI use and disclosure by the Fund is regulated by a federal law known as HIPAA (the Health Insurance Portability and Accountability Act). You may find these rules at 45 Code of Federal Regulations Parts 160 and 164. The Fund intends to comply with these regulations. This Notice attempts to summarize the regulations. The regulations will supersede any discrepancy between the information in this Notice and the regulations.