



HIPAA PRIVACY NOTICE

MCFI Home Care is fully committed to respecting the privacy of all who receive services from MCFI Home Care or its associates. Under the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”), and corresponding state laws, MCFI Home Care is legally required to take certain steps to ensure the privacy of all personally identifiable health information. This notice is designed to provide you, as a recipient of health care services, with information about:

- How MCFI Home Care uses and when it might disclose Protected Health Information, (“PHI”);
- Certain rights that you have under HIPAA; and
- MCFI Home Care duties with respect to your PHI.

The term “Protected Health Information” or “PHI” includes all individually identifiable health information transmitted or maintained by MCFI Home Care, as defined in 45 CFR § 164.501.

Section 1. Notice of PHI Uses and Disclosures

The Secretary of the Department of Health and Human Services may require that MCFI Home Care disclose your PHI to investigate or determine MCFI Home Care compliance with certain privacy regulations and for other purposes under applicable regulations. Except as otherwise indicated in this notice, uses and disclosures will be made only with your written authorization subject to your right to revoke such authorization.

(a) Uses and Disclosures for Which Consent, Authorization or Opportunity to Object is not Required. MCFI Home Care and its business associates may use and/or disclose your PHI, without your consent or authorization and without providing you with a right to object in any of the following circumstances:

- When required by law.
- When permitted for purposes of public health activities, including when necessary to report product defects, to permit product recalls and to conduct post-marketing surveillance. PHI may also be used or disclosed if you have been exposed to a communicable disease or are at risk of spreading a disease or condition, if authorized by law.
- When authorized by law to report information about abuse, neglect or domestic violence to public authorities if there exists a reasonable belief that you may be a victim of abuse, neglect or domestic violence. In such case, MCFI Home Care will promptly inform you that such a

disclosure has been or will be made unless that notice would cause a risk of serious harm. For the purpose of reporting child abuse or neglect, it is not necessary to inform the minor that such a disclosure has been or will be made. Disclosure may generally be made to the minor's parents or other representatives, although there may be circumstances under federal or state law when the parents or other representatives may not be given access to the minor's PHI.

- MCFI Home Care may disclose your PHI to a public health oversight agency for oversight activities authorized by law. This includes uses or disclosures in civil, administrative or criminal investigations; inspections; licensure or disciplinary actions (for example, to investigate complaints against providers); and other activities necessary for appropriate oversight of government benefit programs (for example, to investigate Medicare or Medicaid fraud).
 - MCFI Home Care may disclose your PHI when required for judicial or administrative proceedings. For example, your PHI may be disclosed in response to a subpoena or discovery request provided certain conditions are met. One of those conditions is that satisfactory assurances must be given to MCFI Home Care that the requesting party has made a good faith attempt to provide written notice to you, and the notice provide sufficient information about the proceeding to permit you to raise an objection, and no objections were raised or were resolved in favor of disclosure by the court or tribunal.
 - When required for law enforcement purposes (for example, to report certain types of wounds).
 - For law enforcement purposes, including for the purpose of identifying or locating a suspect, fugitive, material witness or missing person. Also, when disclosing information about an individual who is or is suspected to be a victim of a crime, but only if the individual agrees to the disclosure or the covered entity is unable to obtain the individual's agreement because of emergency circumstances. Furthermore, the law enforcement official must represent that the information is not intended to be used against the individual, the immediate law enforcement activity would be materially and adversely affected by waiting to obtain the individual's agreement, and disclosure is in the best interest of the individual as determined by the exercise of MCFI Home Care best judgment.
 - When required to be given to a coroner or medical examiner for the purpose of identifying a deceased person, determining a cause of death or other duties as authorized by law. Also, disclosure is permitted to funeral directors, consistent with applicable law, as necessary to carry out their duties with respect to the decedent.
 - MCFI Home Care may use or disclose PHI for research, subject to conditions.
 - When consistent with applicable law and standards of ethical conduct, if MCFI Home Care, in good faith, believes the use or disclosure is necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the public and the disclosure is to a person reasonably able to prevent or lessen the threat, including the target of the threat.
 - When authorized by and to the extent necessary to comply with workers' compensation or other similar programs established by law.
- (b) **Uses and Disclosures to Carry out Treatment Payment and Health Care Operations.** MCFI Home Care and its business associates have the authority to (and will, in fact) use PHI

without your consent or authorization and without providing you with the opportunity to agree or object to carry out treatment, payment and health care operations.

- *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.
 - *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 preauthorizations).
 - *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 and general administrative activities.
- (c) **Uses and Disclosures That Require That You be Given an Opportunity to Agree or Disagree Prior to the Use or Release.** 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.
- (d) **Uses and Disclosure That Require Your Written Authorization.** Your written authorization will generally be obtained before MCFI Home Care will use or disclose psychotherapy notes about you from your psychotherapist. Psychotherapy notes are separately filed notes about your conversation with your mental health professional during a counseling session. They do not include summary information about your mental health treatment. Despite this general limitation, however, MCFI HOME CARE may use and disclose such notes when needed by MCFI HOME CARE to defend against litigation filed by you.

Section 2. Individual Rights

- (a) **Right to Request Restrictions on PHI Uses and Disclosures.** You may request, in writing, that MCFI HOME CARE restrict the uses and disclosures of your PHI to carry out treatment, payment or health care operations, or to restrict uses and disclosures to family members, relatives, friends, or other persons identified by you who are involved in your care or payment for your care. However, MCFI Home Care is not required to agree to your request.

You or your personal representative will be required to complete a form to request restrictions on uses and disclosures of your PHI. Such requests should be made to the following MCFI Home Care Main Office: MCFI Home Care Director or Vice President 2020 West Wells Street Milwaukee, WI 53233. MCFI Home Care will accommodate reasonable requests to receive communications of PHI by alternative means or at alternative locations.

- (b) **Right to Inspect and Copy PHI.** You have a right to inspect and obtain a copy of your PHI contained in a "designated record set," for as long as MCFI Home Care maintains the PHI. 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 if the information is maintained onsite, or within 60 days if the information is maintained offsite. A single 30-day extension is allowed if MCFI Home Care is unable to comply with the deadline.

You or your personal representative 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 following MCFI Home Care Main Office: 2020 West Wells Street Milwaukee, WI 53233.

If access is denied, you or your personal representative will be provided with a written denial setting forth the basis for the denial, a description of how you may exercise those review rights and a description of how you may complain to the Secretary of the U.S. Department of Health and Human Services.

- (c) **Right to Amend PHI.** You have the right to request MCFI Home Care to amend your PHI on a record about you in a designated record set for as long as the PHI is maintained in the designated record set. You or your personal representatives will be required to complete a form to request amendment of the PHI in your designated record set.

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

Requests to amend the PHI in a designated record set should be made to the following office:

MCFI Home Care 2020 West Wells Street Milwaukee, WI 53233.

- (d) **The Right to Receive an Accounting of PHI Disclosures.** At your request, MCFI Home Care will also provide you with an accounting of disclosures by MCFI Home Care of your PHI during the six years prior to the date of your request. However, such accounting need not include PHI disclosures made: (1) to carry out treatment, payment or health care operations; (2) to individuals about their own PHI; or (3) prior to the compliance date. If you request more than one accounting within a 12-month period, MCFI Home Care will charge a reasonable, cost-based fee for each subsequent accounting.

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.

- (e) **The Right to Receive a Paper Copy of This Notice Upon Request.** To obtain a paper copy of this Notice contact the following office: MCFI Home Care 2020 West Wells Street Milwaukee, WI 53233.

- (f) **A Note about Personal Representatives.** You may exercise your rights through a personal representative. Your personal representative will be required to produce evidence of his/her

authority to act on your behalf before that person will be given access to your PHI or allowed to take any action for you. Proof of such authority may take one of the following forms:

- A power of attorney for health care purposes, notarized by a notary public;
- A court order of appointment of the person as the conservator or guardian of the individual; or
- An individual who is the parent of a minor child.

MCFI Home Care retains discretion to deny access to your PHI to a personal representative to provide protection to those vulnerable people 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.

Section 3. MCFI Home Care Duties

MCFI Home Care is required to maintain the privacy of PHI and to provide recipients of health care services with the Notice of its legal duties and privacy practices. This Notice was effective beginning April 14, 2003, and MCFI Home Care is required to comply with the terms of this Notice only after that date. MCFI Home Care does, however, reserve the right to change its privacy practices and to apply the changes to any PHI received or maintained by MCFI Home Care prior to that date. If a privacy practice is changed, a revised version of this Notice will be provided to all past and present individuals for whom MCFI Home Care still maintains PHI. Any revised version of this Notice will be distributed within 60 days of the effective date of any material change to the uses or disclosures, the individual's rights, the duties of MCFI Home Care or other privacy practices stated in this Notice.

(a) Minimum Necessary Standard. When using or disclosing PHI or when requesting PHI from another covered entity, MCFI Home Care will make reasonable efforts not to use, disclose or request more than the minimum amount of PHI 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 the individual;
- 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 MCFI Home Care's compliance with legal regulations.

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 no reasonable basis to believe that the information can be used to identify an individual.

Section 4. Your Right to File a Complaint With MCFI Home Care or the DHS Secretary

If you believe that your privacy rights have been violated, you may file a complaint with the following office: MCFI Home Care 2020 West Wells Street Milwaukee, WI 53233. Alternatively, you may file a complaint with the Secretary of the U.S. Department of Health and Human Services, Hubert H. Humphrey Building, 200 Independence Avenue S.W., Washington, D.C. 20201. MCFI Home Care will not retaliate against you for filing such a complaint.

Section 5. Whom to Contact at MCFI Home Care for More Information

If you have any questions regarding this notice or the subjects addressed in it (including any questions that you may have about possible copying charges or fees), you may contact the following office: MCFI Home Care 2020 West Wells Street Milwaukee, WI 53233.

Conclusion

PHI use and disclosure by MCFI Home Care 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. This notice attempts to summarize the regulations. The regulation will supersede any discrepancy between the information in this notice and the regulations.