

Joint Notice of Privacy Practices

The Health Insurance Portability and Accountability Act (HIPAA) includes rules that healthcare providers must follow. The new rules were designed by the U.S. government to ensure that you understand how your medical information can be used. We are required to provide the information in this booklet, which describes how Luther Midelfort uses and discloses your medical information. These U.S. government rules apply to every healthcare provider in the United States that transmits health information electronically.

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Luther Midelfort

Mayo Health System

Objectives

The objectives of this booklet are:

- To inform you how your protected health information is used and disclosed. Protected Health Information (PHI) means any information, including demographics, whether oral, electronic or paper, which is created or received by a healthcare provider and relates to your healthcare or payment for the provision of healthcare. This includes the results of tests and notes written by providers and nurses, as well as your name, address and telephone number.
- To explain your rights regarding this information and how Luther Midelfort responds to your request.

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.

This Notice applies to the following entities:

■ **Luther Midelfort - Mayo Health System**

- Luther Hospital
- Luther Hospital staff, including medical staff appointees and allied health professionals
- Midelfort Clinic, Ltd. - Eau Claire (Clairemont Campus)
- Midelfort Clinic, Ltd. - Eau Claire (Luther Campus)
- **Luther Midelfort Northland**
 - Hospital
 - Hospital staff, including medical staff appointees and allied health professionals
 - Barron
 - Cameron
 - Chetek
 - Prairie Farm
 - Rice Lake
 - Barron Nursing Home
 - Maplecroft Retirement Community
- **Luther Midelfort Chippewa Valley**
 - Hospital
 - Hospital staff, including medical staff appointees and allied health professionals
 - Bloomer
 - Chippewa Falls
 - Colfax
 - Maplewood Nursing Home
- **Luther Midelfort Oakridge**
 - Hospital
 - Hospital staff, including medical staff appointees and allied health professionals
 - Osseo
 - Mondovi
 - Osseo Nursing Home

- **Mayo Clinic in Jacksonville, Rochester and Scottsdale**
- **Mayo Health System clinics and hospitals in Wisconsin, Minnesota and Iowa**
- **Northwest Health Ventures, Inc., d/b/a Midelfort Pharmacy & Home Medical**
- **Northwest Wisconsin HomeCare, Inc.**
- **Northwest Wisconsin Supportive HomeCare, Inc.**
- **Pain Clinic of Northwestern Wisconsin, S.C.**

The entities listed above sometimes work together to provide collaborative care to patients. In order to accomplish this, these entities may share PHI for treatment, payment and healthcare operations. For example, you may be a surgical patient at Luther Hospital requiring the services of the Eau Claire Anesthesiologists who are members of the Luther Hospital medical staff. Your surgeon will need to discuss your treatment with the anesthesiologists to facilitate your surgery. Another example, your clinic primary care provider might refer you to the Pain Clinic of Northwestern Wisconsin to assist in managing your condition. Your provider would discuss your condition with Pain Clinic staff for continuity of care.

Throughout this document, for purposes of compliance with the HIPAA Privacy Regulations regarding a Notice of Privacy Practices, “Luther Midelfort” refers to all entities listed in this Notice. This designation in no manner affects the independent status of each entity.

How Luther Midelfort Handles Your Medical Information

“Use” is the sharing of PHI within Luther Midelfort. At Luther Midelfort, providers, nurses and other healthcare professionals work together for your good health. All caregivers record information about you in the Luther Midelfort medical record. (This information is essential to the care Luther Midelfort provides, and this is the most important way Luther Midelfort's caregivers communicate with one another.)

Providers from different specialties may have a role in your care, and the medical record of this care may include, but is not limited to, reports from:

- Your provider(s)
- Nurses, therapists and other caregivers
- Lab test results
- Radiology reports
- Your medical history
- Other medical data

Bringing all of this information together in the medical record makes it possible for Luther Midelfort to care for you thoroughly and efficiently.

Everyone who works at Luther Midelfort is required to protect your medical information. Our providers and staff will look at your medical information only when necessary, such as for treatment, payment and healthcare operations.

“Disclosure” means the release of your PHI outside of Luther Midelfort. How Luther Midelfort discloses your information is set forth in the Uses and Disclosures of PHI section of this document.

Luther Midelfort's Duties

Throughout this Notice, references to the use and disclosure of your PHI refers to information found in your general medical record, except in the case where Wisconsin state law has placed additional protections on the disclosure of behavioral health treatment records. You will see references to behavioral health treatment records that reflect these additional protections.

- Luther Midelfort, as required by law, will keep your PHI confidential.
- Luther Midelfort is required by law and will provide you with this Notice of Privacy Practices explaining our legal duties and privacy practices relating to your PHI.
- Luther Midelfort is required to, and will, follow the rules of its Notice of Privacy Practices currently in effect.
- Luther Midelfort is required to give you a copy of the Notice of Privacy Practices at the time of your first visit. Once you have been provided this Notice from one Luther Midelfort provider, you may not be presented with another if you visit another of our healthcare providers. For example, if your first visit is to Luther Hospital, you may not receive another Notice when you visit Luther Midelfort Northland. Luther Midelfort will gladly provide you with an additional copy of the Notice of Privacy Practices upon your request.

Fulfillment of These Duties

- Luther Midelfort takes necessary precautions against inappropriate use or disclosure of information.
- Employees shall access ONLY the information needed to do their jobs.
- Employees who violate these rules and policies are subject to sanctions, including discipline and termination.

Information About This Notice

- The effective date of this Notice is July 1, 2007.
- Luther Midelfort reserves the right to change the terms of this Notice in accordance with the HIPAA rules or other laws and reserves the right to make the new Notice provisions effective for all PHI.
- When the Notice is revised, it will be available upon your request at Luther Midelfort facilities, on our web site at www.luthermidelfort.org, or by U.S. mail.

Uses and Disclosures of PHI

Any uses and disclosures, other than those specified in this section, will be made only with your written authorization, which authorization may later be revoked by you, except to the extent that your authorization has already been relied upon.

Treatment

- 4 Luther Midelfort will use and disclose your PHI, including in some instances,

your behavioral health treatment records, to provide, coordinate or manage your care and continuing care outside of Luther Midelfort. Treatment includes communication and consultation among healthcare providers, nurses, technicians and other members of your medical team. For example, following orthopedic surgery, your provider might refer you for rehabilitation. Another example involves sharing your PHI for your ongoing treatment at Mayo Clinic in Jacksonville, Rochester, Scottsdale or the Mayo Health System clinics and hospitals in Wisconsin and Minnesota. Medical information about you will be shared as necessary to ensure continuity of your care.

Payment

Luther Midelfort uses your PHI to create bills and collect payment from insurance companies, Medicare and other payors. This requires providing your medical information to your insurance company to show that Luther Midelfort provided medical services to you.

In the case of contracted behavioral health treatment, treatment records may be disclosed, without written authorization, to a state or county department for the sole purpose of billing or collection for those particular patients.

Luther Midelfort is not required to obtain your written authorization to release your PHI if your care is related to a workers' compensation claim.

Healthcare Operations

Luther Midelfort uses PHI for various internal and external activities such as monitoring and improving patient care, educational and training purposes, preparing for federal regulatory reviews, managing healthcare operations, and improving healthcare services. Here are some examples:

- At Luther Midelfort PHI is used to monitor our programs and to ensure patient safety.
- At Luther Midelfort PHI is used to respond to patient complaints or concerns regarding quality of care.
- Luther Midelfort will allow state reviewers to inspect patient records to ensure compliance with state and federal programs, such as Medicare.
- The Mayo facilities across the country, including the Mayo Clinic in Jacksonville, Rochester, Scottsdale and the Mayo Health System clinics and hospitals in Wisconsin and Minnesota, also work closely together to improve the healthcare operations across our system, so we may use your PHI for those activities.
- Luther Midelfort may disclose your PHI to another Covered Entity, with which you have had a relationship, for that Covered Entity's healthcare operations. Some limitations apply.

Patient Contacts

At times, Luther Midelfort will use PHI such as your name, address and general medical condition to contact you to:

- Provide appointment reminders
- Provide information about treatment alternatives
- Provide health-related benefits or services that may be of interest to you
- Provide you a Luther Midelfort Satisfaction Survey

Philanthropy

Luther Midelfort may contact you to raise funds to sustain the Luther Midelfort mission. When conducting fundraising activities, Luther Midelfort may access only your basic demographic information (such as name and address) and the dates you were treated at Luther Midelfort. You may receive letters or other publications asking you to consider making a tax-deductible contribution to Luther Midelfort. Luther Midelfort does not engage in telephone solicitations, nor does it sell or rent patients' names or addresses to other organizations.

Directory

In our hospital settings, Luther Midelfort will use your name, location in the facility and religious affiliation (should you choose to provide this) in the Patient Directory. This allows us to help your family members and loved ones reach you while you are in the hospital. For example, a relative may wish to visit you in the hospital and would need to know your hospital room number. In our clinics, a family member meeting you for an appointment may have forgotten which floor your appointment is on. We may provide location information to your family member upon request.

- This information is shared only with those asking about you by name.
- You can choose to be excluded from the Patient Directory.
- Luther Midelfort will not identify you in the Patient Directory as receiving, or having received, behavioral health treatment without your written authorization, and will not disclose such information to anyone without your written authorization.

Individuals Involved in Care and Notification

Luther Midelfort may not disclose PHI to a family member or friend involved with your care, or handling your bills, unless you provide written authorization. If family or friends are present while care is being provided, Luther Midelfort will assume your companions may hear the discussion, unless you object. Luther Midelfort will share limited PHI to notify a person authorized by you of your location, condition or death.

A “person authorized by you” is defined as:

- A parent, guardian or legal custodian of a minor child
- The guardian of an incompetent adult
- The healthcare agent designated in an incapacitated patient's healthcare power of attorney
- The personal representative or spouse of a deceased patient
- If no spouse survives you, “person authorized by you” also means an adult member of your immediate family.

In the case of behavioral health treatment, except drug and alcohol treatment programs, Luther Midelfort may release the following PHI from the treatment record to a spouse, parent, adult child or sibling, provided they are directly involved in, or are monitoring, the patient's treatment and that authority has been verified by the patient's treatment provider:

- A summary of the patient's diagnosis and prognosis
- The medication list

- The treatment plan

Unless the patient has been adjudged incompetent, the treatment provider will notify the patient about the release of this PHI.

In the case of behavioral health treatment, except drug and alcohol treatment programs, Luther Midelfort may:

- Notify a spouse, parent or child that an individual is an inpatient
- Provide a patient's attorney and guardian ad litem, as well as County Corporation Counsel, the patient's PHI to prepare for matters related to detention, admission or commitment
- Release PHI that would assist in the apprehension of a patient who has left the behavioral health unit without permission (where such permission is required)

You have the right to request a restriction on the above notifications. Please refer to the Right to Request Restrictions section of this document.

Emergency Circumstances

Luther Midelfort may disclose behavioral health treatment records to a licensed provider who has determined that the life or health of a patient is in danger, and treatment without the behavioral health treatment record could be injurious to the patient's health. Such disclosure shall be limited to that part of the records necessary to meet the medical emergency.

Medical Research

Federal regulations and Wisconsin law permit the use or disclosure of your PHI for medical research without authorization only under very stringent conditions. Research studies at Luther Midelfort are reviewed and approved by an Institutional Review Board (IRB). Federal law now requires that IRBs must take into account the researcher's plans for maintaining the confidentiality of PHI. If you are a private pay patient, you may request that your PHI not be used in medical research.

For Luther Midelfort to use your PHI for medical research or disclose your PHI as part of research results, written authorization will be required in many circumstances.

Authorized or Required by Law

Luther Midelfort will use or disclose your PHI, including behavioral health treatment records, when authorized or required by a federal or state statute, regulation, court opinion, or court order.

To Avert a Serious Threat of Harm

Luther Midelfort will use and disclose your PHI when Luther Midelfort believes it is necessary to protect you or the community from imminent and substantial danger. As an example, a provider may report your name and other relevant information to the Department of Transportation if the provider believes that your vision or another medical condition would affect your ability to safely drive a car.

Organ and Tissue Donation

Luther Midelfort will disclose your PHI to organizations that handle organ procurement, or organ, eye or tissue donation banks, or other organizations to make organ or tissue donation and transplantation possible.

Government Agency Requests

Luther Midelfort will disclose your PHI, including behavioral health treatment records, as requested by federal or state authorities under certain circumstances, only in response to a written request. Examples are:

- Financial audits
- Program monitoring and evaluation
- Facility licensure
- Individual certification

If you pay your bill in cash (except if you are a resident of a nursing home), you may decide to opt out of the disclosure of your PHI. To opt out, you may annually submit the Luther Midelfort Restriction Request Form with your signature.

Correctional Institutions/Department of Corrections

Luther Midelfort will disclose an inmate's PHI to the medical staff of the institution in which an inmate is confined, to the receiving institution intake staff to which an inmate is being transferred, or to a person designated by a jailer to maintain inmate medication records. This will be done only if the disclosure is necessary for:

- Provision of healthcare
- Health and safety of the individual or other inmates
- Health and safety of the individual and persons responsible for transporting or transferring them from one institution to another
- Law enforcement on the premises of the institution
- Administration and maintenance of safety, security and good order of the institution

Luther Midelfort may release behavioral health treatment records as follows:

- To the Department of Corrections pertaining to registered sex offenders
- To the Department of Corrections if an individual is incarcerated to determine if he/she is complying with an assessment or a driver safety plan
- To correctional facilities responsible for supervision of an individual receiving behavioral health treatment
- To parole officers responsible for supervision of an individual receiving behavioral health treatment
- To a correctional officer who has custody of an individual who is transferred or discharged from a treatment facility

Workers' Compensation

If you file an application for hearing with the Department of Workforce Development, your PHI will be disclosed, including behavioral health treatment records, upon request, in connection with that proceeding. Luther Midelfort will disclose your PHI that is reasonably related to the condition for which you are claiming compensation when you report an injury alleged to be work-related.

Public Health Purposes

Luther Midelfort may disclose your PHI for authorized public health purposes upon written request. These purposes include the following:

- To report suspected child abuse and neglect and to assist in the prosecution of alleged child abuse or unborn child abuse, including any related behavioral health treatment records
- To disclose to a person who may have been exposed to HIV, under certain circumstances
- To report certain communicable diseases to the State epidemiologist
- To report neglect and suspected abuse of an unborn child
- To report elder abuse and neglect, or to assist during an elder abuse investigation

Health Oversight Activities

Luther Midelfort may disclose your PHI to health oversight agencies when authorized by law and upon written request. Oversight activities can include licensure, accreditation, audits and investigations. It is standard practice for regulatory agencies, such as The Joint Commission, to review a sample of medical records to ensure the quality of care provided. Other instances in which Luther Midelfort may disclose your PHI to the Wisconsin Department of Health and Family Services (DHFS) or law enforcement agencies include, among others:

- If there is reasonable cause to believe that a patient's death was related to the use of a physical restraint, use of psychotropic medication or suicide - this also includes related behavioral health treatment records
- For investigation of a death of a child who resided in a building operated by a child welfare agency, a resident of a community-based residential facility, a resident of a nursing home, or a person admitted or committed to a mental treatment facility

If you pay your bill in cash (except if you are a resident of a nursing home), you may decide to opt out of the disclosure of your PHI. To opt out, you may annually submit the Luther Midelfort Restriction Request Form with your signature.

In the case of behavioral health treatment, Luther Midelfort may disclose certain treatment record information as follows:

- To DHFS or the director of the county department to monitor treatment of individuals under its supervision
- Within DHFS as necessary to coordinate treatment of individuals under its supervision
- To county departments to coordinate provision of services and case management of individuals who have received either community mental health, developmental disability, alcoholism or drug abuse services within six (6) months preceding the request for information

Lawsuits and Other Judicial Proceedings

Luther Midelfort will disclose your PHI in response to a court order or a court issued subpoena. This also applies to behavioral health treatment records.

Law Enforcement Activities

Luther Midelfort will disclose your PHI to law enforcement officials:

- To report a gunshot wound
- To report serious burns and any other wound if Luther Midelfort has reasonable cause to believe that the wound occurred as a result of a crime
- Verbally, upon a law enforcement official's request to identify or locate a suspect, fugitive, material witness or missing person, including only the name, address, date and place of birth, social security number, and physical characteristics
- From a behavioral health treatment record about a crime committed on Luther Midelfort premises, only if Luther Midelfort believes in good faith that the information is evidence of that criminal conduct. Information disclosed is limited to the individual's name and other identifying information as well as information related to the apparent crimes.
- To report an unauthorized absence from the behavioral health unit
- To investigate certain deaths, as outlined in the Health Oversight Activities section in this Notice
- Upon request, when disclosure of identifying information from a behavioral health treatment record is appropriate under the circumstances

Coroners, Medical Examiners and Funeral Directors

Luther Midelfort may disclose PHI to a coroner or medical examiner following the death of a patient for the purpose of completing a medical certificate or investigating a death. PHI may only be disclosed with written authorization to a funeral director when necessary to handle arrangements after death. However, Luther Midelfort may disclose to a funeral director or other persons who prepare the body of a decedent for burial or other disposition the following information about the decedent:

- HIV test results
- Certain diseases that may be transmitted by droplet, contact or airborne transmission
- If the decedent was treated with radioactive materials
- Tissue donation status
- Whether a post-mortem examination is to be done

Patients' Rights with Respect to PHI

Right to Inspect and Copy

You have the right to inspect and copy your PHI maintained in Luther Midelfort's medical record and behavioral health treatment record, except for limited information which is restricted by Wisconsin law.

You or a person authorized by you may inspect your medical record during regular business hours, upon reasonable notice. Most patients have full access to inspect their entire medical record. To inspect your records, you may schedule an appointment with Luther Midelfort's Health Information Management Department.

Luther Midelfort may, on rare occasions, deny a request to inspect and copy some information in the medical record. An example would be if one parent is denied periods of physical placement by a court, Luther Midelfort will not honor that parent's request for a copy of their child's medical record.

To obtain a copy of your medical record, you may contact Luther Midelfort's Patient Services Department to receive an authorization form to complete. A reasonable fee will be charged to cover the expense of providing the copy (ies).

If you are denied access to information, you may request a review of that decision, except in limited circumstances. Another uninvolved licensed healthcare professional within Luther Midelfort will review your request. That decision will be final.

Right to Request Amendment

You have the right to request that your PHI maintained in Luther Midelfort's medical record and behavioral health treatment record be amended. You may send a written request to the Privacy Official at Luther Midelfort. The request should include a reason to support the amendment. Luther Midelfort may deny it. If Luther Midelfort denies your request for an amendment, Luther Midelfort will give you a written explanation of the denial and will explain your rights.

Right to a List of Certain Disclosures

You may submit your written request for a list of certain disclosures of your PHI to the Privacy Official at Luther Midelfort.

Right to Request Restrictions

You have the right to ask Luther Midelfort to restrict the use or disclosure of your PHI:

- To carry out treatment, payment or healthcare operations
- To request that discussions about your condition or care be between only you and your healthcare provider
- To family members or other persons involved in your care

Your request must be in writing and submitted to Luther Midelfort's Privacy Official. Generally, Luther Midelfort is not able to honor requests to restrict use of PHI internally, as it may hinder the ability to provide care to you.

Right to Request Type of Communication

You have the right to ask Luther Midelfort to accommodate reasonable requests to communicate with you in a certain manner (such as by letter) or at a certain location without an explanation. For example, you may ask that contact occur only at home. You may submit a written request to the Privacy Official specifying a certain type of communication with you.

Right to Obtain a Paper Copy of the Notice of Privacy Practices

You may submit a written request to obtain a paper copy of the Notice of Privacy Practices to the Privacy Official at Luther Midelfort at any time.

Complaints

If you believe Luther Midelfort has violated your privacy rights and you want to file a complaint, you may send a letter to the Privacy Official at Luther Midelfort, 1400 Bellinger St., P.O. Box 1510, Eau Claire, WI 54702-1510 or to the Secretary of the Department of Health and Human Services, 200 Independence Avenue, S.W., Washington, D.C. 20201.

Luther Midelfort respects your right to file a complaint. Luther Midelfort would not, nor could it legally or ethically, take action against you for filing a complaint. Luther Midelfort reserves the right to maintain an environment that serves the best interests of patients and providers.

Privacy Official and Site Designees

If you have questions about anything contained in these pages, please call our Privacy Official at 715-838-3221, or write to Luther Midelfort, 1400 Bellinger St., P.O. Box 1510, Eau Claire, WI 54702-1510. If you would like to locally contact one of Luther Midelfort's Privacy Official Site Designees, you may do so at the following telephone numbers:

- Barron 715-537-9911
- Bloomer 715-568-6179
- Osseo..... 715-597-3121, ext. 7932
- Northwest Health Ventures, Inc. d/b/a Midelfort Pharmacy & Home Medical 715-838-5800
- Northwest Wisconsin HomeCare, Inc. and Northwest Wisconsin Supportive HomeCare, Inc 715-831-0100
- Pain Clinic of Northwestern Wisconsin, S.C..... 715-838-6562

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