



## Privacy Policy

1. **Scope-** This policy outlines the procedure that Erickson Retirement Communities, LLC for Erickson AdvantageSM (“**Erickson AdvantageSM**”) follows in notifying enrollees of Erickson AdvantageSM’s privacy practices.

2. **Areas Impacted**

<b>Erickson Retirement Communities, LLC</b>	<b>Functional Area(s)</b>
Erickson AdvantageSM	All

3. **Dates-** The most recent revision and original effective dates are listed below:

<b>Current Revision Effective Date</b>	New
<b>Last Revision Effective Date</b>	New
<b>Original Effective Date</b>	March 31, 2003 Ovations; October 1, 2005 Erickson AdvantageSM

4. **Regulatory Reference(s)** - HIPAA Regulations: §164.520(a), §164.5200(c)

5. **Policy-** It is the policy of Erickson AdvantageSM to provide enrollees adequate notice of the uses and disclosures of protected health information (PHI) that may be made by Erickson AdvantageSM, and of the enrollee’s rights and Erickson AdvantageSM’s legal duties with respect to PHI.

Erickson AdvantageSM will provide such notice to (an Erickson AdvantageSM Notice will be provided separately by United at time of enrollment.):

- o Current Enrollees:
  - Within 60 days of a material revision to the notice; and
  - Upon membership services intake.
- o New Enrollees: At the time of membership services intake.

No less frequently than once every three years, Erickson AdvantageSM will notify individuals by mail or other appropriate means, of the availability of the notice and how to obtain the notice.

Erickson AdvantageSM web sites that provide information about the covered entity’s customer services or benefits will prominently display the privacy notice on the web site. The individual who is the recipient of electronic notice retains the right to obtain a paper copy of the notice from a covered entity upon request.

In addition to HIPAA privacy rules, Erickson AdvantageSM staff will also comply with any applicable state and federal rules, regulations and laws regarding privacy.

Failure by an Erickson AdvantageSM employee to appropriately administer the guidelines documented in Erickson AdvantageSM HIPAA Privacy Policies and Procedures will result in disciplinary action, up to and including termination of employment.

## 6. Background

**HIPAA:** HIPAA is the acronym for the Health Insurance Portability and Accountability Act of 1996 and addresses a number of issues, including the protection of confidential enrollee information.

The Privacy rule provides guidelines for the communication of PHI by covered entities for all health care related purposes.

**State Law Issues:** Federal HIPAA requirements set a floor and states may implement stricter requirements.

## 7. Definitions

**Individual** – the person who is the subject of protected health information. Generally this is an enrollee or member.

**Erickson AdvantageSM** – the Health Plan that provides services to Erickson AdvantageSM enrollees and members.

**Protected Health Information (PHI)** – information that relates to the: (i) physical or mental health or condition of an individual; (ii) provision of health care to the individual; or (iii) payment for the provision of health care to an individual and that (iv) identifies the individual or (v) with respect to which there is a reasonable basis to believe the information can be used to identify the individual.

Protected health information excludes individually identifiable health information in: education records covered by the Family Educational Rights and Privacy Act, as amended, 20 U.S.C. 1232g; records described at 20 U.S.C. 1232g(a)(4)(B)(iv); and employment records held by a covered entity in its role as employer.

**Treatment, Payment and Health Care Operations (TPO)** – please see the attached document.

## 8. Procedure

1. Erickson AdvantageSM will utilize or modify as necessary (e.g. for compliance with Medicare Advantage regulations), the Notice of Privacy Practices, as provided by the Erickson AdvantageSM Privacy Liaison and the Erickson Privacy Officer with advice of counsel.
2. The Erickson AdvantageSM Notice of Privacy Practices will be written in language that persons of ordinary intelligence and education will be able to understand. In addition, the notice, to the extent possible, shall conform to Medicare guidelines for enrollee material distribution.
3. The notice will contain the following elements:

1. **Uses and Disclosures-** Describe and give examples of the uses and disclosures for purposes of treatment, payment, and health care operations.

Identify the legally mandated disclosures that may be made without the individual's authorization. The notice must indicate that any other use or disclosure of protected health information requires written authorization by the individual, and that an authorization may be revoked.

Any additional uses of information will be included in the notice.

2. **Individual rights**

Identify the rights of the individual under the federal privacy

standards.

These must include:

- the right to request restrictions
- the right to receive confidential communications
- the right to inspect and copy protected health information
- the right to amend protected health information
- the right to receive an accounting of disclosures
- the right to receive a printed copy of the notice of privacy practices itself

### 3. Covered Entity's Duties

Describe the duties of the covered entity, specifically with respect to maintaining the privacy of protected health information, providing the Notice of Privacy Practices, and abiding by the terms of the privacy notice that is in effect when the individual receives it.

### 4. Right to Revise Privacy Practices

State that we reserve the right to modify our privacy practices and if we do so, we will notify the individuals of any material change. The revised notice will also be made available to individuals upon their request.

### 5. Complaints

Outline the procedure for submitting complaints concerning our privacy practices, or to report suspected violations of privacy rights. Also indicate that we will not retaliate against the individual for submitting a complaint or reporting a suspected violation.

### 6. Contact Information

Provide the name, address and telephone number of the office or person for enrollees to direct privacy-related inquiries, consumer rights requests and enrollee complaints.

### 7. Effective Date

The initial privacy notice has an effective date of October 1, 2005.

When the notice is revised, the effective date of the revised notice may not be earlier than the printing and release date of the revised notice. The policies described in the revised notice will not go into effect before individuals have been informed of the policies.

#### Reference Documents:

- Privacy Implementation Work Group Policy Approval: 2-24-03
- HIPAA Steering Committee Review: 2-24-03
- Erickson AdvantageSM REVIEW: 10-01-05

#### **Erickson AdvantageSM – Care Coordination - HIPAA Notice of Privacy**

##### **Procedure**

The Erickson HIPAA Notice of Privacy will be mailed to the new Member in the New Member Welcome packet, and its receipt

will be documented. Original signed documents will be housed at the Erickson AdvantageSM headquarters.

1. The Member Services Representative (MSR) will **include a copy of the Erickson HIPAA Notice of Privacy form in the new member welcome packet**, to be mailed no later than the end of first month of enrollment in the Erickson AdvantageSM Health Plan.
2. The MSR will **document mailing in** Canopy software system in the **New Member Data Tool** under the Assessments tab. The MSR will also document the mailing in the Directives tab, to include the date the document was mailed.
3. The MSR will **fax returned signed documents to the Erickson AdvantageSM corporate office** for filing. The MSR will also document receipt of the signed document in the HIPAA Notice of Privacy notes section under the Directives tab in the Canopy software system.
4. The MSR will resend the HIPAA Notice of Privacy form to Erickson AdvantageSM Members every 3 years, to every active health plan member. This mailing will be sent during the month of January.
5. The MSR will repeat steps 2 and 3 with the subsequent mailings to Members.

#### **Training and Education**

The MSR and EA Care Coordinator will receive training on the policy and procedure at the time of departmental orientation, and ongoing as necessary for reinforcement of compliance.

#### **Auditing and Monitoring**

Quarterly auditing by random chart sampling will be conducted to determine compliance with policy and procedure.