

**Plan Document
of the
Defined Benefit
Self-Funded Health
Care Plan**

**of
XYZ Company**

Effective July 1, _____

Part V

Attachment F

Privacy of Medical Information Rules

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Introduction

This Attachment sets forth the rules and practices of the Plan as regards privacy of medical information. Such are required by the Health Care Portability and Accountability Act of 1996 (HIPAA).

Medical information is personal in nature; the rules of this Plan as regards privacy may differ from those of providers. The rights and obligations of all of the parties to this Plan as set forth in this Attachment.

HIPAA requires that the Plan do two things:

1. Make sure that medical information that identifies a covered person is kept private.
2. Give the covered person notice of the legal duties and privacy practices of this Plan with respect to such medical information.

Any Plan Vendors who are provided protected information must agree to be bound by the restrictions and conditions found herein. Such information may not be used by Employer for any employment-related actions or decisions or in connection with any other benefit or employee benefit plan of the Employer. Employer must report to the Plan any uses or disclosures of such information which the Employer becomes aware that are inconsistent with the provisions set forth herein.

Use and Disclosure of Protected Information

The following categories describe different ways that the Plan can use and disclose medical information for purposes of health plan administration.

For Medical Treatment

The Plan may use medical information to facilitate medical treatment or services. The Plan may disclose medical information to doctors, nurses, technicians, medical students, or other hospital personnel who are involved in providing care.

For Payment

The Plan may use and disclose medical information to determine eligibility for Plan benefits, to facilitate payment for the treatment and services received from health care providers, to determine benefit responsibility under the Plan, or to coordinate Plan coverage. For example, the Plan may tell a health care provider about medical history to determine whether a particular treatment is experimental, investigational, or medically necessary or to determine whether the Plan will cover the treatment. The Plan may also share medical information with a utilization review or precertification service provider. Likewise, the Plan may share medical information with another entity to assist with the adjudication or subrogation of health claims or to another health plan to coordinate benefit payments.

For Health Care Operations

The Plan may use and disclose medical information for other Plan operations. These uses and disclosures are necessary to run the Plan. For example, the Plan may use medical information in connection with: conducting quality assessment and improvement activities; underwriting and soliciting bids from potential carriers, premium rating and setting employee contributions, and other activities relating to Plan coverage; submitting claims for stop-loss coverage; conducting or arranging for medical review, legal services, audit services, and fraud and abuse detection programs; business planning and development such as cost management; and business management and general Plan administrative activities.

As Required by Law

The Plan will disclose medical information when required to do so by federal, state or local law.

To Avert a Serious Threat to Health or Safety

The Plan may use and disclose medical information when necessary to prevent a serious threat to a covered person's safety or the health and safety of the public or another person. Any disclosure, however, would only be to someone able to help prevent the threat.

Special Situations

Disclosure to Plan Sponsor

Information may be disclosed to another health plan for purposes of facilitating claims payments under that plan. In addition, medical information may be disclosed solely for purposes of administering benefits under the Plan.

Organ and Tissue Donation

For organ donors, the Plan may release medical information to organizations that handle organ procurement or organ, eye or tissue transplantation or to an organ donation bank, as necessary to facilitate organ or tissue donation and transplantation.

Military and Veterans

For members of the armed forces, the Plan may release medical information as required by military command authorities. The Plan may also release medical information about foreign military personnel to the appropriate foreign military authority.

Workers' Compensation

The Plan may release medical information for workers' compensation or similar programs. These programs provide benefits for work-related injuries or illness.

Public Health Risks

The Plan may disclose medical information for public health activities. These activities generally include the following:

- To prevent or control disease, injury or disability
- To report births and deaths
- To report child abuse or neglect
- To report reactions to medications or problems with products
- To notify people of recalls of products they may be using
- To notify a person who may have been exposed to a disease or may be at risk for contracting or spreading a disease or condition
- To notify the appropriate government authority if the Plan believes a patient has been the victim of abuse, neglect or domestic violence. The Plan will only make this disclosure only when required or authorized by law.

Health Oversight Activities

The Plan may disclose medical information to a health oversight agency for activities authorized by law. These oversight activities include, for example, audits, investigations, inspections, and licensure. These activities are necessary for the government to monitor the health care system, government programs, and compliance with civil rights laws.

Lawsuits and Disputes

In a lawsuit or dispute, the Plan may disclose medical information in response to a court or administrative order. The Plan may also disclose medical information in response to a subpoena, discovery request, or other lawful process by someone else involved in the dispute, but only if efforts have been made to request or to obtain an order protecting the information requested.

Law Enforcement

The Plan may release medical information in response to a court order, subpoena, warrant, summons or similar process such as:

- To identify or locate a suspect, fugitive, material witness, or missing person
- About the victim of a crime if, under certain limited circumstances, we are unable to obtain the person's agreement
- About a death we believe may be the result of criminal conduct
- About criminal conduct at the hospital
- In emergency circumstances to report a crime; the location of the crime or victims; or the identity, description or location of the person who committed the crime.

Coroners, Medical Examiners and Funeral Directors

The Plan may release medical information to a coroner or medical examiner. This may be necessary, for example, to identify a deceased person or determine the cause of death. The Plan may also release medical information about patients of the hospital to funeral directors as necessary to carry out their duties.

National Security and Intelligence Activities

The Plan may release medical information about you to authorized federal officials for intelligence, counterintelligence, and other national security activities authorized by law.

Complaints

If privacy rights have been violated, a complaint may be filed with the Plan or with the Secretary of the Department of Health and Human Services. To file a complaint with the Plan, contact [insert the name, title, and phone number of the contact person or office responsible for handling complaints. This should be the same person or department listed on the first page as the contact for more information about this notice.] All complaints must be submitted in writing. There is no penalty for filing a complaint.

Other Uses of Medical Information

Other uses and disclosures of medical information not covered by this notice or the laws that apply will be made only with written permission. Such permission to use or disclose medical information may be revoked in writing, at any time.