



NOTICE OF PRIVACY PRACTICES

THIS NOTICE DESCRIBES HOW PHI ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY.

If you have any questions about this notice, please contact the Privacy Officer at (828) 771-2902.

This Notice of Privacy Practices (“Notice”) describes the practices of Givens Estates with respect to your Protected Health Information (“PHI”). Givens Estates is required by law to take reasonable steps to ensure the privacy of your PHI. Givens Estates also is required to inform you about its uses and disclosures of PHI, your privacy rights with respect to your PHI, and Givens Estates’ duties with respect to your PHI. Givens Estates is required by law to comply with the terms of its Notice that is currently in effect.

The term “Protected Health Information” (PHI) includes all individually identifiable health information that relates to your past, present, or future physical or mental health, the provision of health care to you, or the past, present, or future payment for the provision of health care to you which is created or maintained by Givens Estates, whether made by Givens Estates’ personnel, your personal physician, or other independent health care personnel. These records are the physical property of and are owned by Givens Estates. Your personal physician or other independent health care personnel treating you may have different policies regarding confidentiality and disclosure of your health information that is created in their office or at locations other than Givens Estates.

Givens Estates’ use and disclosure of PHI is regulated by a federal law known as HIPAA. 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. This Notice of Privacy Practices is effective as of April 14, 2003.

WHO WILL FOLLOW THIS NOTICE.

This notice describes Givens Estates’ practices at all its locations and that of:

- Any independent health care professional who treats or cares for Residents at the Givens Estates and is authorized to enter information into your medical record.
- All departments and units of Givens Estates.
- All members of Givens Estates’ workforce.

- Ø Any Givens Estates volunteers who assist Givens Estates' Residents.
- Ø Any vendors or independent contractors who have access to protected health information of Residents at Givens Estates.
- Ø Students or trainees who provide services at Givens Estates.
- Ø All the above listed persons, entities, sites and locations are obligated to follow the terms of this Notice. In addition, these persons, entities, sites and locations may share PHI with each other for your treatment, Givens Estates operations purposes and the purposes described in this Notice. The independent health care professionals, who provide care at Givens Estates and have agreed to follow the terms of this Notice are not employees or agents of Givens Estates, and Givens Estates is not responsible for how they fulfill their professional responsibilities.

HOW GIVENS ESTATES MAY USE AND DISCLOSE YOUR PHI.

The following categories describe different ways that Givens Estates may use and disclose your PHI. For each category of uses or disclosures, this Notice includes an explanation of the category and examples of such uses or disclosures. Not every use or disclosure in a category will be listed. However, Givens Estates will use and disclose your PHI only in ways that fall within one of the listed categories.

- Ø **For Treatment.** Givens Estates may use PHI about you to provide you with medical treatment or services. Givens Estates may disclose PHI about you, to persons who are involved in taking care of you at Givens Estates, such as independent doctors and other independent health care professionals who are permitted to treat or care for Residents of Givens Estates, workforce members who are involved in providing treatment to Givens Estates residents. For example, a doctor treating you for a broken leg may need to know if you have diabetes because diabetes may slow the healing process. In addition, the doctor may need to tell the dietitian if you have diabetes so that Givens Estates can arrange for appropriate meals. Different departments of Givens Estates also may share PHI about you in order to coordinate the services you need, such as therapy, lab work and activities. Givens Estates also may disclose PHI about you to people outside Givens Estates who may be involved in your medical care before, during or after you leave Givens Estates, such as family members, hospitals, therapists, or medical specialists. Givens Estates may provide, without your consent, PHI about you in connection with any transfer of you to obtain health care elsewhere. Otherwise, Givens Estates will not disclose your PHI to people outside Givens Estates who are not currently involved in your care at Givens Estates without your consent, except for disclosures that are required or permitted by law.
- Ø **For Payment.** Givens Estates may disclose your PHI so that the treatment and services you receive at Givens Estates may be billed to and payment may be collected from you, Medicare, Medicaid, an insurance company/health plan, or a third party, to the extent permitted by law. For example, Givens Estates may need to give Medicare or Medicaid information about lab work or therapy you received at Givens Estates so that Medicare or Medicaid will pay Givens Estates or reimburse you for the lab work or therapy. The disclosure of PHI by Givens Estates for the purpose of obtaining payment for your care and services may also include giving information to your family members who are involved in your care, who are insured on your policy or who help pay for your care.

- Ø **For Health Care Operations.** Givens Estates may use and disclose your PHI for Givens Estates operations. These uses and disclosures are necessary to operate Givens Estates and make sure that all of Givens Estates' Residents receive quality care. For example, Givens Estates may use PHI to review treatment and services and to evaluate the qualifications and performance of its staff in caring for you. Givens Estates may also combine PHI about many Givens Estates Residents to decide what additional services Givens Estates should offer, what services are not needed, and whether improvements can be made. Givens Estates may also disclose information to nurses, technicians and other Givens Estates personnel, independent doctors and health care professionals who are involved in the treatment of Residents at Givens Estates or to faculty and students who are having clinical education experiences at Givens Estates for review and learning purposes. Givens Estates will not disclose PHI that identifies you to people outside Givens Estates who are not currently involved in your care without your consent, except for disclosures that are required or permitted by law.
- Ø **Treatment Alternatives.** Givens Estates may use and disclose PHI to tell you about or recommend different ways to treat you.
- Ø **Health-Related Benefits and Services.** Givens Estates may use and disclose PHI to tell you about health-related benefits or services that may be of interest to you.
- Ø **Fundraising Activities.** Givens Estates will not share information about you with people or organizations that are involved in general fund-raising activities. Givens Estates may share information about you with people or organizations whose responsibility it is to raise funds for the benefit of Givens Estates. In such case, Givens Estates only would release contact information, such as your name and residence number. If you do not want Givens Estates to contact you for fundraising efforts, you must notify our Development Department in writing.
- Ø **Givens Estates Directory.** Unless you tell us otherwise, Givens Estates will include certain limited information about you in the Givens Estates' Directory while you are a Resident at Givens Estates. This information may include your name, residence number and phone number. This directory is distributed to residents of Givens Estates. This directory information may be released to people who ask for you by name. If you choose not to be listed in the directory, then Givens Estates may not be able to acknowledge that you are at Givens Estates to your family, friends, clergy or delivery people. If you do not want anyone to know this information about you, if you want to limit the amount of information that is disclosed, or if you want to limit who gets this information, you must notify or the Administrator or the Privacy Officer in writing or indicate your choice on the Givens Estates' Resident Directory Instructions Form.
- Ø **Individuals Involved in Your Care.** In certain circumstances, Givens Estates may disclose PHI about you to a close friend or family member who is involved in your medical care. In addition, Givens Estates may disclose PHI about you to an entity assisting in a disaster relief effort so that your family can be notified about your condition, status, and location. In general, you may agree to, prohibit, or restrict these disclosures by identifying to Givens Estates those individuals, if any, who are involved in your care and to whom such disclosures may be made. Givens Estates also may use or disclose your PHI in such circumstances if it reasonably infers, based on the exercise of professional judgment, that you do not object to the disclosure. In certain situations, if you are unable to agree or object to a disclosure due to an emergency circumstance or otherwise, Givens Estates may, in the exercise of professional judgment, disclose such information in your best interests, but only that information that is directly relevant to the recipient's involvement in your health care.

- Ø **Research.** Under rare circumstances, Givens Estates may use and disclose your PHI for research purposes. For example, a research project may involve comparing the health and recovery of all Residents who received one medication to those who received another for the same condition. All research projects, however, will require your written consent if your identifiable PHI is used. PHI about you that has had identifying information removed may be used for research without your consent.
- Ø **As Required By Law.** Givens Estates will disclose PHI about you when required to do so by federal, state, or local law.
- Ø **To Avert a Serious Threat to Health or Safety.** Givens Estates may use and disclose PHI about you when necessary to prevent or lessen a serious threat to your health and safety or the health and safety of the public or another person. Any disclosure, however, would only be made to someone able to help prevent or lessen the threat and would be limited to the information needed.

SPECIAL SITUATIONS:

- Ø **Organ and Tissue Donation.** If you are an organ or tissue donor, Givens Estates is required by law to provide PHI about you to the person or entity who receives the organ or tissue donation.
- Ø **Public Health Risks.** Givens Estates may disclose your PHI without your consent for public health activities. These activities may include the following:
 - to prevent or control disease, injury, or disability;
 - to report cancer, deaths or other items required to be reported;
 - to report suspected abuse or neglect as required by law;
 - to report reactions to medications or problems with products;
 - to notify people of recalls of products they may be using; and
 - 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.
- Ø **Surveys and Other Health Oversight Activities.** We may disclose without your consent PHI to a health oversight agency when 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 applicable laws. The Department of Health and Human Services has authority to inspect Givens Estates and to review any records of the current or former Residents of the Givens Estates unless you object in writing to review of your records. The state ombudsman can review your records with your consent or the consent of your legal representative. Some professional licensing boards, such as the board that governs licensing of physicians, have the right to review your records when investigating a particular physician.
- Ø **Lawsuits and Disputes.** If you are involved in a lawsuit or a dispute, Givens Estates may be required to disclose PHI about you in response to a court or administrative order. Givens Estates also may disclose PHI about you in response to a subpoena or other lawful process from someone involved in a dispute by furnishing your medical records or information under seal to the court. The copies of your medical record under seal may only be opened by the judge, the parties to the case, or their attorneys, unless a judge orders otherwise.

Ø **Law Enforcement.** Givens Estates may release PHI without your consent to a law enforcement official:

- In response to a court order, grand jury demand, or search warrant;
- To report a death or injury that Givens Estates believes may be the result of criminal conduct; or
- To report criminal conduct committed at Givens Estates.

Ø **Coroners, Medical Examiners, and Funeral Directors.** Givens Estates may release PHI without your consent to a coroner or medical examiner. This may be necessary, for example, to identify a deceased person or determine the cause of death. Givens Estates also may release PHI about the identity of Residents at Givens Estates to funeral directors as necessary to carry out their duties, as consistent with applicable law.

Ø **Behavioral Health Care.** Regardless of the other parts of this Notice, any information relating to alcohol and drug treatment or other behavioral health care treatment, including psychotherapy notes, will not be disclosed to individuals or entities outside Givens Estates except as authorized by you in writing, pursuant to a court order, or as otherwise permitted by law. Psychotherapy notes about you will not be disclosed to personnel working within Givens Estates, other than to the person who wrote the notes, except for training purposes or to defend a legal action brought against Givens Estates, unless you have properly authorized such disclosure in writing.

YOUR RIGHTS REGARDING YOUR PHI.

You have the following rights regarding your PHI that is maintained by Givens Estates:

Ø **Right to Inspect and Copy.** As a current or former Resident of Givens Estates, you or your representative have a right of access to inspect and/or obtain a copy of your PHI that is maintained by Givens Estates, subject to certain exceptions, as noted below. If you are a current Resident of Givens Estates, you or your representative have (1) the right to inspect your medical records, subject to certain exceptions, within 24 hours of your request, excluding weekends and holidays, and (2) the right to purchase copies of your medical records or any portions thereof, subject to certain exceptions, on two working days' advance notice to Givens Estates. If you are a former Resident at the time of your request to inspect or copy your records, Givens Estates shall respond to your request within 60 days from the date of your request.

To inspect or receive a copy of your records, you must submit your request in writing to the Office of the Administrator of Givens Estates. If you request a copy of the information, Givens Estates may charge a fee not to exceed the community standard rate for the costs of copying, mailing, or other supplies associated with your request and may collect the fee before providing the copy to you. If you agree, Givens Estates may provide you with a summary of the information instead of providing you with access to it, or Givens Estates may provide you with an explanation of the information instead of a copy. Before providing you with such a summary or explanation, Givens Estates first will obtain your agreement to pay and will collect the fees, if any, for preparing the summary or explanation. In accordance with applicable law, your right to access your PHI may not extend to all of the PHI that may be included in your records.

If you are denied access to your PHI, Givens Estates will provide you with a written denial that explains the reasons for the denial, a description of how you may exercise your review rights, if available, and a description of how you may complain to the Secretary of the U.S. Department of Health and Human Services.

- Ø **Right to Amend.** If you believe that PHI about you maintained by or for Givens Estates is incorrect or incomplete, you may request that Givens Estates amend the information. You have the right to request an amendment for as long as the information is kept by or for Givens Estates.

A request for amendment must be made in writing and submitted to the Office of the Administrator of Givens Estates (see contact information at the beginning of this Notice.). In addition, you must provide a reason that supports your request.

- Givens Estates may deny your request for an amendment if it is not in writing or does not include a reason to support the request. In addition, Givens Estates may deny your request if you request that Givens Estates amend information that:
 - Was created by a provider other than the Givens Estates, unless the provider who created the information is no longer available to consider or make the amendment;
 - Is not part of the PHI kept by or for Givens Estates;
 - Is not part of the information that you would be permitted to inspect and copy; or
 - Has been determined to be accurate and complete.

- Ø **Right to an Accounting of Disclosures.** You have the right to request a list, or accounting, of certain disclosures by Givens Estates of your PHI. However, this accounting is not required to include disclosures of your PHI made: (1) to carry out treatment, payment, or health care operations; (2) to you about your own PHI; (3) based on your written authorization; and (4) disclosures of your PHI that were incidental to a disclosure otherwise permitted hereunder.

To request this accounting of disclosures, you must submit your request in writing to Givens Estates' Office of the Administrator and/or Privacy Officer. Your request must state a time period for which an accounting is requested, and this period may not be longer than six years prior to the request and may not include dates before April 14, 2003. Your request should indicate in what form you want the list (for example, on paper, or electronically). The first list you request within a 12-month period will be free. For additional lists, Givens Estates may charge you for the costs of providing the list. Givens Estates will notify you of the cost involved and you may choose to withdraw or modify your request at that time before any costs are incurred. Givens Estates may collect the fee before providing the list to you.

- Ø **Right to Request Restrictions.** You have the right to request a restriction or limitation on the use or disclosure of your PHI by Givens Estates, except to the extent such use or disclosure is required by law. For example, you could ask that Givens Estates not use or disclose information about a treatment you had to a family member or friend.

However, Givens Estates is not required to agree to your request to restrict its use or disclosure of your PHI. If Givens Estates does agree to your request, it will comply with your requested restriction except as required by law and in order to provide you with emergency treatment.==

To request restrictions, you must make your request in writing to the Office of the Administrator of Givens Estates. In your request, you must state: (1) what information you want to limit; (2) whether you want to limit the use, disclosure, or both of such information; and (3) to whom you want the limits to apply, for example, disclosures to your spouse.

Right to Request Alternative Communications. You, or your representative, have the right to request that Givens Estates communicate with you about medical matters in a certain way or at a certain location.

For example, you can ask that Givens Estates only contact you by speaking with you in a certain location or contacting your representative at work or at a certain mailing address. To request communications by certain means, you must make your request in writing to the Social Worker and specify how or where you wish to be contacted. Givens Estates will not ask you the reason for your request. Givens Estates will accommodate all reasonable requests.

Right to a Paper Copy of This Notice. You have the right to a paper copy of this Notice or any revised Notice. You may ask Givens Estates to give you a copy of this Notice at any time. Even if you have agreed to receive this Notice electronically, you are still entitled to a paper copy of this Notice. You may obtain a copy of this Notice at the Givens Estates website, www.givensestates.org.

To obtain a paper copy of this Notice, contact the Social Worker Givens Estates at (828) 274-4800.

OTHER USES OF PHI.

Other uses and disclosures of PHI not covered by this Notice will be made only with your written authorization or as required by law. If you provide Givens Estates with authorization, to use or disclose PHI about you, you may revoke that permission, in writing, at any time. Such revocation shall be effective except to the extent that Givens Estates has already released information previously authorized by you. Additionally, Givens Estates is required to retain its records of the care that it has provided to you.

CHANGES TO THIS NOTICE.

This Notice is effective beginning April 14, 2003. However, Givens Estates reserves the right to change this Notice and to make the revised or changed Notice effective for PHI Givens Estates already has about you as well as any information Givens Estates receives in the future. Givens Estates will post a copy of the current Notice at Givens Estates. The Notice will remain in effect for each subsequent visit unless changed. If the Notice is revised, a copy will be made available to you upon request.

COMPLAINTS.

If you believe your privacy rights have been violated, you may file a complaint with Givens Estates or with the Secretary of the United States Department of Health and Human Services. To file a complaint with Givens Estates, contact the Privacy Officer at:

Givens Estates Privacy Officer
2360 Sweeten Creek Road
Asheville, North Carolina
CorporateCompliance.org
(828) 771-2902

All complaints must be submitted in writing. Givens Estates will not take any retaliatory action against anyone who files such a complaint.

