

NOTICE OF PRIVACY INFORMATION PRACTICES

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.

Please contact the Privacy Official at your community if you have any questions regarding this notice.

Franke at Seaside
1885 Rifle Range Road
Mt. Pleasant, SC 29464
(843) 856-4700

Heritage at Lowman
201 Fortress Drive
White Rock, SC 29177
(803) 732-3000

Heritage at Lowman Residential
2101 Dutch Fork Road
White Rock, SC 29177
(803) 732-8800

The Rice Estate
100 Finley Road
Columbia, SC 29203
(803) 691-5720

RoseCrest Trinity on Laurens
200 Fortress Drive
Inman, SC 29349
(864) 599-8600

213 Laurens Street
Aiken, SC 29801
(803) 643-4200

Lutheran Hospice (Midlands)
102 Fortress Drive
Chapin, SC 29036
(803) 461-0456

Lutheran Hospice (Lowcountry)
1885 Rifle Range Rd. Suite 46
Mt. Pleasant, SC 29464
(843) 856-4735

Lutheran Hospice (Upstate)
429 N Main Street, #3
Greenville, SC 29601
(864) 848-1777

BeWell Home Services (Midlands)
102 Fortress Drive
Chapin, SC 29036
(803) 461-0456

BeWell Home Services (Upstate)
429 N Main Street, #3
Greenville, SC 29601
(864) 848-1777

BeWell Home Services (Low Country)
1885 Rifle Range Rd. Suite 46
Mt. Pleasant, SC 29464
(843) 856-4735

BeWell@Home
300 Ministry Drive
Irmo, SC, 29063
(855) 423-8392

A. General description and purpose of notice.

This notice describes our information privacy practices and that of:

1. Any health care professional authorized to enter information into your medical record created and/or maintained at our community;
2. Any member of a volunteer group which we allow to help you while receiving services at our facilities; and
3. All community employees, staff, and other personnel.
4. All employees, staff, and other personnel of Lutheran Homes of South Carolina.
5. All employees, staff and other personnel of other services provided by contract such as therapies, pharmacies, and medical equipment companies.

All of the individuals or entities identified above will follow the terms of this notice. These individuals or entities may share your health information with each other for purposes of treatment, payment, or health care operations, as further described in this notice.

B. Our community's policy regarding your health information.

We are committed to preserving the privacy and confidentiality of your health information created and/or maintained at our community. Certain state and federal laws and regulations require us to implement policies and procedures to safeguard the privacy of your health information.

This notice will provide you with information regarding our privacy practices and applies to all of your health information created and/or maintained at our community, including any information that we receive from other health care providers or facilities. The notice describes the ways in which we may use or disclose your health information and also describes your rights and our obligations regarding any such uses or disclosures. We will abide by the terms of this notice, including any future revisions that we may make to the notice as required or authorized by law.

We reserve the right to change this notice and to make the revised or changed notice effective for health information we already have about you as well as any information we receive in the future. We will post a copy of the current notice in our community. The first page of the notice contains the effective date and any dates of revision.

C. Uses or disclosures of your health information.

We may use or disclose your health information in one of following ways:

- (1) Pursuant to your written consent (for purposes of treatment, payment or health care operations)
- (2) Pursuant to your written authorization (for purposes other than treatment, payment or health care operations)
- (3) Pursuant to your verbal agreement (for use in our community directory or to discuss your health condition with family or friends who are involved in your care);
- (4) As permitted by law
- (5) As required by law

The following describes each of the different ways that we may use or disclose your health information. Where appropriate, we have included examples of the different types of uses or disclosures. While not every use or disclosure is listed, we have included all of the ways in which we may make such uses or disclosures.

1. Uses or disclosures made pursuant to your written consent.

We may use or disclose your health information for purposes of treatment, payment, or health care operations upon obtaining your written consent. We may condition our delivery of services to you upon receiving your consent.

- a. **Treatment.** We may use your health information to provide you with health care treatment and services. We may disclose your health information to doctors, nurses, nursing assistants, medication aides, technicians, medical and nursing students, rehabilitation therapy specialists, or other personnel who are involved in your health care. For example, your physician may order physical therapy services to improve your strength and walking abilities. Our nursing staff will need to talk with the physical therapist so that we can coordinate services and develop a plan of care. We also may disclose your health information to people outside of our community who may be involved in your health care, such as family members, social services, or home health agencies.
 - i. **Appointment reminders.** We may use or disclose your health information for purposes of contacting you to remind you of a health care appointment.
 - ii. **Treatment alternatives, Health-related benefits and services.** We may use or disclose your health information for purposes of contacting you to inform you of treatment alternatives or health-related benefits and services that may be of interest to you.
- b. **Payment.** We may use or disclose your health information so that we may bill and collect payment from you, an insurance company, or another third party for the health care services you receive at our community. For example, we may need to give information to your health plan regarding the services you received from our community so that your health plan will pay us or reimburse you for the services. We also may tell your health plan about a treatment you are going to receive in order to obtain prior approval for the services or to determine whether your health plan will cover the treatment.
- c. **Health care operations.** We may use or disclose your health information to perform certain functions within our community. These uses or disclosures are necessary to operate our community or to provide services and to make sure that our residents/patients receive quality care. For example, we may use your health information to review our treatment and services and to evaluate the performance of our staff in caring for you. We may combine health information about many of our resident/patients to determine whether certain services are effective or whether additional services should be provided. We may disclose your health information to physicians, nurses, nursing assistants, medication aides, rehabilitation therapy specialists, technicians, medical and nursing students, and other personnel for review and learning purposes. We also may combine health information with information from other health care providers or facilities to compare how we are doing and see where we can make improvements in the care and services offered to our resident/patients. We may remove information that identifies you from this set of health information so that others may use the information to study health care and health care delivery without learning the specific identities of our resident/patients.
 - i. **Fundraising activities.** We may use a limited amount of your health information for purposes of contacting you to raise money for our community and its operations. We may disclose this health information to a Lutheran Homes of South Carolina Foundation so the Foundation may contact you to raise money for our community.

The information we may use or disclose will be limited to your name, address, phone number, and dates for which you received treatment or services at our community. ***If you do not want our community or the Lutheran Homes of South Carolina Foundation to contact you for these fundraising purposes, you must notify the President/CEO of Foundation, Lutheran Homes of South Carolina, 300 Ministry***

Drive, Irmo, SC 29063 in writing. Those who make such a request and have not previously made a contribution will immediately be removed from the donor database. Those who make such a request and have previously made a contribution will be removed from donor mailing lists. The Lutheran Homes of South Carolina Foundation will only use specific information about the treatment of a resident or patient in videos, brochures, testimonials and other fundraising solicitations if it receives written authorization to do so.

- ii. **Marketing activities.** We may use a limited amount of your health information for purposes of contacting you for marketing purposes. For marketing communications that involve the use or disclosure of protected health information, an authorization from the resident or patient will be obtained unless the communication takes place during a face to face encounter, involves products or services of nominal value or concerns the health-related products and services of Lutheran Homes of South Carolina or a third-party and the communication (1) identifies Lutheran Homes of South Carolina as the party making the communication; (2) prominently states that Lutheran Homes of South Carolina has or will receive direct or indirect remuneration when that is the case; (3) when marketing is targeted, explains why the resident has been targeted and how the product or services relate to the health of the individual; or is a communication (except for newsletters and other general communications) that includes a statement informing the recipient that he or she may opt out of future marketing communication with a description of how to do so.

We will not obtain a patient's authorization for marketing communications that are about the participating providers and health plans in a network, the services offered by the providers, or benefits covered by a health plan; are about the individual's treatment; or involve case management or care coordination of the individual, or directions or recommendations for alternative therapies or treatments, providers or settings of care.

We will require a signed media release prior to using a resident's image and/or comments in publicity materials. Media representatives will be escorted at all time when on campus to protect the privacy of our residents.

2. Uses or disclosures made pursuant to your written authorization.

We may use or disclose your health information pursuant to your written authorization for purposes other than treatment, payment or health care operations and for purposes which are not permitted or required law. You have the right to revoke a written authorization at any time as long as your revocation is provided to us in writing. If you revoke your written authorization, we will no longer use or disclose your health information for the purposes identified in the authorization. You understand that we are unable to retrieve any disclosures which we may have made pursuant to your authorization prior to its revocation. Examples of uses or disclosures that may require your written authorization include the following:

- a. A request to provide certain health information to a pharmaceutical company for purposes of marketing
- b. A request to provide your health information to an attorney for use in a civil litigation claim
- c. A request to provide your health information for purposes of including you on a mailing list

3. Uses or disclosures made pursuant to your verbal agreement.

We may use or disclose your health information, pursuant to your verbal agreement, for purposes of including you in our community directory or for purposes of releasing information to persons involved in your care as described below.

- a. **Community directory.** We may use or disclose certain limited health information about you in our community directory while you are a resident/patient at our community or receiving services. This information may include your name, your assigned unit and room number, your religious affiliation, and a general description of your condition. Your religious affiliation may be given to a member of the clergy. The directory information, except for religious affiliation, may be given to people who ask for you by name.
- b. **Individuals involved in your care.** We may disclose your health information to individuals, such as family and friends, who are involved in your care or who help pay for your care. We also may disclose your health information to a person or organization assisting in disaster relief efforts for the purpose of notifying your family or friends involved in your care about your condition, status and location.

4. Uses or disclosures permitted by law

Certain state and federal laws and regulations either require or permit us to make certain uses or disclosures of your health information without your permission. These uses or disclosures are generally

made to meet public health reporting obligations or to ensure the health and safety of the public at large. The uses or disclosures which we may make pursuant to these laws and regulations include the following:

- a. **Public health activities.** We may use or disclose your health information to public health authorities that are authorized by law to receive and collect health information for the purpose of preventing or controlling disease, injury or disability. We may use or disclose your health information for the following purposes:
 - i. To report births and deaths.
 - ii. To report suspected or actual abuse, neglect, or domestic violence involving a child or an adult.
 - iii. To report adverse reactions to medications or problems with health care products.
 - iv. To notify individuals of product recalls.
 - v. To notify an individual who may have been exposed to a disease or may be at risk for spreading or contracting a disease or condition.
- b. **Health oversight activities.** We may use or disclose your health information to a health oversight agency that is authorized by law to conduct health oversight activities. These oversight activities may include audits, investigations, inspections, or licensure and certification surveys. These activities are necessary for the government to monitor the persons or organizations that provide health care to individuals and to ensure compliance with applicable state and federal laws and regulations.
- c. **Judicial or administrative proceedings.** We may use or disclose your health information to courts or administrative agencies charged with the authority to hear and resolve lawsuits or disputes. We may disclose your health information pursuant to a court order, a subpoena, a discovery request, or other lawful process issued by a judge or other person involved in the dispute, but only if efforts have been made to (i) notify you of the request for disclosure or (ii) obtain an order protecting your health information.
- d. **Worker's Compensation.** We may use or disclose your health information to worker's compensation programs when your health condition arises out of a work-related illness or injury.
- e. **Law Enforcement Official.** We may use or disclose your health information in response to a request received from a law enforcement official for the following purposes:
 - i. In response to a court order, subpoena, warrant, summons or similar lawful process.
 - ii. To identify or locate a suspect, fugitive, material witness, or missing person.
 - iii. Regarding a victim of a crime if, under certain limited circumstances, we are unable to obtain the person's agreement.
 - iv. To report a death that we believe may be the result of criminal conduct.
 - v. To report criminal conduct at our community.
 - vi. In emergency situations, to report a crime — the location of the crime and possible victims; or the identity, description, or location of the individual who committed the crime.
- f. **Coroners, medical examiners, or funeral directors.** We may use or disclose your health information to a coroner or medical examiner for the purpose of identifying a deceased individual or to determine the cause of death. We also may use or disclose your health information to a funeral director for the purpose of carrying out his/her necessary activities.
- g. **Organ procurement organizations or tissue banks.** If you are an organ donor, we may use or disclose your health information to organizations that handle organ procurement, transplantation, or tissue banking for the purpose of facilitating organ or tissue donation or transplantation.
- h. **Research.** We may use or disclose your health information for research purposes under certain limited circumstances. Because all research projects are subject to a special approval process, we will not use or disclose your health information for research purposes until the particular research project for which your health information may be used or disclosed has been approved through this special approval process. However, we may use or disclose your health information to individuals preparing to conduct the research project in order to assist them in identifying resident/patients with specific health care needs who may qualify to participate in the research project. Any use or disclosure of your health information which may be done for the purpose of identifying qualified participants will be conducted onsite at our community. In most

instances, we will ask for your specific permission to use or disclose your health information if the researcher will have access to your name, address or other identifying information.

- i. **To avert a serious threat to health or safety.** We may use or disclose your health information when necessary to prevent a serious threat to the health or safety of you or other individuals. Any such use or disclosure would be made solely to the individual(s) or organization(s) that have the ability and/or authority to assist in preventing the threat.
- j. **Military and veterans.** If you are a member of the armed forces, we may use or disclose your health information as required by military command authorities.
- k. **National security and intelligence activities.** We may use or disclose your health information to authorized federal officials for purposes of intelligence, counterintelligence, and other national security activities, as authorized by law.
- l. **Inmates.** If you are an inmate of a correctional institution or under the custody of a law enforcement official, we may use or disclose your health information to the correctional institution or to the law enforcement official as may be necessary (i) for the institution to provide you with health care; (ii) to protect the health or safety of you or another person; or (iii) for the safety and security of the correctional institution.
- m. **Business Associates.** We may disclose your protected health information to our business associates that perform certain functions on our behalf or provide certain services to us. For example, we may use a company to perform certain billing services on our behalf to whom we would disclose information about you necessary for the company to send you a bill.
- n. **Notification to Individuals Involved in your Care.** Subject to your prior opportunity to object, we may use or disclose protected health information to a family member, close friend, or any other person you identify to the extent it is relevant to that person's involvement in your treatment. We may also disclose your protected health information to your family or friends if it is apparent from the circumstances and based on our professional judgment that you would not object. For example, we may assume that you do not object to disclosure of your protected health information to your spouse if you permit your spouse to accompany you during treatment or to be present while treatment is discussed.
- o. **Pick up of Prescriptions, X-rays, Etc.** Subject to your prior opportunity to object, we may use our professional judgment and experience with common practice to make reasonable inferences of your best interest in allowing a person (family member, other relative or a close personal friend) to act on your behalf if you are not present to pick up filled prescriptions, medical supplies, X-rays, or other similar forms of protected health information. If, in our professional judgment the requested disclosure is not in your best interest, then your authorization for the disclosure will be obtained.
- p. **Facility Directory.** Unless you notify us that you object, we will use and disclose your name, location in the facility, condition (in general terms) and religious affiliation for directory purposes. This information, except for religious affiliation, will be disclosed to people who ask for you by name. Only members of the clergy will be told of your religious affiliation. We may also disclose protected health information about you to an entity assisting in a disaster relief effort so your family can be notified about your condition, status and location.
- q. **Other uses and disclosures require your authorization.** Disclosure of your protected health information or its use for any purpose other than those listed above requires your specific written authorization. If you change your mind after authorizing a use or disclosure of your information you may submit a written revocation of the authorization. However, your decision to revoke the authorization will not affect or undo any use or disclosure of information that occurred before you notified us of your decision to revoke your authorization.

5. **Uses or disclosures required by law**

We may use or disclose your information where such uses or disclosures are required by federal, state or local law.

D. Your rights regarding your health information

You have the following rights regarding your health information which we create and/or maintain:

1. **Right to inspect and copy.** You have the right to inspect and copy health information that may be used to make decisions about your care. Generally, this includes medical and billing records, but does not include psychotherapy notes.

To inspect and copy your health information, you must submit your request in writing to the Community Privacy Official located within your community. If you request a copy of the information, we may charge a fee for the costs of copying, mailing, or other supplies associated with your request.

We may deny your request to inspect and copy your health information in certain limited circumstances. If you are denied access to your health information, you may request that the denial be reviewed. Another licensed health care professional selected by our community will review your request and the denial. The person conducting the review will not be the person who initially denied your request. We will comply with the outcome of this review. If you are still denied access to your health information, you may appeal the denial to the Corporate Privacy Officer in writing to Lutheran Homes of South Carolina, 300 Ministry Dr. Irmo, SC 29063.

2. **Right to request an amendment.** If you feel that the health information we have about you is incorrect or incomplete, you may ask us to amend the information. You have the right to request an amendment for as long as the information is kept by or for our community.

To request an amendment, your request must be made in writing and submitted to Corporate Privacy Official located within your community. In addition, you must provide us with a reason that supports your request.

We 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, we may deny your request if you ask us to amend information that

- a. was not created by us, unless the person or entity that created the information is no longer available to make the amendment.
- b. is not part of the health information kept by or for our community.
- c. is not part of the information which you would be permitted to inspect and copy.
- d. is accurate and complete.

3. **Right to an accounting of disclosures.** You have the right to request an accounting of the disclosures which we have made of your health information. This accounting will not include disclosures of health information that we made for purposes of treatment, payment, or health care operations.

To request this list or accounting of disclosures, you must submit your request in writing to the address below. Your request must state a time period, which may not be longer than six (6) years and may not include dates greater than six (6) years prior to the date of your request. Your request should indicate in what form you want the list (for example, on paper, electronically).

The first list you request within a twelve (12) month period will be free. For additional lists, we may charge you for the costs of providing the list. We 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.

4. **Right to request restrictions.** You have the right to request a restriction or limitation on the health information we use or disclose about you for treatment, payment, or health care operations. You also have the right to request a limit on the health information we disclose about you to someone, such as a family member or friend, who is involved in your care or in the payment of your care. For example, you could ask that we not use or disclose information regarding a particular treatment that you received.

We are not required to agree to your request. If we do agree, we will comply with your request unless the information is needed to provide emergency treatment to you.

To request restrictions, you must make your request in writing to the Community Privacy Official located at your community. In your request, you must tell us (a) what information you want to limit; (b) whether you want to limit our use, disclosure or both; and (c) to whom you want the limits to apply (for example, disclosures to a family member).

5. **Right to request confidential communications.** You have the right to request that we communicate with you about your health care in a certain way or at a certain location. For example, you can ask that we only contact you at work or by mail.

To request confidential communications, you must make your request in writing to the Community Privacy Official located within your community. We will not ask you the reason for your request. We will accommodate all reasonable requests. Your request must specify how or where you wish to be contacted.

6. **Right to a paper copy of this notice.** You have the right to receive a paper copy of this notice. You may ask us 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.
7. **Right to Opt out of Fundraising Communications:** We intend to contact you for fundraising purposes. You have the right to opt out of fundraising communications.
8. **Right to Notification of Breach:** You have the right to receive notice of breaches of your unsecured protected health information.

Any of these rights may be exercised by a written request to the following:
HIPAA Privacy Officer
Lutheran Homes of SC
300 Ministry Drive
Irmo, SC 29063
803-749-5110

You may obtain a copy of this notice at our Web address: www.LutheranHomesSC.org.

To obtain a paper copy of this notice, contact the Community Privacy Official located with your community.

E. Complaints

If you believe your privacy rights have been violated, you may file a complaint with the Community Privacy Official and/or the corporate Privacy Officer and/or with the secretary of the Department of Health and Human Services.

We prefer all complaints to be filed with us first, as to allow us to appropriately respond and hopefully effectively resolve any complaints or issues that you might have. To file a complaint with our community, contact the Community Privacy Official located within your community. If you do not feel comfortable contacting the Community Privacy Official, you may contact the Corporate Privacy Officer in writing at: Lutheran Homes of South Carolina, 300 Ministry Drive, Irmo, SC, 29063, or call our toll free Hotline at 1-888-398-2633.

You will NOT be penalized for filing a complaint. Lutheran Homes of South Carolina will ensure every effort is made that your rights to privacy and confidentiality is maintained per your state specific given rights and per the Health Insurance Portability and Accountability Act of 1996 (HIPAA).