

Notice of Privacy 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

Introduction

The Drexel University Flexible Benefits Plan (the “Plan”) is required by law to maintain the privacy of your protected health information. This Notice of Privacy Practices (the “Notice”) applies to prescription and medical spending programs.

Protected health information is individually identifiable health information that the Plan or its business associates maintain or transmit in any form or medium, including verbal conversations and written or electronic information.

Individually identifiable health information is information that identifies you, or could reasonably be used to identify you, and that relates to your past, present or future (a) physical or mental health, (b) provision of health care, or (c) payment for such health care.

The Plan’s Duties Regarding This Notice

The Plan must give you this Notice to explain the uses and disclosures of your protected health information, to advise you of your rights with respect to your protected health information, and to explain the Plan’s legal duties and privacy practices with respect to your protected health information.

The Plan is required to abide by the terms of the Notice currently in effect. The plan reserves the right to change the terms of this Notice and make the new provisions applicable to all protected health information that it maintains. In the event the Plan changes this Notice in a significant manner, the Plan will distribute a revised notice.

The Plan is meeting its obligation by delivering this Notice to you. **This Notice is effective April 14, 2003**

How Your Protected Health Information May Be Used or Disclosed For Treatment, Payment, and Health Care Operations

The confidentiality of your protected health information is very important to us. The Plan is able to use or disclose your protected health information for treatment, payment, and health care operations as explained below. Other uses and disclosures of your protected health information are explained in later sections of this Notice.

Treatment

Treatment means the provisions, coordination, or management of health care and related services by one or more health care providers. For example, the Plan may disclose, for treatment purposes, protected health information to a health care provider such as a physician, pharmacist, or dentist involved in your care.

Payment

The Plan may use or disclose your protected health information for purposes relating to payment. Payment includes activities such as:

- Determining eligibility for coverage,
- Obtaining premium payments for the coverage,
- Performing utilization review of services (including pre-certification or preauthorization),
- Coordinating benefits with other health plans,
- Applying for reimbursement under a reinsurance contract,
- Reviewing your claim for health care services, and

- Making a determination as to whether the claim is a covered benefit and is payable by the Plan

For example, you or your health care provider may submit your claim to the Plan for payment. This claim will contain information that identifies you, and may include the date the service took place, the diagnosis, the treatment provided, and the charges. The Plan uses this information to evaluate the medical necessity of the treatment and to determine its payment obligation under the terms of the Plan.

Also, if you are covered by another health plan, such as through your spouse’s employer, the Plan may disclose your claim information to the other plan to determine which plan has primary payment responsibility and to coordinate any benefits due.

Health Care Operations

The Plan may use or disclose protected health information for the management and oversight of its health care operations. Health care operations include many activities such as:

- Activities that relate to quality and accreditation (including quality assessment and improvement, assessment of outcomes, accreditation by independent organizations, and review of qualifications of health care professionals);

Right to Receive Confidential Communications

You have the right to request receipt of confidential communications of your protected health information from the Plan by reasonable alternative means or at an alternative location. The Plan is not required to honor your request unless you state that the disclosure of all or part of the information could endanger you.

Right to Inspect and Copy

You have the right to inspect and copy your protected health information that is contained in a “designated record set” that is, enrollment, payment, claims determination, case or medical management records, or records that are used to make decisions about you and that are maintained by the Plan. The Plan may charge you for the reasonable costs associated with your request. There are some exceptions to your right to inspect and copy, such as:

- Psychotherapy notes,
- Information compiled in anticipation of a civil, criminal, or administrative action or proceeding, and
- Situations in which a licensed health care professional determines that releasing the information may have a harmful effect on you or another individual.

Right to Request an Amendment

If you believe that protected health information about you that is contained in a “designated record set” is inaccurate or incomplete, you have the right to request that it be amended. Your request must be in writing and you must provide a reason to support your request.

The Plan may deny your request for an amendment if your request is not in writing or if you do not provide a reason for your request. Your request will also be denied if the Plan determines:

- The information was not created by the Plan (unless you provide a reasonable basis to believe that the originator of the information is no longer available to act on your request),

- The information is not part of the “designated record set”,
- Access to the information is restricted by law, or
- The information is accurate and complete

If your request is denied, you will receive written notification of the denial explaining the basis for the denial and a description of your rights.

Right to an Accounting of Disclosures

You have the right to receive a listing of, or an accounting of, disclosures of your protected health information made by the Plan. Certain disclosures do not have to be included in this accounting, including the following:

- Those made for treatment, payment, or health care operations,
- Those made pursuant to your written authorization,
- Those made to you,
- Those that are incidental to otherwise permitted or required disclosures,
- Those made as part of a limited data set,
- Disclosures to individuals involved in your care, and
- Disclosures for certain security or intelligence reasons and to certain law enforcement officials.

If you request an accounting of disclosures of your protected health information, you will need to specify the dates you want the accounting to cover. The accounting period can not exceed six years prior to the date of the request and it can not cover a period prior to April 14, 2003. You are entitled to one free accounting in any 12-month period. The Plan may charge for any additional accountings you request within the same 12-month period. The Plan will notify you in advance of any changes.

Right to Receive a Paper Copy

Even if you have agreed to receive this Notice electronically, you have the right to request and receive a paper copy of this Notice from the Plan.

Complaints and Contact Information

Complaints

If you are concerned that your privacy rights have been violated, you may submit a complaint to the Plan by contacting the Director of Human Resources (HR) – Benefits for the Plan. The complaint must be in writing and provide a description of why you think your privacy rights were violated. No retaliatory actions will be taken against you for filing a complaint.

You may also file a complaint with the Secretary of Health and Human Services

Web site: www.hhs.gov/ocr/hipaa

E-mail: OCRCComplaint@hhs.gov.

Address: Region III, Office for Civil Rights,
150 S. Independence Mall W, Ste 372,
Public Ledger Building,
Philadelphia, PA 19106-9111

Contact

Please contact the Director of HR – Benefits for the Plan in order to:

- Obtain a paper copy or another copy of this Notice,
- Ask questions about this Notice or the Plan’s practices regarding protected health information,
- File a complaint,
- Request that disclosure of eligibility status or claim status not be provided to a family member,
- Obtain an Authorization form, or
- Make a request for individual rights as described above.

The phone number is: 215-895-1651

The address is: 3201 Arch Street
Philadelphia, PA 19104

To the Plan Sponsor

Protected health information may be disclosed to the plan sponsor for plan administrative functions. Before doing so, the terms of the Plan must establish, in accordance with the privacy regulation, the permitted and required uses or disclosures of the information and protections for the information.

Summary Health Information used for certain purposes and information about who is participating in the Plan may be disclosed to the plan sponsor without any special Plan provisions. Summary Health Information is claims information from which individual identifiers have been removed, except for the five-digit zip code.

In A Limited Data Set

A limited data set contains protected health information from which direct identifiers such as name and social security number have been removed, but indirect identifiers such as date of service have been kept. Information in a limited data set may be used or disclosed for research, public health, or health care operations. The information may be disclosed only if the Plan has entered into an agreement with the recipient that establishes its permitted uses or disclosures.

As required by Law and for Public Benefit

Protected health information may be:

- Used or disclosed as required by law and in compliance with the requirements of the law, including disclosures to the Secretary of Health and Human Services for the purpose of determining compliance with the privacy standards;
- Disclosed to an authorized public health authority for specified reasons such as to prevent or control disease, injury, or disability; to report child abuse or neglect; to report the safety or effectiveness of FDA-related products such as medication; and to notify a person at risk of contracting or spreading a communicable disease;

- Disclosed to an authorized government authority if the disclosure is about victims of abuse, neglect, or domestic violence;
- Disclosed to authorized health oversight agencies for activities such as audits, investigations, inspections, and licensure requirements necessary for oversight of the health care system and various government benefit programs;
- Disclosed for a judicial and administrative proceedings such as responses to court orders and court-ordered warrants, to subpoenas issued, to discovery requests, or other lawful processes;
- Disclosed to a law enforcement official for a law enforcement purpose.
- Disclosed to coroners or medical examiners for purposes of identifying a deceased individual and to funeral directors to carry out their duties;
- Used or disclosed to an organ and tissue procuring or transplanting organization to facilitate donation transplantation;
- Used or disclosed for research purposes if certain requirements are met such as approval by an Institutional Review Board or a Privacy Board;
- Used or disclosed as necessary to prevent or lessen a serious or imminent threat to the health and safety of person or the public;
- Disclosed to comply with workers' compensation or other similar laws; and
- Disclosed to a public or private entity authorized by law or by its charter to assist in disaster relief efforts.

For Specialized Government Functions

Protected health information may be disclosed to federal officials for national security reasons. Protected health information may be used or disclosed to military authorities about Armed Forces personnel for certain purposes. The Plan may release protected health information to a correctional institution for provision of health care to the individual or for the health and safety of the individual or others

Other Uses and Disclosures Only in Accordance with Your Authorization

Other than the uses or disclosures of your protected health information that are permitted or required by law, the Plan may not use or disclose your protected health information unless you authorize the Plan to do so by completing a written authorization. You may revoke your authorization at any time to stop future uses or disclosures; however, the revocation will

not apply to the extent that the Plan has already made uses or disclosures in reliance on your authorization. Your revocation will also not be effective to the extent that the authorization was given as a condition of obtaining insurance coverage if another law gives the insurer the right to contest a claim under the policy or the right to contest the policy itself.

Your Individual Rights Regarding Your Protected Health Information

You have certain rights with respect to your protected health information, as described in detail below. You may exercise your rights by submitting a written request that specifies the right(s) you wish to exercise. Requests should be sent to the Contact Person for the Plan; contact information is provided at the end of this Notice.

Right to Request Restrictions

You have the right to request restrictions on certain uses or disclosures of your protected health information for the purposes of treatment, payment, or health care operations. The Plan is not required to agree to any restriction that you request. You will be notified if your request is accepted or denied.

Health Care Operations (Continued)

- Cost, underwriting, and contract placements (including determining the current and projected costs of the Plan, cost-management reviews, obtaining premium quotes, and activities relating to the creation, renewal, or replacement of a health insurance contract or reinsurance contract);
- Medical review and care coordination (including contacting Plan members or health care professionals with information about treatment, review {such as for claim appeals}, case management, and other care coordination); and
- Legal oversight (including legal services provided to the Plan, auditing, and fraud and abuse detection).

The Plan may use your protected health information to contact you to provide appointment reminders or information about treatment alternatives or other health-related benefits and services that may be of interest to you.

An example of medical review is the Plan's formal process to respond to claim appeals. Upon appeal, your relevant protected health information such as the treatment provided and your diagnosis will be gathered and reviewed by persons (including, if appropriate, a health care professional) other than the person who made the initial decision. If necessary,

the Plan may also contact your health care provider for additional information regarding your appealed claim.

Other Information

The Plan will take reasonable steps and apply safeguards to limit the permitted or required uses and disclosures of your protected health information to the minimum amount necessary to accomplish the task. With these protections in place, a use or disclosure that is incidental to a permitted or required use or disclosure is allowed

If a state law has more privacy protections than the federal law called the Health Insurance Portability and Accountability Act (HIPAA), that governs privacy, then the Plan will abide by the state law in those instances. State laws may permit minors to obtain certain medical care without a parent's permission or knowledge and the Plan will follow those state laws as applicable.

The descriptions listed above do not include every possible use or disclosure that is permitted or required by law. The descriptions given are only intended to provide you with information about the various ways that the Plan may use or disclose your protected health information and to give you some examples.

Other Permitted or Required Uses and Disclosures

Other than treatment, payment, and health care operations, the Plan is permitted or required by law to use or disclose your protected health information in other ways described below.

To You or Certain Other Individuals

Your own protected health information may be disclosed to you or to your personal representative who is an individual, under applicable law, authorized to make health care decisions on your behalf. For example, a parent is generally the personal representative of a minor child.

This Plan may disclose your protected health information to a family member, other relative, close personal friend or other person identified by you. The protected health information on that is disclosed must be directly relevant to the family member or other person's involvement with your health care. The requirements are that you must be present or available prior to the use or disclosure and (a) agree, (b) have the opportunity to object or (c) the Plan may determine, based on the circumstances and its professional judgment, to make the disclosure.

Unless you object, the Plan may confirm eligibility status (coverage under the Plan) and claim status information (limited to confirmation that the claim was received and paid or not paid) to a family member who calls with knowledge of the claim. You may specifically request that the Plan not disclose this eligibility status and claim status information by contacting the Privacy Officer.

If you are not present or are incapacitated, the Plan may use its professional judgment to determine whether the disclosure of protected health information is in your best interests. If the Plan makes this determination, it may disclose only your protected health information that is directly relevant to the individual's involvement with your health care.

The Plan may, in certain situations, use or disclose your protected health information to notify, or assist in notifying, a family member, personal representative, or other person involved in your care of your location or condition.

To Business Associates

The plan works with different organizations that perform a variety of services on its behalf. The organizations, or Business Associates, perform specific functions and services for the Plan. Examples of functions include claim processing, utilization review, plan administration, and data analysis. Services include consulting, legal, financial, and management activities.

The Plan may disclose protected health information to its Business Associates for the permitted functions or services, but only if the Plan receives assurances through a written contract or agreement that the Business Associate will properly safeguard the information.