

# RUTGERS HEALTH

## Notice of Rutgers Privacy Practices for Protected Health Information for Rutgers Health Patients

*This notice describes how medical information about you may be used and shared and how you can look at or receive a copy of this information. Please review it carefully.*

### **We at Rutgers Health understand information about you and your health is personal.**

Rutgers Health is a comprehensive academic health care provider organization. We are committed to and required by law to keep your health information private and to tell you: 1) how we keep your personal health information private; and, 2) what you are allowed to ask for regarding your health information. We will not use or tell others about your health information except as described in this Notice or as may be required by law. This Notice applies to all of the health information maintained by our schools, departments, centers, and institutes, collectively referred to as Rutgers Health ("RH"), as well as affiliates that are part of an Affiliated Covered Entity. These entities include:

- Rutgers Cancer Institute of New Jersey
- Rutgers Ernest Mario School of Pharmacy
- Rutgers School of Graduate Studies
- Rutgers Health Group
- Rutgers New Jersey Medical School
- Rutgers Robert Wood Johnson Medical School
- Rutgers School of Dental Medicine
- Rutgers School of Health Professions
- Rutgers School of Nursing
- Rutgers School of Public Health
- Rutgers University Behavioral Health Care
- University Physician Associates of New Jersey, Inc. ("UPA" - The faculty practice plan of the Rutgers New Jersey Medical School)

The schools, departments, centers, and institutes of Rutgers Health may share your health information with each other as well as others outside of RH in order to carry out patient treatment, health care payment, or health care operations. If you have any questions, please contact the Rutgers Privacy Officer at 973-972-8093.

### **What you have a right to know about your health records.**

*Although your health records are the property of your Rutgers Health provider, you have the following rights:*

#### **You may request that we communicate with you confidentially.**

You can ask us to contact you in a specific way (for example at a home or business) or to send mail to a different address. Please ask the RH clinic or health care provider from where you are receiving services to assist with your request.

#### **You may ask to see or receive a copy of your health information.**

You can ask to look at or get a copy of your health information. However, sometimes your provider may tell you no. You have the right to appeal such denials. If you believe your provider should not have denied your request, please contact the Rutgers Privacy Officer at 973-972-8093 for assistance. If we give you a copy of your health records, we are allowed to charge you a copying fee.

#### **You may ask for a list of with whom we shared your information.**

You can ask for a list of the times we've shared your health information and why the information was shared. The list will not include the times we shared your information for purposes of treatment, payment, and health care operations, and certain other times (such as permitted incidental disclosures). You may ask for such a list with as much as six years of information.

#### **You may ask us to make a change to your protected health information.**

You may request to change your protected health information or a health record for as long as the information is in our medical and/or billing records. We will carefully consider your requests and inform you whether the change you requested can be made.

#### **You should receive a copy of this Notice.**

You may ask for a paper copy of this Notice. You may also find a copy of this Notice on the Rutgers Health website <http://www.rutgershealth.org>.

#### **We must tell you if your health information has been shown or released to someone who does not have a right to see it.**

We are required to send you a letter or otherwise to tell you if we shared your health information when we were not supposed to.

**You have the right to make a complaint.**

If you have questions and would like additional information, you may call the Health Insurance Portability and Accountability Act (HIPAA) hotline: 800-215-9664. If you believe your privacy rights have been violated, you may file a complaint with Rutgers Health or with the Secretary of the Department of Health and Human Services. To file a complaint with Rutgers Health, please contact the Privacy Officer at the address below. There will be no retaliation for filing a complaint.

**Privacy Officer  
University Ethics and Compliance  
Rutgers, The State University of New Jersey  
Stanley S. Bergen, Jr. Building  
65 Bergen Street  
Suite 1346  
Newark, New Jersey 07107  
973-972-8093**

[http://erm.rutgers.edu/departments/compliance\\_hotline.html](http://erm.rutgers.edu/departments/compliance_hotline.html)

## **When you can tell Rutgers Health not to share your health information.**

**You have the right to stop a previous approval to share your health information.**

You may tell Rutgers Health care providers that you no longer want us to share your health information. If you gave us permission to share your information and want to take back that permission, we will agree. However, we can only stop sharing your information after you ask us to stop. To ask Rutgers Health to stop sharing your information, please contact the Rutgers Health practice, clinic, or unit where you are receiving health care.

**You do not have to participate in a Health Information Exchange (HIE).**

Rutgers Health New Brunswick locations (Robert Wood Johnson Medical School and Cancer Institute of New Jersey), New Jersey Medical School and the School of Nursing (Rutgers Community Health Center) participate in Jersey Health Connect Health Information Exchange. Jersey Health Connect is established to help patients and their authorized health care providers, treating the same patient, share or exchange relevant health care information. Only patients and caregivers who are authorized including physicians, hospitals, labs, etc., have secure, immediate, electronic access to your vital medical information. This helps your caregiver have access to needed medical information to provide you with the best care possible. You may find additional information regarding Jersey Health Connect at [www.jerseyhealthconnect.org](http://www.jerseyhealthconnect.org).

You may opt out of Jersey Health Connect by going to the Jersey Health Connect website at [www.jerseyhealthconnect.com](http://www.jerseyhealthconnect.com) or by calling 855-624-6542.

Rutgers Health staff are unable to perform the opt out process for you.

If you do not opt out of Jersey Health Connect, your medical information will be available through the Jersey Health Connect network to authorized participating providers in accordance with this Notice and applicable law. If you do opt out, your medical information will continue to be used in accordance with this Notice and applicable law, but will not be made electronically available through Jersey Health Connect.

**If you pay “out-of-pocket” for your health care services, you can tell us not to send your health information to a health plan.**

If you are paying for your health care by yourself and are not submitting the bills to any insurance company, you can tell your health care provider not to send your health information to a health plan.

**You can tell us we cannot use your health information for fundraising.**

We may use and share certain health information with the Rutgers Foundation so they can contact you to help raise money for Rutgers Health and/or its units. The only information released would be your contact information, such as your name, address, phone number, health insurance information, department or treating physician that provided you care, outcome information, and the dates you received treatment or services. If you do not want Rutgers Health to contact you for fundraising efforts, you may tell us by sending an e-mail to the Rutgers University Foundation at [rufoptout@winants.RBHS.edu](mailto:rufoptout@winants.RBHS.edu) or call us by telephone at 1-855-784-4722.

**You can tell us you do not want us to use your information for marketing.**

If we want to use or share your health information for marketing purposes, including health information related to your treatment, health care billing, or how we run our organization, we must first ask for your permission in writing. We do not have to ask for your approval if the marketing is: 1) face-to-face marketing; 2) promotional gifts of low value; 3) “refill reminders”; and 4) any other activity that does not require an authorization under Federal and State law.

**You can tell us you don’t want us to sell your health information.**

Rutgers Health must obtain your written authorization to sell your health information. “Selling” your health information does not include: 1) sharing your information to treat you, billing for your care, or running our health care organization; 2) sharing your information with business associates that help us treat you, bill for your care, or run our organization; 3) conducting research, and 4) as otherwise permitted by law. For these items, we do not need your written authorization. Where federal law allows Rutgers Health to share your health information with another person or company without approval, the only reimbursement Rutgers Health may receive is a “reasonable, cost-based fee” to cover costs to prepare and send your health information. If

Rutgers Health wants to sell your health information, we are required to receive your written authorization, which must state that Rutgers Health is receiving payment.

## **How Rutgers Health may use and share your health information.**

*We may use and share your health information as described below. However, this is only meant to give you a general overview and not to describe all possible uses and disclosures that may occur.*

### **We may use your health information to provide medical/dental treatment, items, or services.**

For example, we may share all or any portion of your health information with your attending physician, treating physician, treating dentist, consulting physician(s), nurses, technicians, medical students, dental students, and other health care professionals who have a need for such information for your care and treatment. Also, different departments may share health information about you in order to coordinate specific services, such as prescriptions, lab work, and x-rays. We may also share your health information with people outside Rutgers Health who may be involved in your medical/dental care, such as family members, social service, clergy, and others that provide services that are part of your care. Also, our staff may discuss your care in a case conference.

### **We may share your information so we can bill and receive payment for treatment and services that you receive. We may use and share your health information so that we may bill and receive payment for treatment and services that you receive.**

Your information may also be necessary for purposes of determining coverage, medical necessity, pre-authorization or certification, and for utilization management. The information may be released to an insurance company, third-party payer, or other entity (or their authorized representatives) involved in the payment of your medical bill and may include copies or portions of your medical/dental record. For example, a bill sent to an insurance company may include information that identifies you, your diagnosis, and the procedures and supplies used. Also, your health information may be disclosed to consumer reporting and/or to collection agencies.

### **We may share your information in order to run our health care organization and operations.**

We may use and share your health information for our health care organization and operations, including quality assurance, utilization review, medical/dental review, internal auditing, accreditation, social services certification, licensing or credentialing activities of Rutgers Health, certain medical/dental research, and educational purposes. For example, Rutgers Health may review your health information to make sure that Rutgers Health providers are providing quality care to all its patients.

### **We may share with other health care providers, health plans, and clearinghouses.**

We may use and share your health information with your providers, health plan, or a medical billing clearinghouse providing you treatment, receiving or processing payment, and to conduct certain operational activities as permitted by law.

### **We may share with Organized Health Care Arrangements in which we participate.**

For certain activities, various independent components of Rutgers Health and other independent providers are called an Organized Health Care Arrangement. We may share information about you with health care providers participating in our Organized Health Care Arrangements to enable treatment, payment, or health care operations. All participants in our Organized Health Care Arrangements have agreed to abide by the terms of this Notice with respect to your health care information.

### **We may share your information with people involved in your care.**

We may share your health information with family members, other relatives, close personal friends, or any other person(s) who are involved with your medical care, dental care, or billing. However, if you tell your provider not to share information with family members, other relatives, close friends, or anyone else, we will listen and not share your information. If you do not want us to share information, please let the staff at the clinic or facility where you receive care know.

### **We may put your name and some of your information in a facility directory.**

*(This section only pertains to Rutgers Health clinics and facilities with public directories.)*

Unless you object, we may include information about you in a public directory while you are a patient at our facilities. This information may include your name, location in Rutgers Health, your general condition (e.g., fair, stable, etc.), and your religious affiliation. This is so your family and friends can visit you in the Rutgers Health facility and generally know how you are doing. The directory information, except for your religious affiliation, may only be given to people who ask for you by name. Your religious affiliation may be given to a member of the clergy, such as a priest or rabbi, even if they don't ask for you by name. If you do not want your name in a directory, tell the staff at our clinic or facility where you receive care.

### **We may use your information to help us make appointment reminders.**

We may use and share your health information to contact you as a reminder that you have an appointment for treatment or medical care or dental care at Rutgers Health.

### **We may use or share your information when conducting research.**

Sharing your health information for research usually requires your approval. However, sometimes we may share your health information with researchers without your

approval when their research has been approved by an Institutional Review Board or a similar privacy board that has waived the requirement to receive individual approval as allowed under regulations and law covering this area.

**We may share your information/data that cannot identify you: de-identified data or limited data sets.**

We may use or share your health information if we remove all information that could be used to identify you, i.e. “de-identified” information. We are required to remove over eighteen (18) different pieces of information that could be used to possibly identify you. We may also use or share a limited amount of health information about you in a “limited data set” for the purposes of research, public health, or health care operations if we enter into a data use agreement with the recipient of the data.

**We may share your information in case of a disaster.**

We may use or share your health information with a public or private entity approved by law or by charter to assist in disaster relief efforts including notifying your family about your condition, status, and location. If you don’t want us sharing information like this, please tell the staff, clinic, or facility where you are receiving care.

**We may share information to find different ways to provide health care treatment.**

We may use and share your health information to tell you about possible treatment options or alternatives or other health-related benefits that may be of interest to you.

**We may use your health information to provide related benefits and services.**

We may use and share your health information to tell you of health-related benefits or services that may be of interest to you.

**We may share your information with companies or people who help us run our organization (business associates).**

We may use and share health information with Rutgers Health business associates. A business associate is an individual or company under contract with us to help us perform a function or activity that requires the use or sharing of health information. Examples of business associates, include, but are not limited to, copy services used by us to copy medical/dental records, consultants, accountants, and lawyers.

**We may share your information with organ procurement organizations.**

We may use and share your health information with organ procurement organizations and other entities engaged in the procurement, banking, or transplantation of organs for the purpose of tissue donation and transplant.

**We may share your information with health oversight agencies.**

We may use and share your health information with a health oversight agency for activities authorized by law, including, but not limited to, licensure, certification, audits, investigations, and inspections. These activities are

necessary for the government and certain private health oversight agencies to monitor the health care system, government programs, immunization registries, and compliance with civil rights.

**We may share your information with law enforcement.**

We may share your health information for law enforcement purposes with a law enforcement official if required by law, or where permitted by law, or in response to a valid subpoena. Also, we may share your health information if it is necessary for law enforcement authorities to identify or find an individual.

**We may give your information in judicial/legal proceedings.**

We may use and share your health information with a court or administrative agency when a judge or administrative agency orders us to do so. We may also use and share information about you in legal proceedings, such as in a response to a discovery request, subpoena, court order, etc. Also, Rutgers Health may use or share your health information in preparation for any dispute or litigation between you and a Rutgers Health provider, practice, or clinic.

**We may share your health information if there is a public health risk.**

We may use and share your health information with public health or legal authorities responsible for preventing or controlling disease, injury, or disability. For example, we are required by law to report the existence of a communicable disease, like measles, to the New Jersey State Department of Health to protect the health and well-being of the general public. Other ways we can share your information include:

- to prevent or control disease, injury, or disability;
- to report births and deaths;
- to report child abuse and neglect;
- to report reactions to medications or problems with products;
- to notify a person who may have been exposed to a communicable disease or may be at risk for contracting or spreading a disease or condition;
- to notify the appropriate government authority if Rutgers Health believes a patient has been the victim of abuse, neglect, or domestic violence.

**We may share your information to protect the safety of a person or the public.**

We may use and share your health information to prevent or lessen a serious and near threat to the health or safety of a person or the public.

**We may share your information for workers’ compensation programs or other work-related programs.**

We may use and share health information about you for workers’ compensation or similar programs. These

programs provide benefits for work-related injuries or illnesses.

#### **For Military/Veterans**

We may use and share your health information as required by military command authorities, if you are a member of the armed forces.

#### **For Inmates**

If you are an inmate of a correctional institution or under the custody of a law enforcement officer, we may release your medical/dental record information to the correctional institution or law enforcement official. This release would be necessary:

- 1) for the institution to provide you with health care;
- 2) to protect your health and safety and that of others;
- 3) for the safety and security of the correctional institution.

#### **Sharing as Required by Other Law**

We may use and share health information about you when required to do so by State or Federal law.

#### **We may share your information to help national security and intelligence activities.**

We may use and share medical/dental information about you with authorized Federal officials for intelligence, counterintelligence, and other national security activities as authorized by law. We may also share health information about you with authorized Federal officials so they may provide protection to the President or other authorized persons.

#### **We may give your information to coroners, medical examiners, and funeral directors.**

We may release your health information to a coroner or medical examiner. This may be necessary, for example, to identify someone who may have died or to determine why a person died. Rutgers Health may also release your health information to funeral directors so they can perform their duties.

#### **We may give your information to employers if your employer has asked you to receive care.**

If we have provided you with health care at the request of your employer, then we may use and share your health information with your employer to conduct medical surveillance of the workplace or to evaluate whether you have a work-related illness or injury.

**We may share your information to help the Secretary of the Department of Health and Human Services.** We may use and share your health information when required by the Federal Secretary of Health and the Department of Health and Human Services for purposes of investigating or determining compliance with the privacy law.

#### **Keeping Psychotherapy Notes Safe and Protected**

We will, in accordance to Federal law, obtain your written approval/authorization to release your psychotherapy notes, if any, contained in your health records. However, Rutgers Health may use or disclose your psychotherapy notes for the following: 1) to carry out the following treatment, payment, or health care operations: (a) use by the originator of the psychotherapy notes for treatment; (b) use or share by Rutgers Health for its own training programs in which students, trainees, or practitioners in mental health learn under supervision to practice or improve their skills in group, joint, family, or individual counseling; or (c) use or share by Rutgers Health to defend itself in a legal action or other proceeding brought by you; and 2) a use or disclosure that is required by or permitted by Federal law.

#### **Other Uses**

Any other uses and disclosures of your health information will be made only with your written authorization.

#### **Changes to This Notice**

Rutgers Health will abide by the terms of the Notice currently in effect. However, Rutgers Health reserves the right to change the terms of its Notice and to make the new Notice provision(s) effective for all health information Rutgers Health maintains. Rutgers Health will promptly post the revised Notice on the Rutgers Health web site.

#### **Reliance on This Notice by Other Health Care Entities**

Rutgers Health may sometimes participate in an organized health care arrangement to enable providers and entities not employed by Rutgers Health to participate in your health care. Any providers or entities participating in this arrangement may rely on this Notice as providing you with notice of their privacy practice.

#### **Effective Date**

The effective date of the Notice is 7/1/17.

## **If you have more questions or need to contact someone:**

Privacy Officer  
University Ethics and Compliance  
Rutgers, The State University of New Jersey  
Stanley S. Bergen, Jr. Building  
65 Bergen Street  
Suite 1346  
Newark, New Jersey 07107  
973 972-8093  
[http://erm.rutgers.edu/departments/compliance\\_hotline.html](http://erm.rutgers.edu/departments/compliance_hotline.html)