



ACACIA CREEK
RETIREMENT COMMUNITY

ACACIA CREEK

**NOTICE OF PRIVACY PRACTICES FOR
PROTECTED HEALTH INFORMATION**

***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.

A. INTRODUCTION

During the course of providing services and care to you, Acacia Creek gathers, creates, and retains certain personal information about you that identifies who you are and relates to your past, present, or future physical or mental condition, the provision of health care to you, and payment for your health care services. This personal information is characterized as your “protected health information.” Protected health information consists of any information relating to your physical or mental health, to any health care provided to you, or to payment for such care and that either identifies you or provides information that can be used to identify you. This Notice of Privacy Practices describes how Acacia Creek maintains the confidentiality of your protected health information, and informs you about the possible uses and disclosures of such information. It also informs you about your rights with respect to your protected health information.

B. ACACIA CREEK'S RESPONSIBILITIES

Acacia Creek is required by federal and state law to maintain the privacy of your protected health information. Acacia Creek is also required by law to provide you with this Notice of Privacy Practices that describes Acacia Creek’s legal duties and privacy practices with respect to your protected health information. Acacia Creek will abide by the terms of this Notice. Acacia Creek reserves the right to change this or any future Notice and to make the new notice provisions effective for all protected health information that it maintains, including protected health information already in its possession. If the change reflects a material change in its privacy policies and procedures, Acacia Creek will provide the new Notice to you or your legal representative. In all other situations, it will provide you with the new Notice upon request. In addition, the new Notice will be posted in a clear and prominent place in the facility and on the Acacia Creek website.



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C. USE AND DISCLOSURE WITH YOUR AUTHORIZATION

Acacia Creek will require a written authorization from you before it uses or discloses your protected health information, unless a particular use or disclosure is expressly permitted or required by law without your authorization. Except in very limited circumstances, an authorization is required for uses or disclosures of protected health information for marketing purposes or that would constitute its sale.

Acacia Creek has prepared an authorization form for you to use that authorizes Acacia Creek to use or disclose your protected health information for the purposes set forth in the form. You are not required to sign the form as a condition to obtaining treatment or having your care paid for. If you sign an authorization, you may revoke it at any time by written notice. Acacia Creek then will not use the revoked authorization as a basis to use or disclose your protected health information, except where it has already relied on your authorization or as permitted by law.

D. HOW ACACIA CREEK MAY USE AND DISCLOSE YOUR PROTECTED HEALTH INFORMATION WITHOUT YOUR AUTHORIZATION

Acacia Creek may use or disclose your protected health without your written authorization in the following circumstances:

1. Your Care and Treatment

Acacia Creek may use or disclose your protected health information to provide you with or assist in your treatment, care and services. For example, Acacia Creek may disclose your health information to health care providers who are involved in your care to assist them in your diagnosis and treatment, as necessary.

2. Billing and Payment

- a. Medicare, Medi-Cal and Other Public or Private Health Insurers – Acacia Creek may use or disclose your protected health information to public or private health insurers (including medical insurance carriers, HMOs, Medicare, and Medi-Cal) in order to bill and receive payment for your treatment and services that you receive. The information on or accompanying a bill may include information that identifies you, as well as your diagnosis, procedures, and supplies used. If you request it, Acacia Creek will not disclose any information to a health insurer regarding care paid for by you or someone else out of pocket.
- b. Health Care Providers – Acacia Creek may also disclose your protected health information to health care providers in order to allow them to determine if they are owed any reimbursement for care that they have furnished to you and, if so, how much is owed.

3. Provision of Basic Information about Residents

Acacia Creek allows staff to provide certain basic information about a resident to persons who ask for the resident by name and to members of the clergy. Unless you notify Acacia Creek that you object, it will disclose your name, your location



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in the community, and your general condition to anyone who asks for you by name. It will disclose your name, your location in the community, your general condition, and your religious affiliation to members of the clergy.

4. Individuals Involved in Your Care or Payment for Your Care

Unless you specifically object, Acacia Creek may disclose to a family member, other relative, a close personal friend, or to any other person identified by you, all protected health information directly relevant to such person's involvement with your care or directly relevant to payment related to your care. Acacia Creek may also disclose your protected health information to a family member, personal representative, or other person responsible for your care to assist in notifying them of your location, general condition, or death.

5. Disclosures within Community

Unless you specifically object, Acacia Creek may disclose certain general information about you (e.g., past activities, present interests, birthday, and location if hospitalized) to members of its community, including other residents and staff, by means such as newsletter or bulletin board.

6. Health Care and Community Operations

Acacia Creek may use your protected health information for its health care and community operations. These uses and disclosures are necessary to manage Acacia Creek and to monitor our quality of services and care. For example, we may use your protected health information to review our services and to evaluate the performance of our staff in caring for you.

7. Reporting

Acacia Creek will disclose protected health information about a resident who is suspected to be the victim of elder abuse to the extent necessary to complete any oral or written report mandated by law. Under certain circumstances, Acacia Creek may disclose further protected health information about the resident to aid the investigating agency in performing its duties. Acacia Creek will promptly inform the resident about any disclosure unless Acacia Creek believes that informing the resident would place the resident in danger of serious harm, or would be informing the resident's personal representative, whom Acacia Creek believes to be responsible for the abuse, and believes that informing such person would not be in the resident's best interest.

8. Legal Process

Acacia Creek will disclose protected health information in accordance with an order of a court or of an administrative tribunal of a government agency. In addition, Acacia Creek will disclose protected health information in accordance with a valid subpoena issued by a party to adjudication before a court, an administrative tribunal, or a private arbitrator. Reasonable efforts will be made to notify you of the subpoena, or attempts will be made to obtain an order or agreement protecting your protected health information.



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9. Law Enforcement Agencies and Officials

Acacia Creek will disclose protected health information to law enforcement agencies in accordance with a search warrant, a court order or court-ordered subpoena, or an investigative subpoena or summons. In addition, it may disclose such information as necessary to assist law enforcement officials investigating crimes involving residents.

10. National Security and Intelligence Activities

Acacia Creek will disclose protected health information about a resident to authorized federal officials conducting national security and intelligence activities or as needed to protect federal and foreign officials.

11. Licensing, Certification, and Accreditation

Acacia Creek may disclose your protected health information to any government or private agency, such as the California Department of Social Services or the Medical Board of California, responsible for licensure or accreditation, so that the agency can carry out its oversight activities. These oversight activities include audits; civil, administrative, or criminal investigations; inspections; licensure or disciplinary actions; civil, administrative, or criminal proceedings or actions; or other activities necessary for appropriate oversight.

12. Public Health Activities

Acacia Creek may disclose your protected health information to any public health authority that is authorized by law to collect it for purposes of preventing or controlling disease, injury, or disability.

13. Business Associates

Acacia Creek may contract with certain individuals or entities, called "business associates," to provide services on its behalf. Examples include data processing, quality assurance, legal, or accounting services. Acacia Creek may disclose your protected health information to a business associate, as necessary to allow the business associate to perform its functions. Acacia Creek will have a contract with each business associate that obligates the business associate to maintain the confidentiality of your protected health information.

14. Marketing

Acacia Creek may use protected health information or disclose it to business associates in certain limited circumstances in order to encourage you to use a service or product. This includes, for example, making face-to-face communications with you about the service or product, providing you with a promotional gift of nominal value, or communicating about drug refills. Otherwise, it will obtain a specific written authorization from you before using or disclosing protected health information for marketing purposes.



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15. Fundraising

Acacia Creek may use certain protected health information to contact you in an effort to raise money for Acacia Creek and its operations. Acacia Creek may disclose the protected health information to business associates or to related foundations that it uses to raise funds for its own benefit. The information to be used or disclosed for these purposes will be limited to certain demographic information, the dates of treatment, the department where services were provided, the treating physician, outcome information, and health insurance status. Each fundraising communication will provide a means by which you can opt out of receiving further such communications.

16. Sale of Protected Health Information

Acacia Creek may receive remuneration in very limited circumstances for providing your protected health information to outside persons or entities. An example is reimbursement that it may receive from a governmental agency for its expenses in providing information for public health purposes. Otherwise, it will obtain written authorization from you or your personal representative before receiving reimbursement for using or disclosing your protected health information.

17. Coroner

Acacia Creek will disclose protected health information to a coroner where the coroner requests the information to identify a decedent; to notify next of kin; or to investigate deaths that may involve public health concerns, suspicious circumstances, elder abuse, or organ or tissue donation. In other cases, Acacia Creek may disclose protected health information to the coroner to allow the coroner to perform its duties.

18. Organ Procurement

If you are an organ donor, Acacia Creek may disclose your protected health information following your death to an organ procurement agency or tissue bank in order to aid in using your organs or tissues in transplant.

19. Workers' Compensation

Acacia Creek may disclose your protected health information in order to comply with California workers' compensation laws.

20. Preventing Danger to Identified Persons

Acacia Creek may disclose your protected health information to prevent an immediate, serious threat to the safety of an identified person.

21. Disaster Relief

Acacia Creek may disclose your protected health information to a public or private entity authorized to assist in disaster relief efforts.



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22. Research

Acacia Creek may disclose your protected health information for research purposes, provided that an outside Institutional Review Board overseeing the research approves the disclosure of the information without a written authorization.

23. Hospital Peer Review

Acacia Creek may disclose your protected health information to hospital medical staffs to aid in the credentialing of applicants and in the peer review of members.

24. Disclosures Otherwise Required by Law

Acacia Creek will disclose protected health information about a resident when otherwise required by law.

E. YOUR RIGHTS REGARDING PROTECTED HEALTH INFORMATION

You have the following rights with respect to your protected health information. To exercise these rights, contact Acacia Creek at the following address: 1111 California Street, San Francisco, CA 94108; Attn: Privacy Officer.

1. Right to Receive a Copy of the Notice of Privacy Practices

You have the right to request and receive a copy of Acacia Creek's Notice of Privacy Practices for Protected Health Information in written or electronic form.

2. Right to Request Special Privacy Protections

You have the right to request restrictions on the use and disclosure of your protected health information for treatment, payment or health care operations, or providing notifications regarding your identity and status to persons inquiring about or involved in your care. Acacia Creek is not required to grant your request except where you ask it not disclose information to your health plan regarding care paid for by you or someone else out of pocket. Whenever Acacia Creek agrees to comply with your request, it will do so, unless there is an emergency or until Acacia Creek or you terminate the restriction. You also have the right to have Acacia Creek communicate protected health information to you, to the extent reasonable, by alternative means or at alternative locations.

3. Right to Request Access

You have the right to inspect and copy your health records maintained by Acacia Creek. This includes the right to have electronic records made available in electronic format to you or to someone whom you designate. In certain limited circumstances, Acacia Creek may deny your request as permitted by law. However, you may be given an opportunity to have such denial reviewed by an independent licensed health care professional.

4. Right to Request Amendment

You have the right to request an amendment to your health records maintained by Acacia Creek. If your request for an amendment is denied, you will receive a



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written denial, including the reasons for such denial, and an opportunity to submit a written statement disagreeing with the denial.

5. Right to an Accounting

You have the right to receive an accounting of disclosures of your protected health information created and maintained by Acacia Creek over the six (6) years prior to the date of your request or for a lesser period of time. Acacia Creek is not required to provide an accounting of certain routine disclosures or of disclosures of which you already are aware.

F. NOTIFICATION OF SECURITY BREACHES

Acacia Creek will provide you with written notification in the event of a security breach involving your protected health information. The notification will describe what happened, the types of information involved, the steps that Acacia Creek is taking to deal with the situation, what you should do to protect yourself against any harmful consequences, and contacts for obtaining further information.

G. COMPLAINTS

If you believe that your privacy rights have been violated, you may file a complaint with Acacia Creek at 1111 California Street, San Francisco, CA 94108; Attn: Privacy Officer. You also have the right to submit a complaint to the Department of Health and Human Services, Office for Civil Rights, 90 7th Street, Suite 4-100, San Francisco, CA 94103, Attn: Regional Manager; Telephone: (800) 368-1019; Fax: (202) 619-3813; TDD: (800) 537-7697; or via e-mail at ocrmail@hhs.gov. **Acacia Creek will not retaliate against you if you file a complaint.**

H. FURTHER INFORMATION

If you have questions about this Notice of Privacy Practices or would like further information about your privacy rights, contact Acacia Creek at 1111 California Street, San Francisco, CA 94108; Attn: Privacy Officer.

Notice of Privacy Practices effective as of August 2018.