

BUILDING TRADES WELFARE BENEFIT FUND  
50 CHARLES LINDBERGH BLVD. SUITE 207  
UNIONDALE, NY 11553

**REVISED 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.**

**Effective Date of Revised Notice  
September 23, 2013**

The Fund is required to take reasonable steps to ensure the privacy of your personally identifiable health information in accordance with the privacy provisions contained in the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”), as amended by the Health Information Technology for Economic and Clinical Health Act (“HITECH Act”), and the related regulations (“federal health privacy law”).

**In addition, the Fund must inform you about:**

1. Fund’s uses and disclosures (including breaches, as described on pages 4 and 5 of this Notice) of Protected Health Information (“PHI”);
2. Fund’s duties with respect to your PHI;
3. Your rights with respect to your PHI;
4. Your right to file a complaint with the Fund and the Secretary of the U.S. Department of Health and Human Services;
5. Identity of the person to contact for additional information about the Fund’s privacy practices.

PHI includes all individually identifiable health information that is transmitted or maintained by the Fund, or on behalf of the Fund, in connection with the Fund’s provision of medical, dental, vision and pharmacy benefits, regardless of whether the information is transmitted or maintained orally, on paper or through electronic medium (such as e-mail).

**Uses and Disclosures of PHI Made Without Your Consent**

The Fund uses PHI to determine your eligibility for benefits, to process and pay your health benefit claims, and to administer its operations. The Fund may disclose your PHI to insurers, third party administrators, and health care providers for treatment, payment or other health care operations purposes. The Fund may also disclose your PHI to other third parties that assist the Fund in its operations, to government and law enforcement agencies, to your family

members, and to certain other persons or entities. Under certain circumstances, the Fund will only use or disclose your health information pursuant to your written authorization. In other cases, your authorization is not needed. The details of the Fund's uses and disclosures of your health information are described below.

### **Uses and Disclosures to the Plan Sponsor**

The Fund may disclose your PHI to the Trustees of the Building Trades Welfare Benefit Fund as the Plan sponsor, to enable the Trustees to administer the Plan. Such disclosures may be made without your authorization. The Trustees have certified that they will protect any PHI they receive in accordance with federal law.

### **Uses and Disclosures to Business Associates**

The Fund shares PHI with its "business associates," which are third parties that assist the Fund in its operations, such as preferred provider networks and prescription benefit program managers. The Fund enters into agreements with its business associates so that the privacy of your health information will be protected by them. A business associate must have any agent or subcontractor to whom the business associate provides your PHI agree to the same restrictions and conditions that apply to the business associate. The Fund is permitted to disclose PHI to its business associates for treatment, payment and health care operations without your authorization as described below.

### **Uses and Disclosures for Treatment, Payment, and Health Care Operations**

The Fund and its business associates will use and disclose PHI without your authorization for treatment, payment and health care operations as described below.

**For Treatment-** While the Fund does not anticipate making disclosures of PHI related to your health care treatment, if necessary, such disclosures may be made without your authorization. For example, the Fund may disclose the name of a treating specialist to your treating Physician to assist your treating Physician in obtaining records from the specialist.

**For Payment-** The Fund may use and disclose PHI so that your claims for health care treatment, services and supplies can be paid in accordance with the Fund's plan of benefits. For example, the Fund may tell a doctor whether you are eligible for coverage or what portion of your medical bill will be paid by the Fund.

**For Health Care Operations-** The Fund may use and disclose PHI to enable it to operate efficiently, which can include quality assessment and improvement, reviewing competence or qualifications of health care professionals, case management, conducting or arranging for medical review, legal services and auditing functions, business planning and general administrative activities. For example, the Fund may disclose PHI to its actuaries and accountants for benefit planning purposes.

## **Other Uses and Disclosures That May Be Made Without Your Authorization**

In addition to the uses and disclosures of PHI described above for treatment, payment or health care operations as described below, the federal health privacy law provides for specific uses or disclosures that the Fund may make without your authorization.

**Required by Law-** PHI may be used or disclosed for judicial and administrative proceedings pursuant to court or administrative order, legal process and authority; to report information related to victims of abuse, neglect, or domestic violence, or to assist law enforcement officials in their law enforcement duties.

**Health and Safety-** PHI may be disclosed to avert a serious threat to the health or safety of you or any other person. PHI also may be disclosed for public health activities, such as preventing or controlling disease, injury or disability, and to meet the reporting and tracking requirements of governmental agencies, such as the Food and Drug Administration.

**Government Functions-** PHI may be disclosed to the government for specialized government functions, such as intelligence, national security activities, security clearance activities and protection of public officials. PHI may also be disclosed to health oversight agencies for audits, investigations, licensure and other oversight activities.

**Active Members of the Military and Veterans-** PHI may be used or disclosed in order to comply with laws and regulations related to military service or veterans' affairs.

**Workers' Compensation-** PHI may be used or disclosed in order to comply with laws and regulations related to Workers' Compensation benefits.

**Research-** Under certain circumstances, PHI may be used or disclosed for research purposes as long as the procedures required by law to protect the privacy of the research data are followed.

**Organ, Eye and Tissue Donation-** If you are an organ donor, your PHI may be used or disclosed to an organ donor or procurement organization to facilitate an organ or tissue donation or transplantation.

**Treatment and Health Related Benefits Information.** The Fund or its business associates may contact you to provide information about treatment alternatives or other health related benefits and services that may interest you, including, for example, alternative treatment, services or medication.

**Deceased Individuals-** PHI of a deceased individual may be disclosed to coroners, medical examiners, and funeral directors so that those professionals can perform their duties.

**Emergency Situations-** PHI may be used or disclosed to a family member or close personal friend involved in your care in the event of an emergency or to a disaster relief entity in the event of a disaster.

**Others Involved In Your Care.** Under limited circumstances, your PHI may be used or disclosed to a family member, close personal friend, or others who the Fund has verified are directly involved in your care. For example, this may occur if you are seriously injured and unable to discuss your case with the Fund. Also, upon request, the Fund may advise a family member or close personal friend about (1) your general condition, (2) your location, such as “in the Hospital,” or (3) your death. If you do not want this information to be shared, you may request that these types of disclosures be restricted as outlined later in this Section.

**Personal Representatives-** Your health information may be disclosed to people that you have authorized to act on your behalf, or people who have a legal right to act on your behalf. Examples of personal representatives are parents for unemancipated minors and those people who have Power of Attorney for adults.

### **Uses and Disclosures of PHI Pursuant to Your Authorization**

Uses and disclosures of your PHI *other than* those described above will be made only with your express written authorization. You may revoke your authorization at any time, provided you do so in writing. If you revoke a written authorization to use or disclose PHI, the Fund will not use or disclose your PHI, except to the extent that the Fund already relied on your authorization. Once your PHI has been disclosed pursuant to your authorization, the federal privacy law protections may no longer apply to the disclosed health information, and that information may be re-disclosed by the recipient without your knowledge or authorization.

Your PHI may be disclosed to people that you have authorized to act on your behalf, or people who have a legal right to act on your behalf. Examples of personal representatives are parents for unemancipated minors and those who have Power of Attorney for adults.

### **Unauthorized Uses and Disclosures of PHI**

Under the HITECH Act, you must be notified of a “Breach” of your “Unsecured PHI.” “Unsecured PHI” means PHI that is not rendered unusable, unreadable, or indecipherable to unauthorized individuals through the use of a technology or methodology specified by the Department of Health and Human Services. A “Breach” of Unsecured PHI is the unauthorized acquisition, access, use, or disclosure of PHI that compromises the security or privacy of such information, except where an unauthorized person to whom the PHI is disclosed would not reasonably have been able to retain such information. Breach does not include:

- Any unintentional acquisition, access, or use of PHI by an Employee or individual acting under the authority of the Fund if:
  - such acquisition, access, or use was made in good faith and within the course and scope of the employment or other professional relationship of such Employee or individual, respectively, with the Fund; and
  - such information is not further acquired, accessed, used, or disclosed by any person

- Any inadvertent disclosure from an individual who otherwise authorized to access PHI to another similarly situated individual; and
- Any such information received as a result of such disclosure is not further acquired, accessed, used, or disclosed by any person without authorization.

In the event a Breach of Unsecured PHI is discovered, you will be notified if your Unsecured PHI has been, or is reasonably believed by the Plan to have been, accessed, acquired, or disclosed as a result of such Breach, in accordance with the requirements of the HITECH Act and regulations hereunder. Unless otherwise specified in HITECH Act regulations, you will receive notice of a Breach of Unsecured PHI as soon as practicable and in no case later than 60 calendar days after the discovery of the Breach. This notification applies only to any Unsecured PHI accessed, maintained, retained, modified, recorded, stored, destroyed, or otherwise held, used, or disclosed by the Fund.

### **Your Rights With Respect to Your PHI**

You have the following rights regarding your PHI that the Fund creates, collects and maintains.

#### ***Right to Inspect and Copy Health Information***

You have the right to inspect and obtain a copy of your health record. Your health record includes, among other things, health information about your eligibility and coverage under the Fund's plan of benefits as well as claims and billing records. To inspect or to obtain a copy of your health record, submit a written request to the Fund's HIPAA Privacy Officer identified in this Section below. For health records that the Fund keeps in electronic form, you may request to receive the records in an electronic format. The Fund may charge a reasonable fee based on the cost for copying and mailing records associated with your request. In certain limited circumstances, the Fund may deny your request to inspect and copy your health record. This denial will be provided in writing and will set forth the reasons for the denial and will describe how you may appeal the Fund's decision.

#### ***Right to Request That Your Health Information Be Amended***

You have the right to request that your PHI be amended if you believe the information is incorrect or incomplete. To request an amendment, submit a detailed written request to the Fund's HIPAA Privacy Officer identified in this Section below. The Fund may deny your request if it is not made in writing, if it does not provide a basis in support of the request, or if you have asked to amend information that (1) was not created by or for the Fund, (2) is not part of the health information maintained by or for the Fund, (3) is not part of the health record information that you are permitted to inspect and copy, or (4) is accurate and complete.

If the Fund denies your request, it will explain the basis for the denial in writing. You may then submit a written statement disagreeing with the denial and have that statement included with any future disclosures of PHI.

### ***Right to an Accounting of Disclosures***

You have the right to receive a written accounting of disclosures by the Fund of your PHI made during the six years prior to the date of your request. However, such accounting will not include disclosures made prior to April 14, 2003. To request an accounting of disclosures, submit a written request to the Fund's HIPAA Privacy Officer identified in this Section below.

If you request more than one accounting within a 12-month period, the Fund will charge a reasonable fee based on the cost for each subsequent accounting. The Fund will notify you of the cost involved before processing the accounting so that you can decide whether to withdraw your request before any costs are incurred.

### ***Right to Request Restrictions***

You have the right to request that the Fund restrict the use and disclosure of your PHI. However, except in the case of a disclosure for payment purposes where you have paid the health care provider in full, out of pocket, the Fund is not required to agree to your request for such restrictions, and the Fund may terminate a prior agreement to the restrictions you requested. To request restrictions on the use and disclosure of your PHI, submit a written request to the Fund's HIPAA Privacy Officer identified in this Section below.

Your request must explain what information you seek to limit, and how and/or to whom you would like the limit(s) to apply. The Fund will notify you in writing as to whether it agrees to your request for restrictions, and when it terminates any agreement with respect to any restriction.

### ***Right to Request Confidential Communications, or Communications by Alternative Means or at an Alternative Location***

You have the right to request that your PHI be communicated to you in confidence by alternative means or in an alternative location. For example, you can ask that you be contacted only at work or by mail, or that you be provided with access to your PHI at a specific location.

To request communications by alternative means or at an alternative location, submit a written request to the Fund's HIPAA Privacy Officer identified in this Section below. Your written request should state the reason for your request, and the alternative means by or location at which you would like to receive your health information. If appropriate, your request should state that the disclosure of all or part of the information by non-confidential communications could endanger you. Reasonable requests will be accommodated to the extent possible and you will be notified appropriately.

### ***Right to Complain***

You have the right to complain to the Fund and to the Department of Health and Human Services if you believe your privacy rights have been violated. To file a complaint with the Fund, submit a written complaint to the Fund's HIPAA Privacy Officer identified in this Section below.

The Fund will not retaliate or discriminate against you and no services, payment, or privileges will be withheld from you because you file a complaint with the Fund or with the Department of Health and Human Services.

### ***Right to a Paper Copy of this Notice***

You have the right to a paper copy of this Notice. To make such a request, submit a written request to the Fund's HIPAA Privacy Officer identified in this Section below.

### **Contact Information**

If you have any questions or concerns about the Fund's privacy practices, or about this Notice, or if you wish to obtain additional information about the Fund's privacy practices or if you wish to exercise one of the rights described above with respect to your PHI, please contact:

HIPAA Privacy Officer  
Building Trades Welfare Benefit Fund  
50 Charles Lindbergh Blvd. Suite 207  
Uniondale, New York 11553  
Tel: (516) 833-9300

### **Changes in the Fund's Privacy Policies**

The Fund reserves the right to change its privacy practices and make the new practices effective for all PHI that it maintains, including PHI that it created or received prior to the effective date of the change and PHI it may receive in the future. If the Fund materially changes any of its privacy practices, it will amend this Section and provide you with a copy of the amendment, by U.S. mail, within sixty days of the revision. In addition, copies of the amendment will be made available to you upon your written request.

### **EFFECTIVE DATE**

This Notice was first effective on April 14, 2003 and was revised effective September 23, 2013 to reflect the provisions of the Health Information Technology for Economic and Clinical Health (HITECH) Act. This Notice will remain in effect unless and until the Fund publishes a revised Notice.