

THE NELSON TRUST

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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.**

If you have any questions about this notice, please contact:

Client Service Representative, The Nelson Trust

c/o BeneSys, Inc. PMB #116

5331 S Macadam Ave, Suite 258

Portland, OR 97239

Telephone: (503) 222-7696

Toll Free: (800) 811-8853

Who Will Follow This Notice

This notice describes the medical information practices of The Nelson Trust and that of any third party that assists in the administration of The Nelson Trust. It also affects how The Nelson Trust will relate to third parties (such as a spouse, child, parent, friend, or business agent) who may contact The Nelson Trust on your behalf.

Our Pledge Regarding Medical Information

Medical information about you and your health is personal. Your medical information can not be disclosed to, or discussed with, anyone except as stated in this notice unless you give a written authorization. This notice applies to all of The Nelson Trusts' medical records. Your personal doctor or health care provider may have different policies or notices regarding the doctor's use and disclosure of your medical information created in the doctor's office or clinic.

This notice tells you how The Nelson Trust uses and discloses your medical information. It also describes The Nelson Trust's obligations and your rights regarding the use and disclosure of your medical information.

The Nelson Trust is required by law to:

- Keep private your medical information;
- Give you this notice of The Nelson Trust's legal duties and privacy practices with respect to your medical information; and
- Follow the terms of the notice that is currently in effect.

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How The Nelson Trust May Use and Disclose Your Medical Information

This notice describes how The Nelson Trust will use your medical information. The use and description of the notice are stated in applicable federal regulation which are controlling in the event of a conflict with this notice. Whenever possible, the minimal amount of information will be disclosed. Not every use or disclosure in a category will be listed in this notice. However, all permitted uses and disclosures will fall within one of the categories.

For Treatment. The Nelson Trust may use or disclose medical information about you for medical treatment or services by providers. Thus, The Nelson Trust may disclose medical information about you to providers, including doctors, nurses, technicians, medical students, pharmacists, hospital or other medical personnel who are involved in providing health care to you.

For Payment. The Nelson Trust may use and disclose your medical information to determine eligibility for benefits; to facilitate payment for the treatment and services you receive from health care providers; to determine benefit responsibility under The Nelson Trust; or to coordinate coverage or benefit payments. For example, The Nelson Trust may tell your health care provider about your medical history to determine whether a particular treatment is experimental, investigational, medically necessary or to determine whether The Nelson Trust will cover the treatment. The Nelson Trust may also share medical information with a utilization review or precertification service provider or with another health plan to coordinate benefit payments.

For Health Care Operations. The Nelson Trust may use and disclose medical information about you for its operations. These uses and disclosures are necessary to administer health plans sponsored by The Nelson Trust. Therefore, The Nelson Trust may use medical information in connection with: conducting quality assessment and improvement activities; underwriting, premium rating, and other activities relating to coverage; submitting claims for stop-loss (or excess loss) coverage; conducting or arranging for medical review, legal services, audit services, and fraud and abuse detection programs; planning and development such as cost management; and management and general administrative activities.

As Required By Applicable Law. The Nelson Trust will disclose medical information about you when required to do so by applicable federal, state, or local law. For example, The Nelson Trust may disclose medical information when required by an applicable court order.

To Avert a Serious Threat to Health or Safety. The Nelson Trust may use and disclose medical information about you when necessary to prevent a serious threat to your health and safety or the health and safety of the public or another person. Any disclosure, however, would only be to someone able to help prevent the threat.

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To A Family Member or Close Personal Friend Involved in Your Health Care. Health plans sponsored by The Nelson Trust (“Health Plan”) may make your health information known to a family member or close personal friend. Disclosure of your health information will be determined based on how involved the person is in your health care or payment of your health care claims. Your Health Plan may release health information to parents or guardians, if allowed by applicable law. If you are not present or able to agree to these disclosures of your health information, your Health Plan, through a third party administrator, may use its professional judgement to determine whether the disclosure is in your best interest. **If you do not want your health information disclosed to a family member or close personal friend as outlined in this section, you must notify the Client Service Representative listed on the first page of this notice to request a restriction.**

To A Personal Representative. Your Health Plan will disclose your health information to an individual who has been designated as your personal representative and has qualified for such designation in accordance with applicable state law. However, before your Health Plan discloses health information to such a person, you must submit a written notice of his/her designation, along with the documentation that supports his/her qualification, such as a power of attorney.

Even if you designate a personal representative, federal law permits your Health Plan to elect not to treat the person as your personal representative if the Health Plan has a reasonable belief that: (1) you have been, or may be, subject to domestic violence, abuse, or neglect by such person; (2) treating such a person as your personal representative could endanger you; or (3) the Health Plan determines, in their professional judgement, that it is not in your best interest to treat the person as your personal representative.

Business Associates. Business Associates perform various functions and services on behalf of your Health Plan. For example, the third-party administrator hired by The Nelson Trust, BeneSys, Inc., handles many of the functions in connection with the operation of your Health Plan. To perform these functions, or provide the services, your Health Plan’s Business Associates may receive, create, maintain, use or disclose your health information, but only after agreeing, in writing, to appropriate safeguards concerning your health information.

Special Situations

Disclosure to Nelson Trust’s Board of Trustees. Medical information may be disclosed to The Nelson Trust’s Board of Trustees for purposes of administering benefits and to fulfill their trustee responsibilities. The trustees cannot disclose this information to anyone, including your employer or a member of the union, except as required by applicable law or as authorized by you.

Organ and Tissue Donation. If you are an organ donor, The Nelson Trust may release medical information to organizations that handle organ procurement or organ, eye or tissue transplantation to an organ donation bank as necessary to facilitate organ or tissue donation and transplantation.

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Military and Veterans. If you are a member of the armed forces, The Nelson Trust may release medical information about you as required by military command authorities. The Nelson Trust may also release medical information about foreign military personnel to the appropriate foreign military authority.

Workers' Compensation. The Nelson Trust may release medical information about you for workers' compensation or similar programs. These programs provided benefits for work-related injuries or illness.

Public Health Risks. The Nelson Trust may disclose medical information about you for public health activities in order:

- To prevent or control disease, injury or disability;
- To report births and deaths;
- To report suspected child abuse or neglect;
- To report reactions to medications or problems with products;
- To notify you of recalls of products that you may be using;
- To notify you if you may have been exposed to a disease or may be at risk for contracting or spreading a disease or condition;
- To notify the appropriate government authority if The Nelson Trust believes a patient has been a victim of abuse, neglect, or domestic violence. The Nelson Trust will only make this disclosure if you agree or when required or authorized by applicable law.

Health Oversight Activities. The Nelson Trust may disclose medical information to a health oversight agency for audits, investigations, inspections, and licensure when authorized by law. These disclosures may be necessary for the government to monitor the health care system, government programs, and compliance with civil rights laws.

Lawsuits and Disputes. If you are involved in a lawsuit or a dispute, The Nelson Trust may disclose medical information about you in response to a court or administrative order. Subject to all applicable legal requirements, The Nelson Trust may disclose medical information about you in response to an applicable subpoena, discovery request, or other lawful process by someone else involved in the dispute.

Law Enforcement. Subject to all applicable legal requirements, The Nelson Trust may release medical information if requested by a law enforcement official:

- In response to an applicable court order, subpoena, warrant, summons or similar process;
- To identify or locate a suspect, fugitive, material witness, or missing person;
- About the victim of a crime;
- About a death The Nelson Trust believes may be the result of criminal conduct;
- In emergency circumstances to report a crime; the location of the crime or victims; or the identity, description or location of the person who committed the crime.

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Coroners, Medical Examiners and Funeral Directors. The Nelson Trust may release medical information to a coroner or medical examiner. This may be necessary, for example, to identify a deceased person or determine the cause of death. The Nelson Trust may also release medical information to funeral directors as necessary to carry out their duties.

National Security and Intelligence Activities. The Nelson Trust may release medical information about you to authorized federal officials for intelligence, counterintelligence, and other national security activities authorized and required by applicable law.

Inmates. The Nelson Trust may release medical information about you to a correctional institution or law enforcement official if you are an inmate of a correctional institution or under the custody of a 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 or the health and safety of others; or (3) for the safety and security of the correctional institution.

Information not Personally Identified. The Nelson Trust may use or disclose health information that does not personally identify you or reveal who you are.

Your Rights Regarding Your Medical Information

You have the following rights regarding medical information The Nelson Trust maintains about you:

Right to Inspect and Copy. You have the right to inspect and copy medical information that may be used to make decisions about your benefits. To inspect and copy medical information that may be used to make decisions about you, you must submit your **request in writing** to the Client Service Representative. If you request a copy of the information, The Nelson Trust may charge a fee for the costs of copying, mailing, or other supplies associated with your request.

The Nelson Trust may deny your request to inspect and copy your medical information in very limited circumstances. If you are denied access to your medical information, you may request that the denial be reviewed. If the review is required by law, The Nelson Trust will select a health care professional to review your request and The Nelson Trust's denial. The person conducting the review will not be the person who denied your request. The Nelson Trust will comply with the outcome of the review.

Right to Amend. If you feel that The Nelson Trust's medical information about you is incorrect or incomplete, you may ask to amend the information. You have the right to request an amendment for the period of time that the information is maintained by or for The Nelson Trust.

To request an amendment, **your request must be made in writing and submitted** to the Client Service Representative. In addition, you must provide a reason that supports your request.

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The Nelson Trust 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, The Nelson Trust may deny your request if you ask to amend information that:

- Is not part of the medical information maintained by or for The Nelson Trust;
- Was not created by The Nelson Trust, unless the person or entity that created the information is no longer available to make the amendment;
- Is not part of the information which you would be permitted to inspect and copy; or
- Is accurate and complete.

Right to an Accounting of Disclosures. You have the right to request an “accounting of disclosures” where the disclosure was made for any purpose other than treatment, payment, or health care operations. To obtain this list or accounting of disclosures, you must submit your **request in writing** to the Client Service Representative. Your request must state a time period which may not be longer than six years and may not include dates before April 14, 2003. The first list you request within a 12 month period will be free. For additional lists, The Nelson Trust may charge you for the costs of providing the list. The Nelson Trust 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.

Right to Request Restrictions. You have the right to request a restriction or limitation on the medical information The Nelson Trust uses or discloses about you for treatment, payment or health care operations. You also have the right to request a limit on the medical information The Nelson Trust discloses about you to someone who is involved in your care or the payment for your care, like a family member or friend. For example, you could ask that The Nelson Trust not use or disclose information about a medical procedure. The Nelson Trust is not required to agree to your request.

To request restrictions, you must make your **request in writing** to the Client Service Representative. In your request, you must state (1) the information you want to limit; (2) whether you want to limit The Nelson Trust’s use, disclosure, or both; and (3) to whom you want the limits to apply, for example, disclosures to your spouse or parents.

Right to Request Confidential Communications. You have the right to request that The Nelson Trust communicate with you about medical matters in a specified way or at a certain location. For example, you may request that The Nelson Trust only contact you at work, at school, by mail to a different address, or a specified private location.

To request confidential communications, you must make your **request in writing** to the Client Service Representative. The Nelson Trust will not ask the reason for your request. The Nelson Trust will accommodate all reasonable requests. Your request must specify how or where you wish to be contacted.

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Right to a Paper Copy of This Notice. You have the right to a paper copy of this notice. You may ask The Nelson Trust to give you a copy of this notice at any time. To obtain a paper copy of this notice contact the Client Service Representative.

Changes to This Notice

This notice describes the current law and The Nelson Trust's current procedures. You will be given notice if the law changes and/or The Nelson Trust changes its procedures. Any changes will be effective for your medical information The Nelson Trust maintains as well as any information it receives after the changes.

Complaints

If you believe your privacy rights have been violated, you may file a complaint with The Nelson Trust or with the Secretary of the Department of Health and Human Services. To file a complaint with The Nelson Trust, contact the Client Service Representative. **All complaints must be submitted in writing.** You will not be penalized for filing a complaint.

Other Uses of Medical Information

Other uses and disclosures of medical information not covered by this notice or the laws will be made only with your written authorization. Therefore, The Nelson Trust can not disclose your medical information to anyone, including your spouse, child, parent or a business agent, without your prior written authorization. If you provide The Nelson Trust permission to use or disclose medical information about you, you may revoke that permission, in writing, at any time. If you revoke your permission, The Nelson Trust will not use or disclose medical information about you for the reasons covered by your written authorization. You understand that The Nelson Trust is unable to take back any disclosures it has already made with your authorization.