



## PRIVACY NOTICE

Your privacy is important to us. We provide this notice explaining our information practices.

**Online Information:** We use the information you provide about yourself online through our website to complete your request for information and/or offer news about our services. We do not share this information with outside parties except to the extent necessary to complete your request. We use return email addresses to answer the email we receive. Such addresses are not used for any other purpose and are not shared with outside parties, except to the extent that you consent to receive news and updates by email, which are sent through a third-party marketing platform. We never use or share the personally identifiable information provided to us online in ways unrelated to the ones described above. We will always provide you an opportunity to opt-out of our marketing emails.

**Directory:** St. John's will maintain a Resident Directory consisting of name, location, phone number and email address. This directory is considered to be Protected Health Information (PHI). See below for more information about PHI. The resident may opt-out of this directory by contacting the admissions office, their Social Work representative, the Meadow's Resident Coordinator or the Brickstone Welcome Center staff. This decision may be reversed at any time.

**Voice Recognition Devices (VRD):** These devices are available for resident use by request and are found in common areas for resident use. These devices are provided as a courtesy. Each device is HIPAA compliant. Data is collected via a third-party platform and is encrypted and secured. The third-party does not sell user information or use it for advertising purposes. It configures accounts and devices with an abstract identifier that can associate each request with a particular person while keeping the person's name and other personal information private.

**Fundraising:** St. John's may contact you or your personal representative to raise money for St. John's Foundation. Funds raised through St. John's Foundation allow St. John's to provide ongoing support for social programs, creative and recreational arts therapy, spiritual and religious programs, musical concerts, and more, that provide joy to our residents in all of our senior communities. We will provide an opportunity to opt out of receiving fundraising emails.

**Complaints:** If you believe we have violated your privacy, you may file a complaint with us by notifying our Privacy Officer. We cannot retaliate against you for filing a complaint. If you have any questions about the complaint process or any of the information contained in this Notice, you may contact our

Privacy Officer at 585-760-1265.

**Changes:** St. John's reserves the right, at its sole discretion, to change, modify, add or remove portions of this Privacy Notice at any time.

**The following portion of the notice describes how medical information about you may be used and disclosed and how you can get access to this information. This notice is distributed in compliance with HIPAA (Health Insurance Portability and Accountability Act of 1996 and the HIPAA Omnibus Rule 2013). If you receive health care from St. John's, please review it carefully.**

This Privacy Notice describes how we may use and disclose your protected health information to carry out treatment, payment or health care operations and for other purposes that are permitted or required by law. It also describes your rights to access and control your protected health information. "Protected health information" (PHI) is information about you, including demographic information, that may identify you and that relates to your past, present or future physical or mental health or condition and related health care services.

**Permitted Uses and Disclosures of PHI:** The following are examples of the types of uses and disclosures of your PHI that we are permitted to make. These examples are not meant to be exhaustive, but to describe the types of uses and disclosures that may be made by us.

**Treatment:** We will use and disclose your PHI to provide, coordinate, or manage your health care and any related services. This includes the coordination or management of your health care with a third party. For example, we would disclose your PHI, as necessary, to a home health agency that provides care to you. We will also disclose protected health information to other physicians who may be treating you. For example, your PHI may be provided to a physician to whom you have been referred to ensure that the physician has the necessary information to diagnose or treat you.

In addition, we may disclose your PHI from time to time to another physician or health care provider (e.g., a specialist or laboratory) whom, at our request, becomes involved in your care by providing assistance to us with your health care diagnosis or treatment.

**Payment:** Your PHI will be used, as needed, to obtain payment for your health care services. This may include certain activities that your health insurance plan may undertake before it approves or pays for the health care services we recommend for you, such as making a determination of eligibility of coverage for insurance benefits, reviewing services provided to you for medical necessity, and undertaking utilization review activities. For example, obtaining approval for a hospital stay may require that your relevant PHI be disclosed to the health plan to obtain approval for the hospital admission.

**Healthcare Operations:** We may use or disclose, as needed, your PHI in order to support the business activities of our practice. These activities include, but are not limited to, quality assessment activities, employee review activities, training of medical students, licensing, and conducting or arranging other business activities.

For example, we may disclose your PHI to medical school students who see or assist in seeing patients at our office or in the hospital. We may also call you by name in the waiting room when your physician is

ready to see you.

We will share your PHI with third party “business associates” that perform various activities (e.g., billing, transcription services) for the practice. Whenever an arrangement between our office and a business associate involves the use or disclosure of your PHI, we will have a written contract that contains terms that will protect the privacy of your PHI.

In addition, your name and address may be used to send you a newsletter about our practice and the services we offer.

**Uses and Disclosures of PHI Based on Your Written Authorization:** Other uses and disclosures of your PHI will be made only with your written authorization, unless otherwise permitted or required by law as described below. For example, we may not use or disclosure your PHI for marketing purposes nor may we sell your PHI without your written authorization.

**Other Permitted and Required Uses and Disclosures That May Be Made with Your Authorization or Opportunity to Object:** We may use and disclose your PHI in the following instances. You have the opportunity to agree or object to the use or disclosure of all or part of your PHI. If you are not present or able to agree or object to the use or disclosure of the PHI, then your physician may, using professional judgment, determine whether the disclosure is in your best interest. In this case, only the PHI that is relevant to your health care will be disclosed.

**Others Involved in Your Healthcare:** Unless you object, we may disclose to a member of your family, a relative, a close friend or any other person you identify, your PHI that directly relates to that person’s involvement in your health care. If you are unable to agree or object to such a disclosure, we may disclose such information as necessary if we determine that it is in your best interest based on our professional judgment. We may use or disclose PHI to notify or assist in notifying a family member, personal representative or any other person who is responsible for your care of your location, general condition or death. We may use or disclose your PHI to an authorized public or private entity to assist in disaster relief efforts for the purposes of coordinating uses and disclosures to family or other individuals involved in your health care to notify them of your location, general condition or death.

**Other Permitted and Required Uses and Disclosures That May Be Made Without Your Authorization or Opportunity to Object**

**Required by Law:** We may use or disclose your PHI to the extent that the use or disclosure is required by law. The use or disclosure will be made in compliance with the law and will be limited to the relevant requirements of the law. You will be notified, as required by law, of any such uses or disclosures. Such disclosures include government agencies that oversee the health care system, the Secretary of the Department of Health and Human Services, government benefit programs, other government regulatory programs, public health authorities that are authorized by law to receive reports of child abuse or neglect, the Food and Drug Administration, correctional facilities and civil rights agencies

**Public Health:** We may disclose your PHI for public health activities and purposes to a public health authority that is permitted by law to collect or receive the information. The disclosure will be made for the purpose of controlling disease, injury or disability. We may also disclose your PHI, if directed by the

public health authority, to a foreign government agency that is collaborating with the public health authority. We may disclose your PHI, if authorized by law, to a person who may have been exposed to a communicable disease or may otherwise be at risk of contracting or spreading the disease or condition.

**MDS (Minimum Data Set) Collection and Submission:** Medicare and Medicaid participating long-term care facilities are required to conduct comprehensive, accurate, standardized and reproducible assessments of each resident's functional capacity and health status. To implement this requirement, the facility must obtain information from every resident. This information also is used by the Federal Centers for Medicare & Medicaid Services (CMS) to ensure that the facility meets quality standards and provides appropriate care to all residents. For this purpose, as of June 22, 1998, all such facilities are required to establish a database of resident assessment information, and to electronically transmit this information to the HCFA contractor in the State government, which in turn transmits the information to HCFA. Because the law requires disclosure of this information to Federal and State sources as discussed above, a resident does not have the right to refuse consent to these disclosures.

These data are protected under the requirements of the Federal Privacy Act of 1974 and the MDS Long-Term Care System of Records. Authority for collection of information, including Social Security Number and whether disclosure is mandatory or voluntary can be found in Sections 1819(f), 1919(f), 1819(b)(3)(A), 1919(b)(3)(A), and 1864 of the Social Security Act.

1. Principal Purposes For Which Information Is Intended To Be Used. The information will be used to track changes in health and functional status over time for purposes of evaluating and improving the quality of care provided by nursing homes that participate in Medicare or Medicaid. Submission of MDS information may also be necessary for the nursing homes to receive reimbursement for Medicare services.

2. Routine Uses. The primary use of this information is to aid in the administration of the survey and certification of Medicare/Medicaid long-term care facilities and to improve the effectiveness and quality of care given in those facilities. This system will also support regulatory, reimbursement, policy, and research functions. This system will collect the minimum amount of personal data needed to accomplish its stated purpose. The information collected will be entered into the Long-Term Care Minimum Data Set (LTC MDS) system of records, System No. 09-70-0528, published in the Federal Register at Vol. 72, no. 52/Monday, March 19, 2007. Information from this system may be disclosed, under specific circumstances (routine uses), which include: (1) To support agency contractors, consultants or grantees who have been engaged by the agency to assist in accomplishment of a CMS function; (2) assist another Federal or state agency to fulfill a requirement of a Federal statute that implements a health benefits program funded in whole or in part with Federal funds; (3) assist Quality Improvement Organizations to perform Title XI or Title XVIII functions; (4) assist insurance companies, underwriters, third party administrators, employers, group health plans for purposes of coordination of benefits with the Medicare Program; (6) the Federal Department of Justice, court, or adjudicatory body in litigation; (7) to support a national accrediting organization to enable them to target potential or identified problems with accredited facilities; (8) assist a CMS contractor in the administration of a CMS-administered health benefits program; (9) to assist another Federal agency that administers or that has the authority to investigate potential fraud, waste or abuse in a health benefits program funded in whole or part by Federal funds.

3. Effect on Individual of Not Providing Information. The information contained in the Long-Term Care

Minimum Data Set is generally necessary for the facility to provide appropriate and effective care to each resident. If a resident fails to provide such information, for example on medical history, inappropriate and potentially harmful care may result. Moreover, payment for such services by third parties, including Medicare and Medicaid, may not be available unless the facility has sufficient information to identify the individual and support a claim for payment.

**Legal Proceedings:** We may disclose PHI in the course of any judicial or administrative proceeding, in response to an order of a court or administrative tribunal (to the extent such disclosure is expressly authorized), in certain conditions in response to a subpoena, discovery request or other lawful process.

**Law Enforcement:** We may also disclose PHI, so long as applicable legal requirements are met, for law enforcement purposes. These law enforcement purposes include (1) legal processes and otherwise required by law, (2) limited information requests for identification and location purposes, (3) pertaining to victims of a crime, (4) suspicion that death has occurred as a result of criminal conduct, (5) in the event that a crime occurs on the premises of the practice, and (6) medical emergency (not on the practice's premises) and it is likely that a crime has occurred.

**Research:** We may use your de-identified PHI for research purposes. We may not disclose your PHI to researchers without your authorization except when a research project meets specific, detailed criteria established by an institutional review board to ensure that the researchers' protocols will protect the privacy of your PHI.

**Coroners, Medical Examiners, Funeral Directors, and Organ Procurement Organizations:** We may disclose your PHI to a coroner or medical examiner for identification purposes, determining cause of death or for the coroner or medical examiner to perform other duties authorized by law. We may also disclose such information in reasonable anticipation of death. PHI may be used and disclosed for cadaveric organ, eye or tissue donation purposes.

**Criminal Activity:** Consistent with applicable federal and state laws, we may disclose your PHI if we believe that the use or disclosure is necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the public. We may also disclose PHI if it is necessary for law enforcement authorities to identify or apprehend an individual.

**Military Activity and National Security:** When the appropriate conditions apply, we may use or disclose PHI of individuals who are Armed Forces personnel (1) for activities deemed necessary by appropriate military command authorities, (2) for the purpose of a determination by the Department of Veterans Affairs for your eligibility for benefits, or (3) to foreign military authority if you are a member of that foreign military services. We may also disclose your PHI to authorized federal officials for conducting national security and intelligence activities, including for the provision of protective services to the President or others legally authorized.

**Workers' Compensation:** Your PHI may be disclosed by us as authorized to comply with workers' compensation laws and other similar legally established programs.

**Avert a Threat to Health or Safety:** We may disclose your PHI if we believe that such disclosure is necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the

public and the disclosure is to an individual who is reasonably able to prevent or lessen the threat.

**Treatment Alternatives and Health-Related Benefits:** We may contact you to provide information about treatment alternatives or other health-related benefits and services that may be of interest to you.

**Fundraising:** The facility may contact you or your personal representative to raise money to help us operate. We may also share your demographic information with St. John's Foundation who may contact you or your personal representative to raise money on our behalf. You have the opportunity to opt out or restrict your receiving fundraising communications. Please contact a Social Work Care Partner to obtain a Fundraising Opt-Out form.

**Marketing Activity:** You have the opportunity to opt out or restrict your receiving marketing communications. Contact a Social Work Care Partner to obtain a Fundraising Opt-Out form. Disclosure of your information for other marketing purposes will require your authorization. Under no circumstances will we sell your Protected Health Information for marketing purposes.

**Your Rights.** Following is a statement of your rights with respect to your PHI and a brief description of how you may exercise these rights.

You have the right to get an electronic or paper copy of your medical record. This means you may obtain a copy of protected health information about you that is contained in a designated record set for as long as we maintain the PHI. A "designated record set" contains medical and billing records and any other records that we use for making treatment decisions about you. We will provide a copy or a summary of your health information, usually within 30 days of your request. We may charge a reasonable, cost-based fee.

Under federal law, however, you may not inspect or copy the following records: psychotherapy notes; information compiled in reasonable anticipation of, or use in, a civil, criminal or administrative action or proceeding; or PHI that is subject to law that prohibits access to PHI. Depending on the circumstances, you may have right to appeal our decision to deny you access. Please contact our Privacy Officer if you have questions about access to your medical record.

You have the right to revoke an authorization. You may revoke any authorization you have given us, at any time, in writing, except to the extent that we have taken an action in reliance on the use or disclosure indicated in the authorization.

You have the right to request a restriction of your PHI. This means you may ask us not to use or disclose any part of your PHI for the purposes of treatment, payment or healthcare operations. You may also request that any part of your PHI not be disclosed to family members or friends who may be involved in your care or for notification purposes as described in this Privacy Notice. Your request must state the specific restriction requested and to whom you want the restriction to apply.

Except as otherwise provided in this Privacy Notice, we are not required to agree to a restriction that you may request. If we believe it is in your best interest to permit use and disclosure of your PHI, your PHI will not be restricted. If we do agree with the requested restriction, we may not use or disclose your PHI in violation of that restriction unless it is needed to provide emergency treatment. With this in mind,

please discuss any restriction you wish to request with your physician. You should request a restriction in writing to the Privacy Officer. However, we must agree to your request to restrict disclosure of your PHI to a health plan if the disclosure is for the purposes of obtaining payment for your health care or other operations of our practice and is not otherwise required by law AND we have been paid in full for the treatment we provided related to the PHI you have asked us not to disclose.

You have the right to receive confidential communications from us by alternative means or at an alternative location. We will accommodate reasonable requests. We may also condition the accommodation by asking you for information as to how payment will be handled or specification of an alternative address or other method of contact. We will not request an explanation from you as to the basis for the request. Please make this request in writing to our Privacy Officer.

You have the right to restrict disclosure of Protected Health Information to your insurer if you fully pay for treatment out-of-pocket. We are not required to agree to your requested restriction, and in some cases, the law may not permit us to accept your restriction. However, if we do agree to accept your restriction, we will comply with your restriction except if you are being transferred to another health care institution, the release of records is required by law, or the release of information is needed to provide you emergency treatment.

You have the right to have us amend your protected health information. This means you may request an amendment of PHI about you in a designated record set for as long as we maintain this information. In certain cases, we may deny your request for an amendment. If we deny your request for amendment, you have the right to file a statement of disagreement with us and we may prepare a rebuttal to your statement and will provide you with a copy of any such rebuttal. Please contact our Privacy Officer if you have questions about amending your medical record. Requests for amendment of PHI must be made in writing.

You have the right to receive an accounting of certain disclosures we have made, if any, of your PHI. This right applies to disclosure for purposes other than treatment, payment and healthcare operations as described in this Privacy Notice. It excludes disclosure we may have made to you, to family members or designated friends involved in your care, for notification purposes, disclosures you have specifically authorized or disclosures for national security or intelligence purposes or to correctional institutions or law enforcement officials. You have the right to receive specific information regarding these disclosures that occurred for six years prior to the date you ask. You may request a shorter time frame. The right to receive this information is subject to certain exceptions, restrictions and limitations.

You have the right to choose someone to act for you. If you have given someone medical power of attorney or if someone is your legal guardian, that person can exercise your rights and make choices about your health information. We will require proof of that person's authority before we take any action.

You have the right to obtain a paper copy of this notice from us. You may obtain one from the Admissions Office or a Social Work Care Partner. You may also obtain a copy of this Notice at our website.

**Breach Notification:** We must notify you promptly if we learn that your PHI may have been subject to unauthorized acquisition, access, use or disclosure.

**Changes to this Notice:** We are required by law to maintain the privacy and security of PHI, to provide you with and to abide by the terms of this Notice and make a good faith effort to obtain an acknowledgment of your receipt of this Notice. We may change the terms of our notice at any time. The new notice will be effective for all PHI that we maintain at that time. You may obtain a revised Privacy Notice by visiting our website, <https://www.stjohnsliving.org/st-johns-privacy-notice/>, or you may call the office at the phone number on this Privacy Notice and request that a revised copy be sent to you in the mail, or ask for one at the time of your next appointment.

**Complaints:** If you believe we have violated your privacy, you may complain to us or to the Secretary of Health and Human Services. You may file a complaint with us by notifying our Privacy Officer in writing of your complaint. We will not retaliate against you for filing a complaint. If you have any questions about the complaint process or any of the information contained in this Notice, you may contact our Privacy Officer at 585-760-1265.

**Further Information:** For further information about this Notice or your privacy rights, please contact our Privacy Officer at 585-760-1265.

**Effective Date:** This notice is effective as of April 14, 2021.

St. John's Home  
St. John's Penfield Homes  
St. John's Meadows  
The Hawthorne at St. John's Meadows  
Brickstone by St. John's

**Janet Wixom**  
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