



## 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.

### What is this Notice?

This Notice tells you:

- How Functional Pathways handles your protected health information
- How Functional Pathways uses and gives out your protected health information
- Your rights about your protected health information
- Responsibilities Functional Pathways has in protecting your protected health information

This Notice follows what is known as the HIPAA Privacy Regulations. These regulations were given out by the federal government. The federal government requires companies such as Functional Pathways to follow the terms of the regulations and of this Notice. This Notice is also available on the Functional Pathways web site at [www.fprehab.com](http://www.fprehab.com).

**NOTE:** You may also get a Notice of Privacy Practices from the State and other organizations.

### What is Protected Health Information?

In this Notice, protected health information will be written as PHI. The HIPAA Privacy Regulations define protected health information as:

- Information that identifies you or can be used to identify you
- Information that either comes from you or has been created or received by a health care provider, a health plan, your employer, or a health care clearinghouse
- Information that has to do with your physical or mental health or condition, providing health care to you, or paying for providing health care to you

### What are Functional Pathways' Responsibilities to You about Your Protected Health Information?

Your/your family's PHI is personal. We have rules about keeping this information private. These rules are designed to follow state and federal requirements.

Functional Pathways must:

- We are required by law to maintain the privacy and security of your protected health information.
- We are required to keep your protected health information private and secure in all forms, including hardcopy files, electronic files, as well as verbal communications. Functional Pathways is required by law to enable security and privacy features to ensure that these protections are met. Electronic access to PHI is provided based on the role of the staff member. Staff are trained annually on how to keep your information private.

- In accordance with National laws, we will let you know promptly if a breach occurs that may have compromised the privacy or security of your information.
- We must follow the duties and privacy practices described in this notice and give you a copy of it.

We will not use or share your information other than as described here unless you tell us we can in writing. If you tell us we can, you may change your mind at any time. Let us know in writing if you change your mind.

## **How does Functional Pathways Use Your Protected Health Information?**

The sections that follow tell some of the ways we can use and share PHI without your written authorization.

**For Payment** — Functional Pathways may use PHI about you so that the treatment services you get may be looked at for payment.

**For Health Care Operations** — Functional Pathways may use PHI about you for health care operations. For example, we may use the information in your record to review the care and results in your case and other cases like it. This information will then be used to improve the quality and success of the health care you get. Functional Pathways may use PHI about you to help provide coverage for medical treatment or services. For example, information we get from a provider (Hospital, nurse, PCP, or other member of a health care team) will be logged and used to help decide the treatment you need.

Functional Pathways may also use or share your PHI to:

- Answer a customer service request from you
- Make decisions about claims requests and Administrative Reviews for services you received
- Look into any fraud or abuse cases and make sure required rules are followed

**Business Associates** — Functional Pathways Preferred may contract with business associates that will provide services to Functional Pathways using your PHI. The business associate must sign a contract to agree to protect the privacy of your PHI. Functional Pathways Rehab (FPR) is a business associate with the Skilled Nursing Facilities we partner with. As FPR, we contract and agree to protecting your privacy.

**People Involved with Your Care or with Payment for Your Care** — With your permission, Functional Pathways will make your PHI known to a family member, other relative, close friend or other personal representative that you choose. This consent can only be given by you or in the instance you do not have the capacity to make healthcare decisions, consent can be provided by your legal healthcare proxy.

**Law Enforcement** — Functional Pathways will share PHI if law enforcement officials require it. We will share PHI about you as required by law or in response to subpoenas, discovery requests, and other court or legal orders. We will notify you in a timely manner of any information disclosed in response to a court order.

**Other Covered Entities** — Functional Pathways may use or share your PHI to help health care providers that relate to health care treatment, payment or operations. For example, we may share your PHI with a health care provider so that the provider can treat you.

**Public Health Activities** — Functional Pathways may use or share your PHI for public health activities allowed or required by law. For example, we may use or share information to help prevent or control disease, injury, or disability. We also may share information to assist with product recalls and reporting or adverse reactions to medication. We also may share information with a public health authority allowed to get reports of elder abuse or neglect.

**Health Oversight Activities** —Functional Pathways may share your PHI with a health oversight agency for activities approved by law, such as audits; investigations; inspections; licensure or disciplinary actions; or civil, administrative, or criminal proceedings or actions. Oversight agencies include government agencies that look after the health care system; benefit programs, including Medicare, Medicaid, and other government regulation programs.

**To Prevent a Serious Threat to Health or Safety** — In accordance with State Law, Functional Pathways may share your PHI if we feel it is needed to prevent or reduce a serious and likely threat to the health or safety of a person or the public.

**Military Activity and National Security** — Under certain unlikely conditions, Functional Pathways may share your PHI if you are or were in the Armed Forces. This may happen for activities believed necessary by appropriate military command authorities.

**Disclosures to the Secretary of the U.S. Department of Health and Human Services** — Functional Pathways is required to share your PHI with the Secretary of the U.S. Department of Health and Human Services. This happens when the Secretary looks into or decides if we are in compliance with the HIPAA Privacy Regulations.

## **What are Your Rights Regarding Your Protected Health Information?**

### **Right to Get the Functional Pathways Notice of Privacy Practices**

We are required to provide each Functional Pathways Preferred patient a printed copy of this Notice at time of admission. We reserve the right to change our privacy practices and to make the new provisions effective for all health information we maintain. Should our privacy practices change, we will post the changes on the web site. Upon request, a copy of the revised notice will be available after the effective date of the changes. If you have questions and would like additional information, you may contact Functional Pathways Privacy Officer at 888-531-2204. Our Privacy Officer is available Monday to Friday from 8:00 am to 5:00 pm, you may always leave a phone message.

### **Right to Access**

Functional Pathways is required to maintain the privacy of patients' protected health information (PHI) in accordance with federal and state statutes, rules, standards and regulations. Patients have the right to:

- Request restrictions on the use and disclosure of their PHI. Request must be made in writing to the Functional Pathways Privacy Officer.
- Receive confidential communications concerning their medical condition and treatment. Request must be made in writing to the Functional Pathways Privacy Officer.
- Inspect and copy their PHI. Request must be made in writing to the Functional Pathways Privacy Officer.

- Amend or submit corrections to their PHI. Request must be made in writing to the Functional Pathways Privacy Officer.
- Receive an accounting of how and to whom their PHI has been disclosed. Request must be made in writing to the Functional Pathways Privacy Officer.
- Right to receive a paper notice of Functional Pathways' Notice Privacy Practices.

### **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 make sure the person has this authority and can act for you before we take any action.

### **Right to Cancel a Privacy Authorization for the Use or Disclosure of Protected Health Information**

We must have your written permission (authorization) to use or give out your PHI for any reason other than treatment, payment and health care operations or other uses and disclosures listed under "How does Functional Pathways Use Your Protected Health Information?". If we need your authorization, we will send you an authorization form explaining the use for that information.

### **Right to Request Confidential Communications**

You have the right to ask that we communicate with you about your PHI in a certain way or in a certain location. For example, you may ask that we send mail to an address that is different from your home address. Requests to change how we communicate with you should be submitted in writing to Functional Pathways' Privacy Officer. We can send you a form to complete.

### **What should you do if you have a complaint about the way that your protected health information is handled by Functional Pathways or our business associates?**

If you believe that your privacy rights have been violated, you may file a complaint with Functional Pathways or with the Regional Secretary at OCR Dept Health and Human Services.

You may contact Functional Pathways in writing:

Privacy Officer  
10133 Sherrill Blvd, Suite 200  
Knoxville, TN 37932  
888-531-2204

To file a complaint with the Secretary of Health and Human Services, send your written request to:

Office for Civil Rights US Dept of Health & Human Services  
61 Forsyth Street, SW.  
Suite 316 T70  
Atlanta, GA 30323  
404-562-7886

[www.hhs.gov/ocr/privacy/hipaa/complaints/](http://www.hhs.gov/ocr/privacy/hipaa/complaints/)