
The New School Health Plan Notice of Privacy Practices—Self-Funded Plans

Effective Date: January 1, 2013

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.

The New School offers various healthcare options to its employees, and their eligible dependents, through the New School Health and Welfare Plan. Several options are self-funded group health plans for which The New School acts as its own insurer and directly funds the claims. This notice describes the privacy practices that The New School has established for these options that are referred to as the “Self-Funded Plans.” They are managed for The New School by business associates, which are third party administrators that interact with the healthcare providers and handle members’ claims.

THE NEW SCHOOL’S COMMITMENT

The New School is committed to protecting the privacy of your protected health information or “PHI.” PHI refers to health information that a Self-Funded Plan creates or receives that relates to your physical or mental health, your healthcare, or payment for your healthcare. This Notice only applies to your PHI that is maintained by the Self-Funded Plan. Health care providers from whom you receive services may have different policies and procedures or notices regarding the use and disclosure of your PHI. For information about those policies and procedures you should contact your health care provider or health care facility directly.

The privacy protections described in this notice reflect the requirements of federal regulations issued under the Health Insurance Portability and Accountability Act (HIPAA). They require the Self-Funded Plans to:

- comply with HIPAA privacy standards and other federal laws;
- make sure that your PHI is protected;

- give you this notice of the Self-Funded Plans’ legal duties and privacy practices with respect to your PHI; and
- follow the terms of the notice that is currently in effect.

HOW THE SELF-FUNDED PLANS WILL USE AND DISCLOSE PROTECTED HEALTH INFORMATION ABOUT YOU

The following sections describe different ways that a Self-Funded Plan might use and disclose your PHI. Not every use or disclosure will be listed. All of the ways that a Self-Funded Plan is permitted to use and disclose PHI, however, will fall within one of the following categories:

- **Treatment.** A Self-Funded Plan will make uses and disclosures of your PHI as necessary for your treatment. For instance, doctors, nurses and other professionals involved in your care will use information in your medical record to plan a course of treatment for you that may include procedures, medications, tests, etc.
- **Payment.** A Self-Funded Plan may use and disclose your PHI in the course of activities that involve reimbursement for healthcare, such as determination of eligibility for coverage, claims processing, billing, obtaining and payment of premium, utilization review, medical necessity determinations and pre-certifications.
- **Healthcare Operations for a Self-Funded Plan.** Self-Funded Plans may use and disclose your PHI to carry out business operations and to assure that all enrollees receive quality care. For example, a Self-Funded Plan may disclose your PHI to a business associate who handles claims processing or administration, data analysis, utilization review, quality assurance benefit management, practice management, or referrals to specialists, or provides

legal, actuarial, accounting, consulting, data aggregation, management, or financial services.

- **Healthcare Operations for the New School Health Plan.** The New School may also engage a business associate to carry out healthcare operations on behalf of the entire New School Health Plan in its role as an organized healthcare arrangement of a single plan sponsor under HIPAA. The group health plans participating in The New School's organized health care arrangement as of the date of this notice include UnitedHealthcare and Delta Dental. You can find a current list of options at <http://www.newschool.edu/hr/benefits/>.
- **Plan Sponsor.** A Self-Funded Plan may disclose summary health information (that is, claims data that is stripped of most individual identifiers) to The New School in its role as plan sponsor in order to obtain bids for health insurance coverage or to facilitate modifying, amending or terminating a plan. A Self-Funded Plan may also provide The New School enrollment or disenrollment information. In addition, if you request help from The New School in coordinating your benefits or resolving a complaint, a Self-Funded Plan may disclose your PHI to designated New School staff, but no PHI may be disclosed to facilitate employment-related actions or decisions or for matters involving other benefits or benefit plan. The New School may not further disclose any PHI that is disclosed to it in these limited instances.
- **As Required By Law.** A Self-Funded Plan will disclose your PHI if required to do so by federal, state or local law or regulation.
- **To Avert a Serious Threat to Health or Safety.** A Self-Funded Plan may disclose your PHI when necessary to prevent or lessen 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.
- **Military and Veterans.** If you are or were a member of the armed forces, a Self-Funded Plan may release your PHI to military command authorities as authorized or required by law. A Self-Funded Plan may also release medical information about foreign

military personnel to the appropriate military authority as authorized or required by law.

- **Research.** In limited circumstances, a Self-Funded Plan may use and disclose PHI for research purposes, subject to the confidentiality provisions of state and federal law. Your PHI may be important to further research efforts and the development of new knowledge. All research projects conducted by The New School must be approved through a special review process to protect member safety, welfare and confidentiality.
- **Workers' Compensation.** A Self-Funded Plan may release PHI for workers' compensation or similar programs as permitted or required by law. These programs provide benefits for work-related injuries or illness.
- **Health Oversight Activities.** A Self-Funded Plan may disclose PHI to governmental, licensing, auditing and accrediting agencies as authorized or required by law.
- **Legal Proceedings.** A Self-Funded Plan may disclose PHI to courts, attorneys and court employees in the course of conservatorship and certain other judicial or administrative proceedings.
- **Lawsuits and Disputes.** If you are involved in a lawsuit or other legal proceeding, a Self-Funded Plan may disclose your PHI in response to a court or administrative order, or in response to a subpoena, discovery request, warrant, summons, or other lawful process.
- **Law Enforcement.** If authorized or required by law, a Self-Funded Plan may disclose your PHI under limited circumstances to a law enforcement official in response to a warrant or similar process, to identify or locate a suspect, or to provide information about the victim of a crime.
- **National Security and Intelligence Activities.** If authorized or required by law, a Self-Funded Plan may release your PHI to authorized federal officials for intelligence, counterintelligence, and other national security activities.
- **Protective Services for the United States President and Others.** A Self-Funded Plan may disclose your PHI to authorized federal and state officials so they

may provide protection to the President, other authorized persons, or foreign heads of state, or conduct special investigations, as authorized or required by law.

- **Inmates.** If you are an inmate of a correctional institution or under the custody of a law enforcement official, a Self-Funded Plan may release your PHI to the correctional institution or law enforcement official, as authorized or required by law. This release would be necessary for the institution to provide you with healthcare; to protect your health and safety or the health and safety of others; or for the safety and security of the correctional institution.

REQUIRED DISCLOSURES

A Self-Funded Plan may be required to disclose your PHI to the Department of Health and Human Service if the Secretary is conducting a compliance audit.

YOUR RIGHTS

You have the following rights regarding the PHI that a Self-Funded Plan maintains about you:

- **Right to Inspect and Copy.** With certain exceptions, you have the right to inspect and obtain a copy of your PHI that is maintained by or for a Self-Funded Plan. To inspect and obtain a copy of the PHI, you must submit your request in writing to the New School Health Plan Privacy Office, 79 Fifth Avenue, 18th Floor, New York, NY 10003, Attention: HIPAA Privacy Officer/BenefitsHelp. You may be charged a fee for the costs of copying, mailing or other supplies associated with your request.

A Self-Funded Plan may deny your request to inspect and/or obtain a copy in certain limited circumstances. For example, HIPAA does not permit you to access or obtain copies of psychotherapy notes. If your request is denied, you will be informed in writing, and you may request that the denial be reviewed. The person conducting the review will not be the person who denied your request. The plan will comply with the outcome of the review.

- **Right to Request an Amendment.** If you believe that the PHI maintained by a Self-Funded Plan is incorrect or incomplete, you may request that the plan amend the information. You have the right to request an amendment for as long as the information is kept by or for the plan. A request for an amendment should be made in writing and submitted to the New School Health Plan Privacy Office, 79 Fifth Avenue, 18th Floor, New York, NY 10003, Attention: HIPAA Privacy Officer/BenefitsHelp. In addition, you must provide a reason that supports your request.

A Self-Funded Plan 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 plan may deny your request if you ask to amend information that was not created by the plan; is not part of the PHI maintained by or for the plan; is not part of the information that you would be permitted to inspect and copy under the law; or if the information is accurate and complete. If the request is granted, the plan will forward your request to other entities that you identify that you want to receive the corrected information. For example, if your PHI has been disclosed to New School staff so that it may help to coordinate benefits or resolve a complaint, you may direct the plan to share the correction with the designated staff members.

- **Right to an Accounting of Disclosures.** You have the right to receive an “accounting of disclosures,” which is a list of disclosures such as those that were made of PHI about you, with the exception of certain documents including those relating to treatment, payment, and healthcare operations and disclosures made to you or consistent with your authorization. To request an accounting of disclosures, you must submit your request in writing to the New School Health Plan Privacy Office, 79 Fifth Avenue, 18th Floor, New York, NY 10003, Attention: HIPAA Privacy Officer/BenefitsHelp. Your request must state a time period, which may not be longer than six years and may not include dates before April 14, 2003. Your request should indicate in what form you want the list (for example, on paper or electronically). The first list you request within a 12-month period will be free. For

additional lists, the plan may charge you for the costs of providing the list. You will be notified of any costs 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 use and disclosure of your PHI for treatment, payment or healthcare operations, or to request a restriction on the PHI that the plan may disclose about you to someone who is involved in your care or the payment for your care, such as a family member or friend. The plan is not required to agree to your request. If the plan agrees to your request, it will comply with the requested restriction unless the information is needed to provide you emergency treatment or to assist in disaster relief efforts. To request a restriction, you must submit your request in writing to the New School Health Plan Privacy Office, 79 Fifth Avenue, 18th Floor, New York, NY 10003, Attention: HIPAA Privacy Officer/Benefits Help. Your request should state the information you want to limit; whether you want to limit the plan's use, disclosure or both; and to whom you want the limits to apply, for example, disclosures to your spouse.
- **Right to Request Confidential Communications.** You have the right to request that a Self-Funded Plan communicate with you about medical matters in a certain way or at a certain location. For example, you can ask that the plan only contact you at work or by mail to a specific address. To request confidential communications, you must submit your request in writing to the New School Health Plan Privacy Office, 79 Fifth Avenue, 18th Floor, New York, NY 10003, Attention: HIPAA Privacy Officer/BenefitsHelp. The plan will accommodate all reasonable requests and will not ask you the reason for your request. Your request must specify how or where you wish to be contacted.
- **Right to a Paper Copy of This Notice.** You may ask The New School to give you a copy of this notice at any time. Even if you have agreed to receive this notice electronically, you are still entitled to a paper copy of this notice. To obtain a paper copy of this notice, contact the New School Health Plan Privacy

Office, 79 Fifth Avenue, 18th Floor, New York, NY 10003.

- **Other Uses of Medical Information.** Other uses and disclosures of PHI not covered by this notice will be made only with your written permission. If you provide us permission to use or disclose your PHI, you may revoke that permission, in writing, at any time. If you revoke your permission, the plan will no longer use or disclose your PHI for the reasons stated in your written authorization. Please understand that the plan cannot take back any disclosures already made with your permission.
- **Breach.** You have the right to be notified of the discovery of a breach of unsecured PHI.

CHANGES TO THIS NOTICE

The Self-Funded Plans reserve the right to change this notice and to make the revised or changed notice effective for PHI your plan already maintains on you as well as any information the plan receives or creates in the future. A copy of the current notice will be posted on The New School website at <http://www.newschool.edu/hr/benefits/>. The notice will contain the effective date on the first page, immediately under the document title. In addition, a copy of the notice that is currently in effect will be given to new health plan members and thereafter available upon request.

COMPLAINTS

If you believe your privacy rights have been violated, you may file a complaint with your Self-Funded Plan or with the Secretary of the Department of Health and Human Services. To file a complaint on your Self-Funded Plan, contact the New School Health Plan Privacy Office, 79 Fifth Avenue, 18th Floor, New York, NY 10003, Attention: HIPAA Privacy Officer/BenefitsHelp. Email will not be accepted; all complaints must be submitted in writing. **You will not be retaliated against for filing a complaint.**

QUESTIONS

Contact the New School Health Plan HIPAA Privacy Officer at 212-229-5671 x4942 (BenefitsHelp).