
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.**

Introduction

This Notice of Privacy Practices (“Notice”) describes how medical information about you, otherwise referred to as Protected Health Information (“PHI”), may be used and disclosed by Hawaii Health Systems Corporation (“HHSC”) and how you can get access to this information.

Who Will Follow This Notice: This Notice describes the privacy practices of the facilities of Hawaii Health Systems Corporation, which are:

Honoka’a Hospital
Hilo Benioff Medical Center
Ka’u Hospital
East Hawaii Health Clinics
Kohala Hospital
Kona Community Hospital
Leahi Hospital
Maluhia
Samuel Mahelona Memorial Hospital
Kauai Region Clinics
Kauai Veteran’s Memorial Hospital

HHSC requires other healthcare providers that come to HHSC facilities listed above to care for patients to follow this Notice and safeguard your PHI (such as physicians, residents, medical students and students of other health care professions or educational programs at our facilities, physician assistants, therapists, and other healthcare providers not employed by HHSC), unless those other healthcare providers give you their own notice of privacy practices that describes how they will protect your medical information.

What This Notice Provides: The law gives you certain rights in relation to your PHI. PHI is information about you, including information that may identify who you are or where you live, that relates to your past, present, or future physical or mental health or condition, related health care services, and/or payment for such services.

"Uses and Disclosures of Health Information" section below describes in more detail how we use and share your health information. We will get your written authorization before we use or share your health information for any other purpose(s), unless such authorization is not required by law.

"Your Rights" section below describes what those rights are. The law also tells us what our obligations are. Those legal obligations are described under **"Our Legal Duties."** That section also explains that we may revise this Notice at any time.

You may question or complain about our privacy practices; we will not retaliate against you for doing so. How you may file a complaint is described under the **"Complaints"** section below.

The address and telephone number of our Privacy Officers are provided in the **"Contact"** section. Our Privacy Officers will provide you with any further information and answer any questions that you may have about what is covered under this Notice.

Uses and Disclosures of Health Information

Permissible Uses and Disclosures Which May Be Made by Us Without Your Written Authorization:

Treatment. We will use and disclose health information about you to provide, coordinate, and manage your health care and any related services. We will, for example, share your health information with a physician who is treating you, or a nurse who is assisting your doctor, such as prescriptions, lab work, and X-rays. We may also permit disclosure of your medical record via electronic transfer to other medical facilities for treatment. This might include continuing care such as hospice or home care, as well as unrelated care you may seek on your own at other locations.

Payment. We will use and disclose health information about you for payment purposes. For example, we will provide your health information as necessary to your health insurance company in order to obtain payment for our services to you. We also may disclose your PHI to third parties for collection of payment.

Health Care Operations. We will use and disclose health information about you for purposes of health care operations. These include quality assessments, training of residents, students (medical, nursing, and other), and fund raising, among other activities. For example, we will use it to evaluate the quality of care that you receive at our facility, and to learn how to improve our facility and services. We may use information from other health care providers to compare our services and outcomes. We may remove information that identifies you from this set of medical information so others may use it to study health care and health care delivery without learning who specific patients are.

We may disclose your PHI for certain healthcare operations, including payment, to certain business operations of another healthcare facility, provider, or third party as long as they have a relationship with you and the information is used for operations such as quality assessment and improvement,

case management, and care coordination. In addition, PHI may be shared with business associates who perform treatment, payment and health care operations and services on behalf of HHSC.

Health Information Exchanges (HIE). We may participate in one or more HIEs which allows disclosure of your electronic health record via electronic transfer to other facilities and providers for your treatment purposes. Your health information and basic identifying information regarding your visits to our facilities may be shared with the HIEs for the purposes of diagnosis and treatment. This includes health information for your continuing care as well as unrelated care you may seek at other locations. Other providers participating in these HIEs may access this information as part of your treatment. *You have a right to opt out of the HIE and your health information will not be available to other providers and facilities through the HIE.* To opt out, you can access the form at www.hawaiihie.org/wp-content/uploads/2017/06/New-Opt-Out-II_0.pdf or call Hawaii Health Information Exchange at 808-441-1374.

Appointment reminders. We may use your PHI to contact you by phone, email, SMS text or letter, to provide appointment reminders.

Treatment Alternatives. We may also contact you to give you information about treatment alternatives, or about other health-related benefits and services that may be of interest to you.

Fundraising. We may also contact you to ask for donations to raise funds for our benefit. We would disclose only contact information and the dates you received service in one of our facilities. You have a right to opt out of fundraising communications. If you do not want to be contacted, please contact the Privacy Officer.

To Our Business Associates. We will share your information with third party “business associates” that perform various activities (e.g., billing, transcription services) for the OHCA. Whenever an arrangement between our office and a business associate involves the use or disclosure of your information, we will have a written agreement with that business associate that contains terms that will protect the privacy of your information. For example, HHSC may hire a billing company to submit claims to your health care insurer. Your information will be disclosed to this billing company, but a written agreement between our office and the billing company will prohibit the billing company from using your information in any way other than what we allow.

Marketing. Your information may be used and disclosed for the following marketing activities:

- To communicate with you face-to-face;
- To provide you with a promotional product of nominal value.

Uses and Disclosures for Which You Will Have the Opportunity to Agree or Object:

Facility Directory. For facility directory purposes, unless you object when we ask for your permission, we may give out your room number or location in the facility, and your condition described in very general terms that does not give away any medical information about you (for example, “stable”), to

people who ask us about you by your name. Unless you object when we ask for your permission, we may also give out that same information plus your name and your religious affiliation to members of the clergy. If you don't want this information listed in the directory, you must notify the admissions department.

Involvement in your care. We may use and give out information about you to a person who is involved in your care or who is involved in paying for your health care. But before we give out any information to that person, if you are there and able to answer, we will ask you for your permission, unless we reasonably believe that you will not object. If you are not there, or are unable to agree or object, we may give out information about you to a person involved in your care if we believe it would be in your best interest for us to do so. For example, we may allow the person to pick up filled prescriptions, X-rays, or medical supplies on your behalf.

For purposes of notification. We may use information in your records to find a member of your family or a person responsible for your care. We may get in touch with and tell that person that you are at our facility, about your general condition, or of your death. But before we use or give out any such information, if you are there and able to answer, we will ask you for your permission, unless we believe from the circumstances and our professional judgment that you will not object. If you are not present, or are unable to agree or object, we may disclose information to a person involved in your care only if we believe that it would be in your best interest for us to do so. We may also use or give out information about you to disaster relief organizations (such as the Red Cross), in order to coordinate and help them in their notification efforts.

Uses and Disclosures We May Make Without Your Authorization:

As Required by Law. We may use or give out information about you if we are required to do so by law. For example, we may use or give out information about you as required by law:

- To a government agency for it to oversee our activities as a health care provider. Examples of those agencies include the state health professional licensing boards, Offices of Inspectors General of federal agencies, the Department of Justice, Health and Human Services Office for Civil Rights, Federal Drug Administration, OSHA, the EPA, the state Medicaid fraud control unit, Social Security Administration, and the Department of Education.
- In judicial and administrative proceedings, in response to an order of a court or an administrative tribunal, or in response to a subpoena, discovery request, or other lawful process; and
- To report information about victims of abuse, neglect, or domestic violence to a government authority, such as a social service or protective services agency.

Public Health or Health Oversight Purposes. We may give out information about you to a public health authority authorized by law, such as the Department of Health, to help the public health authority perform various public health activities, such as preventing and controlling disease, injury, disability, and child abuse. Other examples might include notifying people of recalls of medical

products they may be using, notifying a person who has been exposed to a disease, or reporting reactions to certain medications.

Law Enforcement Purposes. We may give out information about you for law enforcement purposes to the police or other law enforcement officials, as required by law. For example, we report:

- Certain types of wounds, such as a knife wound, bullet wound, gunshot wound, and powder burn;
- Drug and alcohol testing results under certain circumstances;
- Serious injuries and fatalities caused by fireworks.

We may also give out information about you to law enforcement officials:

- pursuant to a court order, warrant, subpoena, or summons, or a grand jury subpoena or other similar legal process.
- for purposes of identifying or locating a suspect, fugitive, material witness, or a missing person.
- for the purpose of alerting law enforcement of your death which is suspected to have resulted from criminal conduct.
- if we believe in good faith that information constitutes evidence of a criminal conduct that occurred on our property.
- in providing emergency health care outside our hospital, if disclosure appears necessary to alert law enforcement to the commission and nature of a crime, the location of the crime or of the victim of it, and the identity, description and location of the perpetrator of the crime.

To coroners, medical examiners, and funeral directors. Where applicable, we may give PHI about you to a coroner or medical examiner, for the coroner or medical examiner to identify you upon your death and to determine a cause of death, and to perform their other duties. We may also give out information about you to a funeral director to carry out his or her duties. If necessary for the funeral directors to carry out their duties, we may do so prior to and in reasonable anticipation of death.

Organ and Tissue Procurement. We may use or give out information about you to organ procurement organizations, for purposes of organ, eye, or tissue donation and transplantation.

Research. We may disclose your protected health information to researchers when their research has been approved by an institutional review board that has reviewed the research proposal and established protocols to protect the privacy of your health information. We may allow other researchers to review your PHI to prepare a plan for a specific research project, but none of your identifiable information will leave our facilities. We may use your PHI to contact you about participating in a research study that you might be interested in. If you choose to participate, you will be asked to sign an authorization.

Serious threat to health or safety. We may use or give out certain information about you in order to prevent or lessen a serious threat to health or safety of a person or the public. If necessary, we may give out such information to law enforcement authorities.

Armed Forces and foreign military personnel. If you are a member of our Armed Forces, we may use or give out information about you to military authorities if the military authorities determine that it is necessary for proper execution of the military mission. If you are a member of the armed forces of a foreign country, we may similarly use and give out information about you to your military authorities.

National security and intelligence activities. We may give information about you to authorized federal government officials for them to conduct lawful intelligence, counter-intelligence, and other national security activities.

Protective services for the President and others. We may give out information about you to authorized federal government officials for them to provide protective services to the President, to foreign government leaders, and to others whom they are authorized to provide such services, and for them to conduct authorized investigations.

Workers' compensation. We may give out information about you in order to comply with workers' compensation laws and other similar programs established by law that provide benefits when you are injured or when you get ill at work.

Proof of Immunizations. We may give out proof of immunizations about an individual, who is a student or prospective student, where the school is required by law to have such proof, and we obtain documentation regarding the agreement to the disclosure from the personal representative or the individual, if the individual is an adult or emancipated minor.

Food and Drug Administration. We may disclose your information to a person or company required by the Food and Drug Administration to report adverse events, product defects or problems, biologic product deviations, or to track products to enable product recalls; to make repairs to operating room replacements; or to conduct post marketing surveillance, as required.

Lawsuits and Disputes. Your information may be disclosed in the course of any judicial or administrative proceeding in response to a court or administrative order. Your information also may be used and disclosed in response to a subpoena, discovery request or other lawful process that is not accompanied by a court or administrative order if satisfactory assurance is received from the party seeking your information that reasonable efforts have been made by such party to ensure that you have received notice of the request or such party has secured a qualified protective order.

Custodial Situations. If you are an inmate of a correctional institution or in the custody of a law enforcement official, your information may be disclosed to the correctional institution or to the 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.

Other Uses and Disclosures That Require Your Written Authorization:

Any other uses or disclosures of PHI about you, other than those listed above, will be made by us only with your written authorization. You may at any time revoke, in writing, any authorization you give, except to the extent that we have taken an action in reliance on your authorization. If you revoke your authorization, we will stop any use or disclosure of PHI previously permitted by your written authorization; however, we cannot recoup any disclosures already made with your permission. Certain information, such as HIV/AIDS and substance abuse information, is subject to additional protections. Most uses and disclosures of psychotherapy notes (where appropriate), uses and disclosures of PHI for marketing purposes, and disclosures that constitute a sale of PHI, require an authorization.

This section on "Uses and Disclosures of Health Information" does not describe all the details regarding the uses and disclosures of information about you. For further information and details, and for any questions that you may have, please contact our Privacy Officer. The contact information is provided below in the "Contact" section of this Notice.

Your Rights Regarding your PHI

This section on "Your Rights" does not describe all the details of your rights. Nor does it describe in detail all the exceptions, restrictions, and limitations that may apply to those rights. For further information and details, and for any questions that you may have, please contact our Privacy Officer. The contact information is provided below in the "Contact" section of this Notice.

In addition to those rights explained above, you have the following rights:

Request for Restrictions. You may ask us not to use or disclose any part, or all, of the information we have about you:

- for purpose of carrying out treatment, payment, or health care operations;
- to anyone who is involved in your care or is paying for your care; or
- for notification purposes, as described above under "Uses and Disclosures of Health Information.

If you are going to ask us for any such restrictions on how we are to use or give out information about you, please make the restriction request in writing to the facility Health Information Management Department. You must clearly tell us what restriction(s) you are asking for. You must tell us what information you do not want us to use or disclose. You must also tell us to whom you do not want us to give the information about you.

Please understand that you may ask us for such restrictions, but we are not required by law to agree to any such restrictions except as described in the next paragraph. If we do agree to your

request, we will honor it until such time as when the request for restriction is withdrawn or terminated by you in writing.

Request for Restriction on Disclosures to Your Health Plan. You have a right to request a restriction on information disclosed to your health plan if:

- The disclosure is for the purpose of carrying out payment or health care operations and is not otherwise required by law; and
- The PHI pertains solely to a health care item or service for which you, or a person on your behalf (other than your health plan), have paid us in full at the time services are delivered.

Termination of a Restriction. We may terminate any previously agreed upon restriction of the sharing of PHI if:

- You agree to, or request, the termination in writing;
- You orally agree to the termination and the oral agreement is documented, or;
- You are informed that we are terminating our agreement to a restriction, except that such termination is not effective for PHI for requests for restrictions to your health plan as identified in the previous section.

Request for Confidential Communication. You may ask us, in writing, to contact you in a certain way or at a certain place. For example, you may ask us not to call you by telephone or to call you at a certain telephone number; or you may ask us to mail things to you at a certain address. As long as the request is reasonable, we will honor your request, and not ask for an explanation as to the request.

Inspection and copying. In most cases, you have the right to look at or get a paper or electronic copy of the information we have about you in our medical and business records. If you request a copy of the information, or agree to a summary or explanation of the information, we will charge you a reasonable fee for the copying, postage, and/or preparing the explanation or summary, as applicable. If the PHI that is the subject of your request for access is maintained electronically, and if you request an electronic copy, HHSC will provide the individual with access to the PHI in electronic format. If your request for access directs the HHSC facility to transmit the copy of PHI directly to a third-party designated by you, we must provide the copy to the person you designate.

- The law may not allow you to look at certain types of information about you. If we decide that you may not look at or copy certain information about you, under some circumstances, you may question that decision and have it reviewed. Please contact the facility Health Information Management Department if you have questions about access to your health information.

Request for amendment. If you believe that PHI about you in our medical or business record is incorrect or if important information is missing, you may ask us, in writing, to amend the information.

Under certain circumstances, we may deny your request, in whole or in part. If we deny your request, we will notify you of the denial. You may then submit to us a written statement of disagreement. We may then prepare a rebuttal and provide a copy of it to you.

Accounting of disclosures. You have the right to receive a list of disclosures about you that we have made during a period of up to three years before the date of your request. Your request may state a shorter time period. The list will not include any disclosures made for purposes of carrying out treatment, payment, or health care operations. It will not include disclosures made to you, those made with your authorization, or those made for facility directory or notification purposes. There are other exceptions, restrictions, and limitations to this right.

Paper copy of the Notice. You have the right to request and obtain a paper copy of this Notice of Privacy Practices, even if you have agreed to receive this Notice electronically.

Request Non-Participation in Health Information Exchange. Patients who do not want their health information to be accessible to authorized health care providers through the HIEs with whom HHSC shares information may choose not to participate or “opt-out”. If you choose to opt-out healthcare providers will not be able to search for your records through the HIEs, although your information may be shared as required or permitted by law, for instance, for public health purposes.

Receive Notifications of a Data Breach. We are required to notify you upon a breach of any unsecured PHI. PHI is “unsecured” if it is not protected by a technology or methodology specified by the Secretary of Health and Human Services. A breach is the acquisition, access, use or disclosure not permitted by law that compromises the security or privacy of the PHI. The notice must be made within sixty (60) days from when we become aware of the breach. However, if we have insufficient contact information for you, an alternative method (posting on a website, broadcast media, etc.) may be used.

Reproductive Health Care means health care that affects the health of an individual in all matters relating to the reproductive system and to its functions and processes, including contraceptive medications, peri- and post-menopausal treatments, and over the counter or prescribed medications and devices. Although we may use this information for your treatment, payment or healthcare operations as described, we are prohibited from using or disclosing your Reproductive Health Care information for any of the following purposes or activities:

- To conduct a criminal, civil, or administrative investigation into any person for the mere act of seeking, obtaining, providing, or facilitating reproductive health care, where such health care is lawful under the circumstances in which it is provided.
- To impose criminal, civil, or administrative liability on any person for the mere act of seeking, obtaining, providing, or facilitating reproductive health care, where such health care is lawful under the circumstances in which it is provided.
- The identification of any person for the purpose of conducting such investigation or imposing such liability. For example, in response to a police officer’s medical record request who is

conducting an investigation into a patient who may have sought healthcare services for pregnancy termination (if lawful in our state), we may not provide the patient's identity or the patient's Reproductive Health Care information, including whether a procedure related to the lawful termination of a pregnancy was performed.

We are also prohibited from using or disclosing Reproductive Health Care information without an attestation (as detailed below) related to health oversight activities, judicial and administrative proceedings, law enforcement purposes and coroners and medical examiner's services.

Requesters of Reproductive Health Care information for these matters are required to sign an Attestation that the use or disclosure is not for a prohibited purpose. For example, if a state medical examiner issued a subpoena for a deceased patient's medical records and the patient had received Reproductive Health Care, we could not provide this information without a signed Attestation from the medical examiner.

Please note that if you provide written consent to release your Reproductive Health Care information, the person that receives the information may not be subject to HIPAA requirements and may disclose the information to others.

Confidentiality of Substance Use Disorder (SUD) patient records. SUD records of the identity, diagnosis, prognosis, or treatment of any patient which are maintained in connection with the performance of any program or activity relating to substance use disorder education, prevention, training, treatment, rehabilitation, or research, which is conducted, regulated, or directly or indirectly assisted by any department or agency of the United States. We may not disclose SUD information unless:

- You consent in writing. For example, a consent is required to provide SUD records for treatment, payment and healthcare operations, which you have the right to revoke at any time.
- The disclosure is allowed by a Part 2 specific court order signed by a judge issued after required good cause hearings and findings.
- The disclosure is made to medical personnel in a medical emergency or to qualified personnel for program evaluations, or a public health authority in a de-identified manner.

We may not combine your consent for use and disclosure of SUD records in a civil, criminal, administrative or legislative investigation or proceeding with consents for any other purpose. For example, we cannot use your consent to use your SUD records in a professional licensure board action for the additional purpose of disclosing SUD records to one of your physicians. SUD Counseling Notes are special notes recorded in any medium by an SUD or mental health professional that documents or analyzes the contents of conversation during a private SUD counseling session or a group, joint or family SUD counseling session and that are kept separate from the rest of the patient's SUD and medical record. We may not use or disclose SUD counseling notes without your written permission, unless the law requires, we disclose.

You have the right to file a complaint. If you believe your privacy rights regarding your PHI may have been violated, you may file a complaint with the facility, the HHSC Corporate Office, or the Secretary of the Department of Health and Human Services. You will not be penalized for filing a complaint in good faith.

Our Legal Duties

We are required by law to:

- Keep records of the care that we provided you;
- Protect the privacy of your PHI;
- Provide this Notice about our legal duties and privacy practices with respect to your PHI;
- To abide by what this Notice of Privacy Practices says; and
- To notify you of breaches of your unsecured PHI as an individual has the right to, or will receive notifications of, breaches of his or her unsecured PHI.

Revising this Notice of Privacy Practices. We reserve the right to change this Notice of Privacy Practices, and to make the new (changed) Notice apply to all health information and records that we have at that time, including information about you that we obtained or created before the change. The new Notice will be posted in the registration and business area(s) of our facilities, and on our web site at www.HHSC.org. You may also call the Privacy Officer and request that a copy of the revised Notice be sent to you by mail.

Addresses on File

HHSC has multiple information systems that house patient demographic and other data. Information related to you or your patient information may include or be sent to any past, current, or future addresses on file for you or your parents, guardians, account guarantors, or insurance policy holders within any of the various systems. If you have any concerns regarding any addresses that could be on file for you or your parents, guardians, account guarantors, or insurance policy holders, contact the HHSC Privacy Officer.

Complaints

If you believe that we have violated any of your privacy rights, you may file a complaint to us by calling or writing our Privacy Officer, whose name, telephone number and address appear below. You may also file a complaint to the U.S. Department of Health and Human Services Office of Civil Rights by sending a letter to 200 Independence Avenue, S.W., Washington, D.C. 20201, calling 1-877-696-6775, or visiting www.hhs.gov/ocr/privacy/hipaa/complaints/. We will not retaliate against you for filing a complaint.

Contact

Please contact the Regional Compliance Officer for any questions you may have, and for further information about anything in this Notice:

Hawai'i Island:

Hilo Benioff Medical Center, Ka'u Hospital, Honoka'a Hospital, East Hawaii Health Clinics
Regional Compliance and Privacy Officer
1190 Waianuenue Ave.
Hilo, HI 96720
Tel: (808) 932-3113

Kona Community Hospital, Kohala Hospital
Regional Compliance and Privacy Officer
79-1019 Haukapila Street
Kealahou, HI 96750
Tel: (808) 322-6976

Kauai Island:

Kauai Veteran's Memorial Hospital, Samuel Mahelona Memorial Hospital, Kauai Region Clinics
Regional Compliance and Privacy Officer
P O Box 337
Waimea, HI 96796
Tel: (808)-733-7913

Oahu:

Leahi Hospital, Maluhia
Regional Compliance and Privacy Officer
3675 Kilauea Avenue
Honolulu, HI 96816
Tel: (808) 733-7913

Corporate Office:

Hawaii Health Systems Corporation
Corporate Compliance and Privacy Officer
3675 Kilauea Avenue
Honolulu, HI 96816
Tel: (808) 733-4164
Email: privacyofficer@hhsc.org
Compliance Hotline: (877) 733-4189

Effective Date of this Notice: June 2025

Right to Change Terms of this Notice: The terms of this Notice may be changed at any time. If this Notice is changed, the new Notice terms may be made effective for all PHI that HHSC maintains, including any information created or received prior to issuing the new Notice. If this Notice is changed, the new Notice will be posted in the HHSC facilities and on our Internet site at www.hhsc.org. You also may obtain any new Notice by contacting the Corporate Compliance and Privacy Officer, whose contact information is provided above.