

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.

TML Health is required by law to keep your health information private and to notify you if TML Health, or one of its business associates, breaches the privacy or security of your unsecured, identifiable health information. This notice tells you about TML Health's legal duties connected to your health information. It also tells you how TML Health protects the privacy of your health information. As your group health plan, TML Health must use and share your health information to pay benefits to you and your healthcare providers. TML Health has physical, electronic and procedural safeguards that protect your health information from inappropriate or unnecessary use or sharing.

Is all my health information protected?

Your individually identifiable health information that TML Health transmits or maintains in writing, electronically, orally or by any other means is protected. This includes information that TML Health creates or receives and that identifies you and relates to your participation in the health plan, your physical or mental health, your receipt of healthcare services and payment for your healthcare services.

What steps does TML Health take to protect my information?

Because TML Health believes that protecting your health information is of the highest priority, TML Health takes the following steps to ensure that your health information remains confidential:

- **Business Associate Agreements** - TML Health follows the requirements of federal law and makes sure that any TML Health business associate who receives your personal health information signs a written agreement to protect your health information.
- **Encryption of Health Data** - TML Health encrypts your health information that is sent electronically (for example, over the Internet) so that no one who is not supposed to, can view your health information. To make sure that only the people who need your health information to administer your health plan benefits are able to see it, TML Health reviews the list of people who are allowed to view your personal health information on a regular basis.
- **Independent Review** - TML Health periodically employs an independent security company to review and test TML Health's security controls to make sure they meet the requirements of federal law. The independent security company provides certified security professionals to conduct the review.

- **Use of Health Information** - TML Health's Privacy & Security Officer reviews the use of personal health information by TML Health to ensure that it complies with both federal law and with TML Health's own privacy policies.

How does TML Health use and share my health information?

TML Health's most common use of health information is for its own treatment, payment, and healthcare operations. TML Health also may share your health information with healthcare providers, other health plans and healthcare clearinghouses for their treatment, payment, and healthcare operations. (Healthcare clearinghouses are organizations that help with electronic claims.) TML Health also may share your health information with a TML Health business associate if the business associate needs the information to perform treatment, payment or healthcare operations on TML Health's behalf. For example, if your health plan includes a retail and mail order pharmacy network, TML Health must share information with the pharmacy network about your eligibility for benefits. Healthcare providers, other health plans, healthcare clearinghouses, and TML Health business associates are all required to maintain the privacy of any health information they receive from TML Health. TML Health uses and shares the smallest amount of your health information that it needs to administer your health plan.

What are treatment, payment and healthcare operations?

- **Treatment** is the provision, coordination, or management of healthcare and related services. For example, your health information is shared for treatment when your family doctor refers you to a specialist.
- **Payment** includes TML Health activities such as billing, claims management, subrogation, plan reimbursement, reviews for medical necessity and appropriateness of care, utilization review, and notification of healthcare services. For example, TML Health may tell a doctor if you are covered under a TML Health health plan and what part of the doctor's bill TML Health will pay.
- **Healthcare operations** include quality assessment and improvement, reviewing competence or qualifications of healthcare professionals, underwriting, and other activities necessary to create or renew health plans. It also includes disease management, case management, conducting or arranging for medical review, legal services, auditing functions including fraud and abuse compliance programs, business planning and development, business management, and general administrative activities. For example, TML Health may use information from your claims to contact you about treatment alternatives or other health-related benefits and services that

may be of interest to you. Please note that while TML Health may use and share your health information for underwriting, TML Health is prohibited from using or sharing any of your genetic information for underwriting.

How else does TML Health share my health information?

TML Health may share your health information, when allowed or required by law, as follows:

- Directly with you or your personal representative. A personal representative is a person who has legal authority to make healthcare decisions for you. In the case of a child under 18 years of age, the child's personal representative may be a parent, guardian, or conservator. In the case of an adult who cannot make his own medical decisions, a personal representative may be a person who has a medical power of attorney.
- With the Secretary of the U.S. Department of Health and Human Services to investigate or determine TML Health's compliance with federal regulations on protecting the privacy and security of health information.
- With your family member, other relative, close personal friend, or other person identified by you who is involved directly in your care. TML Health will limit the information shared to what is relevant to the person's involvement in your care and, except in the case of an emergency or your incapacity, you will be given an opportunity to agree or to object to the release of your health information. •For public health activities.
- To report suspected abuse, neglect, or domestic violence to public authorities.
- To a public oversight agency.
- When required for judicial or administrative proceedings.
- When required for law enforcement purposes.
- With organ procurement organizations or other organizations to facilitate organ, eye, or tissue donation or transplantation.
- With a coroner or medical examiner for the purpose of identifying a deceased person, determining a cause of death, or other duties required by law.
- With a funeral director when permitted by law and when necessary for the funeral director to carry out his duties with respect to the deceased person.
- To avert a serious threat to health or safety.
- For specialized government functions, as required by law.
- When otherwise required by law.
- Information that has been de-identified. This means that TML Health has removed all your identifying information and it is reasonable to believe that the organization receiving the information will not be able to identify you from the information it receives.

Can I keep TML Health from using or sharing my health information for any of these purposes?

You have the right to make a written request that TML Health not use or share your health information, unless the use or release

of information is required by law. However, since TML Health uses and shares your health information only as necessary to administer your health plan, TML Health does not have to agree to your request.

Are there any other times when TML Health may use or share my health information?

TML Health may not use or share your health information for any purpose not included in this notice, unless TML Health first receives your written authorization. To be valid, your authorization must include: the name of the person or organization releasing your health information; the name of the person or organization receiving your health information; a description of your health information that may be shared; the reason for sharing your health information; and an end date or end event when the authorization will expire. You may revoke or take back any authorization that you make. Your request to revoke your authorization must be in writing and will not apply to any information shared before TML Health receives your request.

TML Health must always have your written authorization to:

- Use or share psychotherapy notes, unless TML Health is using or sharing the psychotherapy notes to defend itself in a legal action or other proceeding brought by you.
- Use or share your identifiable health information for marketing, except for: (1) a face-to-face communication from TML Health, or one of its business associates, to you; or (2) a promotional gift of nominal value given by TML Health, or one of its business associates, to you.
- Sell your identifiable health information to a third party.

Will TML Health share my health information with my employer?

TML Health shares summary health information with the employer who sponsors your group health plan. Employers need this information to get bids from other health plans or to make decisions to modify, amend, or terminate the TML Health group health plan. Summary health information summarizes the claims history, claims expenses, or type of claims experienced by the entire group of people covered under a health plan. Summary health information does not include any information that identifies you, such as your name, social security number, or date of birth.

Also, TML Health shares with the employer who sponsors your group health plan information on whether you are enrolled in TML Health's group health plan or if you recently added, changed, or dropped coverage.

Can I find out if my health information has been shared with anyone?

You may make a written request to TML Health's Privacy and Security Officer for a list of any disclosures of your health information made by TML Health during the last six years. The list will not include any disclosures made for treatment, payment, or healthcare operations; any disclosures made directly to you; any disclosures made based upon your written authorization; or any disclosures reported on a previous list. Generally, TML Health will

send the list within 60 days of the date TML Health receives your written request. However, TML Health is allowed an additional 30 days if TML Health notifies you, in writing, of the reason for the delay and notifies you of the date by which you can expect the list. If you request more than one list within a 12-month period, TML Health may charge you a reasonable, cost-based fee for each additional list.

Can I view my health information maintained by TML Health?

You may make a written request to inspect, at TML Health's offices, your enrollment, payment, billing, claims and case or medical management records that TML Health maintains. You also may request paper copies of your records. If you request paper copies, TML Health may charge you a reasonable, cost-based fee for the copies. Requests to view your health information should be made in writing to:

TML Health

ATTN: Privacy and Security Officer

1821 Rutherford Lane, Suite 300

Austin, Texas 78754-5151

If I review my health information and find errors, how do I get my records corrected?

You may request that TML Health correct any of your health information that it creates and maintains. All requests for correction must be made to TML Health's Privacy and Security Officer, must be in writing, and must include a reason for the correction. Please be aware that TML Health can correct only the information that it creates. If your request is to correct information that TML Health did not create, TML Health will need a statement from the individual or organization that created the information explaining an error was made. For example, if you request a claim be corrected because the diagnosis is incorrect, TML Health will correct the claim if TML Health made an error in the data entry of the diagnosis. However, if your healthcare provider submitted the wrong diagnosis to TML Health, TML Health cannot correct the claim without a statement from your healthcare provider that the diagnosis is incorrect. TML Health has 60 days after it receives your request to respond. If TML Health is not able to respond, it is allowed one 30-day extension. If TML Health denies your request, either in part or in whole, TML Health will send you a written explanation of its denial. You may then submit a written statement disagreeing with TML Health's denial and have that statement included in any future disclosures of the disputed information.

I'm covered as a dependent and do not want any of my health information mailed to the covered employee's address. Will you do that?

If mailing communications to the covered employee's address would place you in danger, TML Health will accommodate your request to receive communications of health information by alternative means or at alternative locations. Your request must be reasonable, must be in writing, must specify an alternative address or other method of contact, and must include a statement that sending communications to the covered employee's address would place you in danger. Please be aware that TML Health is

required to send the employee any payment for a claim that is not assigned to a healthcare provider, except under certain medical child support orders.

If I believe my privacy rights have been violated, how do I make a complaint?

If you believe your privacy rights have been violated, you may make a complaint to TML Health.

Write to:

TML Health

ATTN: Privacy and Security Officer

1821 Rutherford Lane, Suite 300

Austin, Texas 78754-5151

Or call:

(800) 282-5385

Also, you may file a complaint with the U.S. Department of Health and Human Services. TML Health will not retaliate against you for filing a complaint.

When are the privacy practices described in this notice effective?

This privacy notice has an effective date of September 1, 2013.

Can TML Health change its privacy practices?

TML Health is required by law to follow the terms of its privacy notice currently in effect. TML Health reserves the right to change its privacy practices and to apply the changes to any health information TML Health received or maintained before the effective date of the change. TML Health will maintain its current privacy notice on its website at tmlhealth.org. If a revision is made during your plan year, TML Health will post the revised notice to its website on the date the new notice goes into effect. You will receive a paper copy of the revised privacy notice before the start of your next plan year.

What happens to my health information when I leave the plan?

TML Health is required to maintain your records for at least six years after you leave TML Health's group health plan. However, TML Health will continue to maintain the privacy of your health information even after you leave the plan.

How can I get a paper copy of this notice?

To request that TML Health mail you a paper copy of this notice, call (800) 282-5385.

Who can I contact for more information on my privacy rights?

Write to:

TML Health

ATTN: Privacy and Security Officer

1821 Rutherford Lane, Suite 300

Austin, Texas 78754-5151

Or call:

(800) 282-5385