

**Compass Group
Privacy Policy**

Compass Group
Health Plans

April 14, 2003

About This Material

The United States Department of Health and Human Services published a final regulation addressing the privacy of Protected Health Information (as defined herein) in August 2002 (the “Privacy Rule”). As a result, each Compass Health Plan listed below must comply with the Privacy Rule effective April 14, 2003.

This document outlines the policies and procedures followed by the Compass Health Plans in their uses and disclosures of Protected Health Information. This document is hereafter referred to as the “Compass Privacy Policy” or the “Privacy Policy.” The Compass Privacy Policy demonstrates Compass’s commitment to the privacy and security of Protected Health Information.

Unless specifically noted, the Compass Privacy Policy applies to the following Compass Health Plans:

- Compass Group Medical Plan
- Compass Group Dental Plan
- Compass Vision Care Plan
- Compass Group Health Care Flexible Spending Account Plan

To the extent that an Individual is enrolled in an insured health care option, the applicable insurer will have its own privacy policies and procedures which apply to any individually identifiable health information about that Individual held, used, or disclosed by the insurer.

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Use and Disclosure of Protected Health Information by a Compass Health Plan

I. Use and Disclosure of Protected Health Information by a Compass Health Plan

Protected Health Information

This Privacy Policy applies to “Protected Health Information,” which is defined as any written, oral, or electronic health information that meets all of these three requirements:

- The information is created or received by a health care provider, by a Compass Health Plan, or by Compass
- The information includes specific identifiers that either identify an Individual or could be used to identify an Individual
- The information relates to one of the following:
 - Providing health care to an Individual
 - An Individual’s past, present, or future physical or mental condition
 - The past, present, or future payment for an Individual’s health care

An “Individual” means an employee of Compass or a dependent of such an employee, such as a spouse, child, or domestic partner. Protected Health Information includes any of the following documentation, if the documentation reveals an Individual’s identity and the Individual’s health status or payment issues:

- Medical records (such as hospital charts or doctor’s notes)
- Medical bills (such as bills for hospital or doctor’s services)
- Claims data (such as data on claims payments made by a Compass Health Plan on an Individual’s behalf)
- Insurance payment information (such as an Explanation of Benefits)

Even though it may fall within the literal definition of Protected Health Information, health information contained in Compass’s employment records is not protected by the Privacy Rule. This includes the following information contained in employment records: a doctor’s statement documenting sick leave; the results of a fitness for duty exam; and files or records related to occupational injury, disability insurance eligibility, drug screening results, and workplace medical surveillance. As a result, an Individual’s authorization is not required to use or disclose health information in Compass’s employment records.

Uses and Disclosures of Protected Health Information

A Compass Health Plan may use or disclose an Individual's Protected Health Information for purposes of making or obtaining payment for his or her health care, for purposes of conducting health care operations, or for certain other specified purposes. Each Compass Health Plan has adopted these policies and procedures to protect against unnecessary uses and disclosures of Protected Health Information. When applicable, the amount of Protected Health Information that a Compass Health Plan uses or discloses is the "Minimum Necessary" to accomplish the intended purpose of this use or disclosure. The "Minimum Necessary" standard is discussed further in section V of this Privacy Policy. The purposes for which Protected Health Information may be used and disclosed by a Compass Health Plan are:

To Make or Obtain Payment for Health Care

A Compass Health Plan may use or disclose Protected Health Information to make payment for, or to obtain or facilitate payment of, health care claims. Payment for health care includes such activities as: making eligibility or coverage determinations; claims management or adjudication; claims appeals determinations; coordination of benefits with another health plan; medical necessity determinations; concurrent or retrospective review of services; utilization review of services; precertification or pre-authorization of services; subrogation of claims; billing; determination of cost sharing amounts; risk adjusting based on enrollee health status and demographics; disclosure to consumer reporting agencies; obtaining payment under a contract of reinsurance; and collection activities.

For example, a Compass Health Plan may provide Protected Health Information regarding an Individual's coverage or treatment to other health plans to coordinate the payment of benefits between or among the other plans and the Compass Health Plan.

To Conduct Health Care Operations

A Compass Health Plan may use or disclose Protected Health Information to facilitate the administration and operation of a Compass Health Plan. Health care operations include such activities as: case management and care coordination; conducting or arranging for medical review, audits, or legal services; population-based activities to improve health or reduce health care costs; contacting providers or patients with information regarding treatment alternatives; clinical guideline and protocol development; reviewing the competence or qualifications of health care professionals and evaluating health plan performance; underwriting and premium rating; fraud and abuse detection; and activities relating to the creation, renewal, or replacement of a health care contract.

For example, a Compass Health Plan may use Protected Health Information regarding an Individual's coverage or treatment for purposes of case management to help ensure that appropriate treatment is being provided for that Individual's condition.

For Treatment Alternatives or Distribution of Health-Related Benefits and Services

A Compass Health Plan may use or disclose an Individual's Protected Health Information to tell that Individual about treatment alternatives, or to provide that Individual with information about other health-related benefits or services that may be of interest to that Individual.

When Legally Required

A Compass Health Plan may disclose an Individual's Protected Health Information when required to do so by any federal, state, or local law.

In Connection With Judicial and Administrative Proceedings

A Compass Health Plan may disclose an Individual's Protected Health Information in the course of any judicial or administrative proceeding in response to an order of a court or administrative tribunal as expressly authorized by the order. A Compass Health Plan also may disclose an Individual's Protected Health Information in the course of any judicial or administrative proceeding in response to a subpoena, discovery request, or other lawful process, but only when the Compass Health Plan receives satisfactory assurance from the party seeking the Protected Health Information that that party made reasonable efforts to either notify the Individual about the request or to obtain an order protecting the Individual's Protected Health Information.

For Law Enforcement Purposes

A Compass Health Plan may disclose an Individual's Protected Health Information to a law enforcement official for certain law enforcement purposes as set forth in the Privacy Rule.

For Health Oversight Activities

A Compass Health Plan may disclose an Individual's Protected Health Information to a health oversight agency for health oversight activities authorized by law, including audits; civil, administrative, or criminal investigations; inspections; licensure or disciplinary actions; civil, administrative, or criminal proceedings or actions; or other activities necessary for appropriate oversight of the health care system, certain government benefit programs, certain entities subject to government regulatory programs, or certain entities subject to civil rights laws. A Compass Health Plan may not disclose an Individual's Protected Health Information if that Individual is the subject of an investigation and the investigation does not arise out of and is not directly related to the Individual's receipt of health care or public benefits.

In the Event of a Serious Threat to Health or Safety

Under certain circumstances, a Compass Health Plan may, consistent with applicable law and standards of ethical conduct, use or disclose an Individual's Protected Health Information if the Compass Health Plan, in good faith, believes 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 to the health or safety of the public.

For Specified Government Functions

Under certain circumstances, a Compass Health Plan may use or disclose an Individual's Protected Health Information to facilitate specified government functions related to: the military and veterans; national security and intelligence activities; protective services for the President of the United States and others; or correctional institutions and inmates.

For Public Health Activities

A Compass Health Plan may disclose an Individual's Protected Health Information for public health activities, such as to assist public health authorities or other legal authorities to prevent or control disease, injury, or disability, or for other public health activities as specified in the Privacy Rule.

For Disaster Relief Purposes

Under certain circumstances, a Compass Health Plan may use or disclose an Individual's Protected Health Information to a public or private entity authorized by law or by its charter to assist in disaster relief efforts.

In Connection with Decedents

A Compass Health Plan may disclose an Individual's Protected Health Information to funeral directors or coroners to enable them to carry out their lawful duties.

For Workers' Compensation Purposes

A Compass Health Plan may disclose an Individual's Protected Health Information to the extent necessary to comply with laws related to workers' compensation or similar programs established by law that provide benefits for work-related injuries or illnesses without regard to fault.

To Assist Compass As Plan Sponsor

This is discussed further in section III of this Privacy Policy.

For Involvement In, and Notification Of, the Individual's Care

A Compass Health Plan may use or disclose an Individual's Protected Health Information to the Individual's relatives or other persons the Individual identifies who are involved in the Individual's care or in the payment for the Individual's care, or to notify family members or others responsible for the Individual's care of the Individual's condition or location. In these situations, when the Individual is present and not incapacitated, the Compass Health Plan will either (1) provide the Individual with an opportunity to disagree to the use or disclosure and, if the Individual does not disagree, the Individual's Protected Health Information may be used or disclosed, or (2) obtain the Individual's agreement to the use or disclosure.

To Assist Victims of Abuse, Neglect, or Domestic Violence

A Compass Health Plan may, under certain circumstances, disclose Protected Health Information about an Individual whom it reasonably believes to be a victim of abuse, neglect, or domestic violence to a government authority, including a social service or protective services agency, authorized by law to receive such reports.

For Cadaveric Organ, Eye, or Tissue Donation

A Compass Health Plan may use or disclose Protected Health Information to organ procurement organizations or other entities engaged in the procurement, banking, or transplantation of cadaveric organs, eyes, or tissue for the purpose of facilitating organ, eye, or tissue donation and transplantation.

For Certain Government-Approved Research Activities

A Compass Health Plan may use or disclose Protected Health Information about an Individual for research as provided under the Privacy Rule.

To Other Covered Entities

The Compass Health Plans may disclose Protected Health Information to health care providers to assist them in connection with their treatment or payment activities. In addition, the Compass Health Plans may disclose Protected Health Information to other entities subject to the Privacy Rule to assist them with their payment activities or certain of their health care operations. For example, the

Compass Health Plans might disclose an Individual's Protected Health Information to a health care provider when needed by the provider to render treatment to an Individual.

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Uses and disclosures of Protected Health Information other than as described above may be made pursuant to a valid authorization. Authorizations are discussed further in section VII of this Privacy Policy.

**Use and Disclosure of Protected Health
Information by Business Associates of a
Compass Health Plan**

II. Use and Disclosure of Protected Health Information by Business Associates of a Compass Health Plan

Business Associates

A “Business Associate” is an entity that performs or assists a Compass Health Plan with a function or service involving the use or disclosure of Protected Health Information. Examples of Business Associates include third-party administrators, consulting firms, and law firms.

Business Associate Contracts

A Compass Health Plan may disclose Protected Health Information to a Business Associate and may allow the Business Associate to create or receive Protected Health Information on the plan’s behalf if the plan obtains satisfactory assurance through a written agreement that the Business Associate will properly safeguard the information in accordance with the Privacy Rule.

Each Compass Health Plan reviewed its relationships with service providers to determine if these service providers performed or assisted a Compass Health Plan with a function or activity involving the use or disclosure of Protected Health Information. Each Compass Health Plan identified certain service providers and third parties that use, disclose, or need access to Protected Health Information due to their relationship with the plan and the services they provide to the plan.

Each Compass Health Plan has entered (or will enter) into written agreements called Business Associate contracts with these service providers and third parties. The Business Associate contracts set out the permitted and required uses and disclosures of Protected Health Information. Service providers and third parties that sign these contracts are allowed to use or disclose Protected Health Information only as permitted under the contract. Compass requires Business Associates to use appropriate safeguards to protect against uses and disclosures of Protected Health Information that are not permitted. Service providers and third parties that sign Business Associate contracts also agree to use, disclose, or request only the “Minimum Necessary” amount of Protected Health Information to satisfy an intended purpose. The “Minimum Necessary” standard is discussed further in section V of this Privacy Policy.

Termination of Business Associate Contract

If the Business Associate contract is terminated, the Business Associate will, if feasible, return or destroy all Protected Health Information that it received and maintains from a Compass Health Plan or another Business Associate of the plan, and no copies of such information will be retained by the Business Associate. If return or destruction is not feasible, the protections of the contract will continue to extend to any Protected Health Information retained by the Business Associate.

Violations of the Privacy Rule by Business Associates

A Compass Health Plan will take appropriate action if it becomes aware of violations of the Privacy Rule by the Business Associate. If a Compass Health Plan determines that a Business Associate has breached or violated a material term of the Business Associate contract, then the plan will take reasonable steps to cure the breach or end the violation. If this is unsuccessful, then Compass will terminate the contract. If termination is not feasible, then the Compass Health Plan will report the violation to the Secretary of the United States Department of Health and Human Services.

**Use and Disclosure of Protected Health
Information to Assist Compass as Sponsor of
a Compass Health Plan**

III. Use and Disclosure of Protected Health Information to Assist Compass as Sponsor of a Compass Health Plan

In General

A Compass Health Plan may disclose Protected Health Information to Compass as sponsor of that plan so that Compass may carry out plan administration functions. Each Compass Health Plan has informed Individuals about this type of disclosure through a statement contained in the Compass Health Plan Privacy Notice. The amount of Protected Health Information that a Compass Health Plan discloses to Compass, as sponsor of that plan, is the “Minimum Necessary” to accomplish the intended purpose of the disclosure. The “Minimum Necessary” standard is discussed further in section V of this Privacy Policy.

Conditions for Disclosure

A Compass Health Plan discloses Protected Health Information to Compass as sponsor of that Compass Health Plan only if three conditions are satisfied as follows:

- Compass amends the Compass Health Plan document to set forth the permitted and required uses and disclosures of Protected Health Information
- The Compass Health Plan receives a certification from Compass that the plan document was amended and that Compass agrees as follows:
 - To use or further disclose Protected Health Information only as permitted or required by the plan document or as required by law
 - To ensure that any agents or subcontractors to whom Compass provides Protected Health Information agree to the identical restrictions and conditions that apply to Compass
 - Not to use or disclose Protected Health Information for employment-related actions and decisions
 - Not to use or disclose Protected Health Information in connection with other benefits or employee benefit plans
 - To report to the Compass Health Plan uses and disclosures of Protected Health Information that are inconsistent with the uses or disclosures permitted under the certification or the Privacy Rule
 - To make Protected Health Information available in accordance with certain rights afforded to Individuals under the Privacy Rule

- Compass amends the Compass Health Plan document to provide for adequate separation between the Compass Health Plan and the sponsor of that plan by identifying members of the workforce with access to Protected Health Information and by restricting access and use by such members of the workforce to plan administration functions that the sponsor of that Compass Health Plan conducts for that plan

A Compass Health Plan may not disclose Protected Health Information to Compass for employment-related actions, decisions, or to administer other benefits offered by Compass (e.g., disclosures by Compass Health Plans to a Compass long-term disability plan). In the event that Compass needs Protected Health Information from a Compass Health Plan to administer another employee benefit plan or program, then the Individual's authorization will be obtained.

Enrollment/Summary Health Information

In two instances, the Privacy Rule permits a Compass Health Plan to share Protected Health Information with Compass, as sponsor of that Compass Health Plan, without following the above steps:

- A Compass Health Plan may share enrollment and disenrollment information with Compass
- A Compass Health Plan may share "Summary Health Information" with Compass to obtain premium bids from health plans, or to modify, amend, or terminate a Compass Health Plan

"Summary Health Information" summarizes claims history, expense, and types of claims experienced by Individuals covered under a Compass Health Plan. It does not include certain identifiers, such as name, social security number, street address, medical record number, health plan beneficiary number, or telephone number.

Marketing

IV. Marketing

In General

Generally, an Individual's Protected Health Information may not be used for "Marketing" without an Individual's authorization. "Marketing" means a communication about a product or service that encourages the recipient of the communication to purchase or use the product or service.

Exclusions from Marketing

Marketing does not include:

- Communications that describe a health-related product or service (or payment for such product or service) that is provided by, or included in, the schedule of benefits of the health plan making the communication, including communications about:
 - Entities participating in a health plan or health care provider network (for example, lists of health care providers in a health plan network)
 - Replacement of, or enhancement to, a health plan (for example, communications about changes in copayments, deductibles, types of coverage)
 - Health-related products or services available only to health plan enrollees that add value, but are not a part of, a benefit plan
- Communications for treatment of the Individual
- Communications for case management, care coordination, or disease management

Current Practice

Currently, no Compass Health Plan uses or discloses Protected Health Information for Marketing purposes. In the event that any Compass Health Plan uses or discloses Protected Health Information for Marketing purposes and such use or disclosure requires an Individual's authorization, the Compass Health Plan will obtain the Individual's authorization. This authorization will state, if applicable, whether the Marketing involves direct or indirect remuneration from a third party to a Compass Health Plan. Note, however, that an authorization is not required for:

- Face-to-face communications made by a Compass Health Plan to an Individual
- Communications that involve a promotional gift of nominal value provided by a Compass Health Plan (for example, pens or pencils embossed with a health plan's logo)

The Minimum Necessary Standard

V. The Minimum Necessary Standard

In General

Each Compass Health Plan and its Business Associates make reasonable efforts to limit their use, disclosure, and requests for Protected Health Information to the “Minimum Necessary” to accomplish the intended purpose of the use, disclosure, or request. When a Compass Health Plan discloses Protected Health Information to Compass, as sponsor of that plan, the plan only discloses the Minimum Necessary to satisfy the purpose of the disclosure.

Minimum Necessary Standard Not Applicable

However, in the following situations, a Compass Health Plan is not bound by the Minimum Necessary standard:

- Uses or disclosures of Protected Health Information that are required by law (or that are reasonably necessary for workers’ compensation purposes)
- Disclosures made to an Individual of his or her own Protected Health Information
- Uses and disclosures of Protected Health Information made pursuant to a valid authorization
- Disclosures to or requests by a health care provider of Protected Health Information for treatment purposes
- Uses or disclosures of Protected Health Information that are required for compliance with the electronic transaction and security standards under the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”)
- Disclosures of Protected Health Information to the Secretary of the United States Department of Health and Human Services in order to enforce the Privacy Rule

Application of the Minimum Necessary Standard

Each Compass Health Plan identifies the persons or classes of persons in its workforce who need access to Protected Health Information based on their job duties related to a Compass Health Plan. These persons include certain members of the Benefits/Compensation/HRIS and Legal Departments.

Each Compass Health Plan identifies the categories or types of Protected Health Information reasonably necessary for certain purposes. These categories and types of information include:

- Medical Records
- Medical Bills
- Claims Data
- Insurance Payment Information

In certain situations, an Individual's entire medical record may be used, disclosed, or requested, as the entire medical record is the amount that is the Minimum Necessary.

For routine or recurring requests and disclosures of Protected Health Information, each Compass Health Plan implements standard protocols that limit disclosures and requests of Protected Health Information to the Minimum Necessary to meet the purpose of the disclosure. These protocols are included and explained in the training program on allowable uses and disclosures of Protected Health Information.

For non-routine disclosures and requests, each Compass Health Plan develops criteria designed to limit the disclosure or request to the Minimum Necessary. Non-routine disclosures and requests are reviewed on an individual basis. These criteria are included and explained in the training program on allowable uses and disclosures of Protected Health Information.

In certain situations, a Compass Health Plan may reasonably rely on representations by certain entities that a requested disclosure is the Minimum Necessary to accomplish the specific purpose of the disclosure. A Compass Health Plan may reasonably rely on representations made by the following parties:

- A public official when a disclosure is for a purpose set forth in section 164.512 of the Privacy Rule and the public official represents that the information requested is the Minimum Necessary
- Other covered entities
- A professional who is a member of the Compass Health Plan workforce or is a business associate of the Compass Health Plan for the purpose of providing professional services to the Compass Health Plan if the professional represents that the information is the Minimum Necessary
- A person requesting the information for research purposes in accordance with the Privacy Rule

Personal Representatives/Minor Children

VI. Personal Representatives/Minor Children

In General

Under the Privacy Rule, a Compass Health Plan treats a “Personal Representative” of an Individual (as defined below) the same as that Individual. The Personal Representative has the same rights as the Individual with respect to his or her Protected Health Information, including the right to provide authorization and the other individual rights described in this Privacy Policy.

Verification of Status as Personal Representative

If a person has authority under applicable law to act on behalf of an Individual in making decisions related to health care, a Compass Health Plan treats that person as a Personal Representative. The Compass Health Plan obtains documentation verifying a person's status as a Personal Representative before making any disclosures to the Personal Representative. Upon receipt of proper documentation, and consistent with the Privacy Rule and other applicable law, the Compass Health Plan generally treats the following persons as Personal Representatives (note that this list provides examples of persons who will be considered Personal Representatives and is not exhaustive):

- A parent of an unemancipated minor, subject to state law and procedures listed below
- A legal guardian, subject to state law and procedures listed below
- A court appointed guardian
- A person with a Health Care Power of Attorney
- An executor or administrator for a deceased Individual
- A person designated by the Individual in writing to the Compass Health Plan

A Compass Health Plan maintains documentation of all Personal Representative designations and disclosures made to Personal Representatives.

A Compass Health Plan may determine not to treat a party as a Personal Representative of an Individual, regardless of applicable law, if the Compass Health Plan reasonably believes that the Individual has been or may be subject to abuse or neglect by the party seeking to be the Personal Representative, or that treating the party as a Personal Representative could endanger the Individual.

Parent as Personal Representative for Unemancipated Minor

A Compass Health Plan treats a parent or legal guardian of an unemancipated minor child as the child's Personal Representative where permitted under state law. As Personal Representative, the parent or legal guardian may act on behalf of the child, as described above, and may have access to the child's Protected Health Information.

A Compass Health Plan provides access to the parent of the minor child's Protected Health Information where permitted or required by state law. A Compass Health Plan does not provide access to the parent of the minor child's Protected Health Information where prohibited by state law.

If the parent is not the Personal Representative of the minor child and a Compass Health Plan cannot determine if state law clearly permits or prohibits access to the parent of the minor child's Protected Health Information, the Compass Health Plan acts consistently with state law. The determination of whether to disclose Protected Health Information to the parent must be made by a licensed health care professional.

Protected Health Information of Deceased Individuals

A Compass Health Plan protects the Protected Health Information of deceased Individuals for as long as the Compass Health Plan maintains this information.

Authorizations

VII. Authorizations

Obtaining an Authorization

A Compass Health Plan obtains an Individual's authorization for use or disclosure of Protected Health Information for activities other than those described in section I of this Privacy Policy. A Compass Health Plan obtains an Individual's authorization to disclose Protected Health Information for the administration of other benefit plans and programs. For example, a Compass Health Plan would obtain an Individual's authorization to share Protected Health Information with a Compass disability program. The Compass Health Plan uses or discloses Protected Health Information consistent with the terms of the authorization.

Elements of an Authorization

The authorization that a Compass Health Plan obtains contains the following elements:

- Description of the Protected Health Information to be used or disclosed
- Description of the purpose of the use or disclosure
- Name or other specific identification of the person(s) or class of persons authorized to use or disclose the Protected Health Information
- Name or other specific identification of the person(s) or class of persons to whom the Compass Health Plan is authorized to make the use or disclosure
- A statement regarding the potential for redisclosure of Protected Health Information disclosed pursuant to the authorization by the recipient of that information
- An expiration date or event relating to the Individual or the purpose of the use or disclosure
- A description of the right of an Individual to revoke the authorization

Revocation of an Authorization

An Individual must revoke an authorization in a writing directed to the Privacy Officer at the address noted in section XV of this Privacy Policy. An Individual may not revoke the Individual authorization to the extent that a Compass Health Plan has acted in reliance on it.

An Individual must sign and date an authorization. An Individual's Personal Representative may sign an authorization if the Individual provides proof of the representative's authority to act on behalf of the Individual.

Documentation

A Compass Health Plan provides an Individual with a copy of the Individual's signed authorization for use and disclosure of Protected Health Information. A Compass Health Plan retains signed authorizations for six years from the later of the date of creation of the authorization or the date that the authorization was last in effect.

The Right to Request Confidential Communications

VIII. The Right to Request Confidential Communications

Under certain circumstances (described below), a Compass Health Plan may allow an Individual to request to receive communications of Protected Health Information about the Individual by alternative means or at alternative locations (such as through e-mail or communication at a certain telephone number). A Compass Health Plan will attempt to accommodate reasonable requests for confidential communications.

An Individual must make the request in writing to the Privacy Officer at the address noted in section XV of this Privacy Policy.

The written request must include the following: (1) the Compass Health Plan(s) to which the request applies; (2) an alternative address or other means of contact for the Individual; and (3) a statement that disclosure of all or part of the Protected Health Information by the current means could endanger the Individual.

**The Right to Request Restrictions
on the Use and Disclosure of
Protected Health Information**

IX. The Right to Request Restrictions on the Use and Disclosure of Protected Health Information

Requests for Restrictions

An Individual has the right to request that a Compass Health Plan restrict the use and disclosure of the Individual's Protected Health Information for the following purposes:

- To carry out Payment or Health Care Operations
- For certain disaster relief and other notification purposes and for involvement in the Individual's care

A Compass Health Plan does not have to agree to a restriction. If a Compass Health Plan agrees to a restriction, it may not use or disclose Protected Health Information in a way that violates that restriction, unless otherwise specified within this Privacy Policy. In addition, the Compass Health Plan notifies any appropriate parties that use or disclose Protected Health Information, including any business associates, of the restriction.

Uses and Disclosures Not Subject to Restriction

Even if a Compass Health Plan agrees to a restriction, this restriction will not prevent uses or disclosures that are required by the Secretary of the United States Department of Health and Human Services to investigate or determine the Compass Health Plan's compliance with the Privacy Rule. It also will not prevent uses or disclosures for which an authorization or opportunity to agree or object is not required, such as uses and disclosures required by law, for workers' compensation purposes, for public health activities, for health oversight activities, for judicial and administrative proceedings, or for law enforcement purposes. Finally, it will not prevent uses and disclosures if the Individual who requested the restriction is in need of emergency treatment and the restricted Protected Health Information is needed by a health care provider to provide the treatment, as long as the Compass Health Plan requests that the provider not further use or disclose the Protected Health Information.

Termination of a Restriction

A Compass Health Plan may terminate its agreement to a restriction under any of the following circumstances:

- The Individual who requested the restriction requests such termination
- The Compass Health Plan informs the Individual who initially requested the restriction of the termination

- The Individual orally agrees to termination of the restriction, and the oral agreement is documented by the Compass Health Plan. In this case, the termination only applies to Protected Health Information that the Compass Health Plan creates or receives after the Compass Health Plan informs the Individual of the termination

Post-termination, a Compass Health Plan will use and disclose Protected Health Information consistent with the uses and disclosures outlined in this Privacy Policy.

Contents of the Request

Individuals must make a request for a restriction (or for termination of a restriction) in writing to the Privacy Officer at the address noted in section XV of this Privacy Policy. Such a request must include the following: (1) the Compass Health Plan(s) to which the request applies; (2) what uses and/or disclosures an Individual wants to restrict (or permit, as the case may be); and (3) to whom an Individual wants the restriction (or termination) to apply.

Documentation

A Compass Health Plan will maintain records of restrictions on uses and disclosures of Protected Health Information for six years from the later of the date of creation of the restriction or the date that the restriction was last in effect.

The Right to Access Protected Health Information

X. The Right to Access Protected Health Information

Requests for Access

Generally, an Individual has the right to access (i.e., inspect and obtain a copy of) the Individual's Protected Health Information in a designated record set, for as long as the Protected Health Information is maintained in the designated record set. A designated record set is a group of records that a Compass Health Plan maintains that is either:

- The enrollment, payment, claims adjudication, and case or medical management record systems maintained by or for a Compass Health Plan
- Used by or for a Compass Health Plan to make decisions about Individuals

An Individual may not access Protected Health Information that is gathered in reasonable anticipation of, or for use in, civil, criminal, or administrative actions or proceedings.

An Individual must make a request to access Protected Health Information in writing to the Privacy Officer at the address noted in section XV of this Privacy Policy. A request for access must include the following: (1) the desired form or format of access; (2) a description of the Protected Health Information to which the request applies; and (3) appropriate contact information.

Generally, the Privacy Officer responds, in writing, to requests for access within 30 days following receipt of the request if the Protected Health Information is maintained or accessible on-site. However, if the request pertains to Protected Health Information that is not maintained by, or accessible to, a Compass Health Plan on-site, the Privacy Officer responds to an Individual's request within 60 days following receipt of the request. In certain instances, the Privacy Officer may need additional time to respond to an Individual's request, and, in that case, the 30-day or 60-day time period will be extended once up to 30 days, respectively. The Privacy Officer will inform the Individual in writing why additional time is needed and when a response will be provided. This written explanation will be provided within the initial applicable 30-day or 60-day period. Requests for access may be approved or denied, in whole or in part.

To the Extent the Request for Access is Approved

The Privacy Officer will inform the Individual in writing that the request is approved. The Individual will be allowed to inspect and/or copy Protected Health Information held in designated record sets. Generally, the form or format of access to Protected Health Information will match what the Individual requests. If the Compass Health Plan maintains a paper copy of the Protected Health Information and an Individual requests a paper copy, the Individual will receive a paper copy. However, if the form or format of access to Protected Health Information is not available, the Privacy Officer will contact the Individual either in writing or by phone. The Privacy Officer and Individual will agree to another form or format of access.

The Privacy Officer may provide a summary of the requested Protected Health Information or an explanation of the Protected Health Information for which access has been provided, but only if the Individual agrees to the summary or explanation, and any applicable fees, in advance.

The Privacy Officer will contact an Individual to arrange for a convenient time and place for the Individual to inspect and/or copy the Protected Health Information. At the Individual's request, copies of Protected Health Information may be mailed to the Individual.

If an Individual requests a copy of the Individual's Protected Health Information, or agrees to a summary or explanation of the Protected Health Information, the Individual may be charged a reasonable fee for the costs of copying, postage, and other supplies associated with the request. The fees associated with such requests are:

- Copying costs, including the cost of supplies for and labor of copying the Protected Health Information requested by the Individual
- Cost(s) of preparing an explanation or summary of the Protected Health Information
- Cost(s) of postage, when the Individual has requested the copy, or the summary or explanation, be mailed

The above costs will not include any charges that a Compass Health Plan incurs for retrieving or handling the information or for processing the request for access.

To the Extent the Request for Access is Denied

Under certain circumstances, an Individual's request to inspect or obtain a copy of the Individual's Protected Health Information may be denied. The denial may be non-reviewable or reviewable as described below.

Non-Reviewable Denial of Access

A denial of access will be issued and will not be reviewable in the following two circumstances:

- The Protected Health Information is information gathered in reasonable anticipation of, or for use in, a civil, criminal, or administrative action or proceeding
- The Protected Health Information was obtained from someone other than a health care provider under a promise of confidentiality and the access requested would be reasonably likely to reveal the source of the information

Reviewable Denial of Access

The denial of access by an Individual to his or her Protected Health Information will be reviewed if the Individual makes a written request to the Privacy Officer at the address noted in section XV of this Privacy Policy for such review but only in the following situations:

- A licensed health care professional consulted by the Privacy Officer has determined, in the exercise of professional judgment, that the access requested is reasonably likely to endanger the life or physical safety of the Individual or another person

- The Protected Health Information makes reference to another person (unless such other person is a health care provider) and a licensed health care professional consulted by the Privacy Officer has determined, in the exercise of professional judgment, that the access requested is reasonably likely to cause substantial harm to such other person
- The request for access is made by the Individual's Personal Representative and a licensed health care professional consulted by the Privacy Officer has determined, in the exercise of professional judgment, that the provision of access to such Personal Representative is reasonably likely to cause substantial harm to the Individual or another person

All denial reviews will be conducted by a licensed health care professional who is designated by the applicable Compass Health Plan to act as a reviewing official and who did not participate in the original decision to deny.

The Privacy Officer will promptly refer a request for review to the designated reviewing official. The designated reviewing official will determine, within a reasonable period of time, whether or not to uphold the denial of access based on the applicable standards. The Privacy Officer will promptly provide written notice to the Individual of the determination of the designated reviewing official and take other action as required to carry out the designated reviewing official's determination.

Denials In General

When denying an Individual access to Protected Health Information, the denial will:

- Be written in plain language
- Contain the basis for the denial
- Contain the following statement, if applicable

YOU HAVE THE RIGHT TO HAVE THE DENIAL REVIEWED BY A LICENSED HEALTH CARE PROFESSIONAL DESIGNATED BY THE COMPASS HEALTH PLAN TO ACT AS A REVIEWING OFFICIAL AND WHO DID NOT PARTICIPATE IN THE ORIGINAL DENIAL DECISION

- Contain a description of how the Individual may complain to the applicable Compass Health Plan pursuant to its complaint procedures or to the Secretary of the United States Department of Health and Human Services, including the name, or title, and telephone number of the contact person or office designated to receive such complaints

In denying access in whole or in part, to the extent possible, the Individual will be given access to any other Protected Health Information requested, after excluding the Protected Health Information to which the Individual was denied access.

Other Information

If the Privacy Officer becomes aware that a Compass Health Plan does not have or maintain the Protected Health Information that an Individual is requesting, but knows where the requested Protected Health Information is maintained, the Privacy Officer will inform the Individual of the identity of the appropriate party to whom the Individual should direct the request.

Documentation

A Compass Health Plan retains all designated record sets that are subject to Individual access for six years from the later of the date of creation of the request for access or the date that the request was last in effect. A Compass Health Plan also retains lists of titles of persons or offices that receive and process Individual requests for access for six years from the later of the date that such lists were created or the date that the lists were last in effect.

The Right to Amend Protected Health Information

XI. The Right to Amend Protected Health Information

Requests for Amendment

Generally, an Individual has the right to request that a Compass Health Plan amend Protected Health Information or a record about the Individual in a designated record set for as long as the information is maintained in the designated record set. A designated record set is a group of records that a Compass Health Plan maintains that is either:

- The enrollment, payment, claims adjudication, and case or medical management record systems maintained by or for a Compass Health Plan
- Used by or for a Compass Health Plan to make decisions about Individuals

Requests for an amendment may be denied if an Individual requests an amendment of Protected Health Information that either:

- Was not created by the Compass Health Plan receiving the request to amend, unless the originator of the Protected Health Information is no longer available to make the amendment
- Is not part of a designated record set
- Is not Protected Health Information that an Individual would be permitted to inspect or copy
- Is accurate and complete

An Individual must make a request to amend Protected Health Information held in a designated record set in writing to the Privacy Officer at the address noted in section XV of this Privacy Policy. The request to amend must include the following: (1) the name of the Compass Health Plan(s) to which the request applies; (2) a description of the amendment requested; and (3) a reason why the information needs to be amended.

Generally, the Privacy Officer responds in writing to requests for access within 60 days following receipt of the request. The Privacy Officer may need additional time to process an Individual's request, and, in that case, the 60-day time period will be extended once up to 30 days. The Privacy Officer will inform the Individual in writing, within 60 days after receipt of the request, why additional time is needed and when a response will be provided. Requests for amendment of Protected Health Information may be approved or denied, in whole or in part.

To the Extent the Request for Amendment is Approved

The Privacy Officer will inform the Individual in writing that the request is approved and will amend (or arrange for the amendment of) the Protected Health Information. In completing the amendment, at a minimum, affected information in a designated record set will be identified and the amendment will be appended or a link to the location of the amendment will be provided.

The Privacy Officer will request that an Individual provide the names and contact information of relevant persons with whom the amendment needs to be shared. Relevant persons are those persons identified as having received Protected Health Information about the Individual requesting the amendment and who need the amended information. The Privacy Officer will obtain the Individual's agreement to provide amended information to the identified persons. The Privacy Officer also will obtain the Individual's agreement to share the amended information with other persons, such as Business Associates, that a Compass Health Plan knows have the Protected Health Information that is the subject of the amendment and who could rely on such information to the Individual's detriment. A copy of the amendment will be provided to the identified persons within a reasonable time.

To the Extent the Request for Amendment is Denied

To the extent an Individual's request to amend Protected Health Information is denied, the Privacy Officer will provide a written explanation to the Individual. The denial will be written in plain language and will contain the following:

- The basis for the denial
- The Individual's right to submit a written statement disagreeing with the denial and a description of how the Individual may file such a statement
- A description of how the Individual may file a complaint to the Compass Health Plan issuing the denial pursuant to its complaint procedures, including the name, or title, and telephone number of the contact person or office designated to receive such complaints
- A description of how the Individual may file a complaint with the Secretary of the United States Department of Health and Human Services
- The following statement—

IF YOU DO NOT SUBMIT A STATEMENT OF DISAGREEMENT, THEN YOU MAY REQUEST THE COMPASS HEALTH PLAN TO PROVIDE A COPY OF YOUR REQUEST FOR AMENDMENT AND THE DENIAL WITH ANY FUTURE DISCLOSURES OF THE PROTECTED HEALTH INFORMATION THAT IS THE SUBJECT OF THE AMENDMENT

If the Individual has not submitted a written statement of disagreement, the applicable Compass Health Plan will include the Individual's request for amendment and its denial, or an accurate summary of such Information, with any subsequent disclosure of the Protected Health Information only if the Individual has requested such action.

Disputed Amendments

If the Individual provides a statement of disagreement, the Privacy Officer may prepare a written rebuttal to the Individuals' statement of disagreement. A copy of the rebuttal will be provided to the Individual.

The Privacy Officer (or his designee) will identify the Protected Health Information in the designated record set that is the subject of the disputed amendment and will append or otherwise link the following information to that designated record set:

- The Individuals' request for an amendment
- The denial of the request
- The Individual's statement of disagreement, if any
- The Privacy Officer's rebuttal, if any

Any subsequent disclosures of the Protected Health Information to which an Individual's written disagreement relates will include material appended as described above, or an accurate summary of any such material.

Other Information

If another entity covered by the Privacy Rule informs a Compass Health Plan about an amendment to an Individual's Protected Health Information, the Privacy Officer will amend (or arrange for the amendment of) Protected Health Information held in designated record sets.

Documentation

A Compass Health Plan retains lists of titles of persons or offices that receive and process Individual requests for amendments for six years from the later of the date of creation of the lists or the date that the lists were last in effect.

The Right to an Accounting of Disclosures of Protected Health Information

XII. The Right to an Accounting of Disclosures of Protected Health Information

Requests for Accounting

An Individual has a right to request a list of the disclosures made by a Compass Health Plan of the Individual's Protected Health Information for up to six years prior to the date of the request. A Compass Health Plan is not required to account for disclosures of Protected Health Information made prior to April 14, 2003.

Any accounting will NOT include the following types of disclosures, which are exempt from the accounting requirements:

- Disclosures to an Individual of the Individual's Protected Health Information
- Disclosures for purposes of Payment and Health Care Operations
- Disclosures authorized by an Individual
- Disclosures to persons involved in the Individual's care or for disaster relief or other notification purposes
- Disclosures for national security, intelligence, or law enforcement purposes
- Disclosures that are part of a limited data set, as defined in the Privacy Rule
- Disclosures that are incident to a use or disclosure otherwise permitted or required by the Privacy Rule

An Individual must make a request for an accounting in writing to the Privacy Officer at the address noted in section XV of this Privacy Policy. The request must specify the name of the Compass Health Plan(s) to which the request applies, as well as the time period for which the Individual is requesting the accounting.

Generally, the Privacy Officer responds, in writing, to requests for an accounting within 60 days following receipt of the request. The Privacy Officer may need additional time to process an Individual's request, and, in that case, the 60-day time period will be extended once up to 30 days. The Privacy Officer will inform the Individual in writing, within 60 days after receipt of the request, why additional time is needed and when a response will be provided.

Information Included in the Accounting

The accounting will identify disclosures of Protected Health Information made during the time period requested by the Individual (subject to exemptions noted previously) and will include disclosures of Protected Health Information to or by Business Associates of a Compass Health Plan. The accounting also will include the following:

- The date of disclosure
- The name and address (if known) of the entity or person that received the Protected Health Information
- A brief description of the Protected Health Information disclosed
- A brief statement of the purpose of the disclosure that reasonably informs the Individual of the basis for the disclosure (or, in certain cases, a copy of the written request for the disclosure)

In the case of multiple disclosures by a Compass Health Plan of Protected Health Information to the same person or entity, the accounting will include the following information where the multiple disclosures are required by the Secretary of the United States Department of Health and Human Services, required by law, for public health activities, for health oversight activities, for judicial and administrative proceedings, for law enforcement purposes, in connection with decedents, in the event of a serious threat to health or safety, for specified government functions, or for workers' compensation purposes:

- For the first disclosure—the date of disclosure, name and address (if known) of the entity or person that received the Protected Health Information, a brief description of the Protected Health Information disclosed, and a brief statement about the purpose of and basis for the disclosure
- Information on the frequency, periodicity, or number of disclosures made during the accounting period
- The date of the last disclosure during an accounting period

Fees for Accounting

The first accounting that an Individual requests within a 12-month period will be free of charge. For additional accountings within that same 12-month period, an Individual may be charged a reasonable fee for the costs of providing the accounting. The Privacy Officer will notify Individuals in advance of the costs involved, and an Individual may choose to withdraw or modify the Individual request at that time before any costs are incurred.

Suspension of Right to Accounting

Under certain circumstances, an Individual's right to an accounting of disclosures by the Compass Health Plan to a health oversight agency or law enforcement official may be temporarily suspended for the time specified by such agency or official, if the agency or official provides the Compass Health Plan with a written statement that such an accounting would be reasonably likely to impede the activities of such agency or official and specifying the time for which the suspension is required.

Documentation

A Compass Health Plan retains for six years the information required to be included in an accounting, any written accounting that is provided to an Individual, and the titles of persons or offices that receive and process requests for an accounting.

Privacy Notice

XIII. Privacy Notice

In General

The Privacy Rule requires that Individuals be given a Notice describing: (1) the manner in which their Protected Health Information may be used or disclosed by a Compass Health Plan; (2) their rights with respect to their Protected Health Information; and (3) the legal duties of the Compass Health Plan with respect to their Protected Health Information.

Provision of the Privacy Notice

Each Compass Health Plan will provide this Notice as required by the Privacy Rule and in compliance with the policies and procedures set forth as follows:

- The privacy practices of each Compass Health Plan are described in the Notice of Privacy Practices for a Compass Health Plan (the “Notice”)
- No later than April 14, 2003 Compass Health Plan will postmark and mail a copy of the Notice to all Compass Health Plan participants who are participating as of April 14, 2003.
- The Notice is distributed to all new participants upon enrollment in a Compass Health Plan
- The Notice is revised as needed to reflect any changes in the privacy practices of a Compass Health Plan, and revisions to the policies and procedures are not implemented prior to the effective date of the revised Notice
- All current participants receive a revised Notice within 60 days of any material revision to the Notice
- All current participants are notified at least once every three years of the availability of the Notice and provided with instructions on how to obtain it
- In all cases described above, the Notice is provided to the named participant or employee for the benefit of all dependents
- Current participants have the right to receive a paper copy of the Notice, even if they previously agreed to receive the Notice electronically
- The Notice is available to any Individual upon request
- The Notice is given to all Business Associates of a Compass Health Plan, and, when revisions to the Notice are necessary, these Business Associates receive a revised copy of the Notice

- The Notice is reviewed with all current workforce members who perform functions for one or more Compass Health Plans during their initial training and annually thereafter, and, when revisions to the Notice are necessary, these workforce members receive a revised copy of the Notice
- The Privacy Officer retains copies of the original Notice (and any subsequent revisions) for a period of six years from the date of its creation or when it was last in effect, whichever is later

The Right to Receive a Paper Copy of the Privacy Notice

An Individual has the right to request and receive a paper copy of the Privacy Notice for a Compass Health Plan at any time, even if the Individual received the Privacy Notice previously or agreed to receive the Notice electronically. An Individual needs to contact the Privacy Officer at the address noted in section XV of this Privacy Policy to obtain a paper copy of the Notice.

An Individual may also obtain a paper copy of the Privacy Notice at compassadvantage.selfservicenow.com or <https://mycompass2.compass-usa.com>.

Reasonable Safeguards and Controls

XIV. Reasonable Safeguards and Controls

As a demonstration of the commitment of Compass and the Compass Health Plans to the privacy and security of Protected Health Information, Compass implemented appropriate and reasonable physical, technical, and administrative safeguards to protect the privacy and security of Protected Health Information maintained by the Compass Health Plans. Each Compass Health Plan reasonably safeguards Protected Health Information from any intentional or unintentional use or disclosure that violates the Privacy Rule, and limits incidental uses and disclosures made pursuant to a permitted use or disclosure.

Examples of physical, technical, and administrative safeguards that Compass and the Compass Health Plans instituted are:

Verification of Identity When Protected Health Information Is Requested

- If an Individual is calling for his or her own Protected Health Information, request that the Individual provide his or her social security number.
- If a third party is calling on behalf of an Individual, request the Individual's social security number and verify that the third party is appropriately authorized to receive the Individual's Protected Health Information.
- For requests that are mailed to a Compass Health Plan, the above procedures also should be followed.

Protected Health Information Mailed Externally

- Mail containing Protected Health Information will be addressed to an authorized party. Reasonable efforts should be made to ensure that the party to whom mail is directed is authorized to receive Protected Health Information.
- The sender's return address should be displayed on the outside of the envelope so that the mail containing the Protected Health Information may be returned to the sender, if necessary.

Protected Health Information Mailed Internally

- Protected Health Information sent through the internal mail routing system should be placed in an inter-office envelope and sealed, with "Confidential" marked on the envelope. The recipient's name should be clearly marked on the envelope.
- Misdirected mail should be routed to the appropriate party using the same procedure as noted in the previous sentence.

Protected Health Information Received/Sent by Fax

- Areas receiving Protected Health Information by fax should take reasonable measures to ensure the privacy of the faxed Protected Health Information. This would include making sure that designated faxes to receive and send Protected Health Information are not located in publicly accessible areas. This also would include notifying parties sending Protected Health Information of the proper fax number to which the information may be sent.
- Faxes should be handled by designated parties. To ensure this, whenever possible, the faxes should be scheduled with the other party so that they can be promptly retrieved upon arrival.
- When Protected Health Information is faxed, a cover sheet marked “Confidential” and addressed to the party authorized to receive the Protected Health Information should be used.

Protected Health Information in Paper Documents

- When not being used, paper documents are required to be stored in locked file cabinets or locked rooms.
- When paper documents are being used, members of the workforce are instructed to clear their desks of all Protected Health Information each night prior to leaving for the day and to appropriately lock the information in locked files or locked rooms. In addition, members of the workforce are instructed that, during the day, files with Protected Health Information should not be piled on desks or left unattended in the open.
- Access to locked files or locked file rooms is limited to those members of the Compass workforce who need access to Protected Health Information in order to perform work-related functions for the applicable Compass Health Plan.
- If paper documents are maintained in an off-site location, Compass and the Compass Health Plan evaluate the security and access procedures of this location to ensure that the location maintains this information in a manner that is consistent with the protections afforded to this information under the Privacy Rule and that access is limited to those members of the Compass workforce who need access to Protected Health Information to perform work-related functions for the applicable Compass Health Plan.
- Retrieval of off-site paper documents are requested by box and not by single claim.
- The mail cart used for delivering confidential mail may not be left unattended.
- Confidential mail addressed to a member of the Compass workforce may only be opened by that workforce member.
- Confidential mail is funneled through a distinct channel that involves the smallest number of viewers possible to generate the necessary business response.

- Photocopies of documents are not made indiscriminately, and, when copies are made, members of the workforce are instructed to make the minimum number possible. A reminder note to this effect is placed near the copiers.
- When it is time for paper that contains Protected Health Information to be destroyed, that paper is shredded.

Protected Health Information Stored on Computer

- Computers maintaining Protected Health Information will have technical restrictions, such as encryption of the data or access of data by authorized sign-on and password.
- Access of Protected Health Information data maintained in computer databases will be limited to those members of the Compass workforce who need access to Protected Health Information in order to perform work-related functions for the applicable Compass Health Plan.
- Diskettes containing Protected Health Information are marked “Confidential” and are destroyed in a manner to prevent reading of the diskette by any third party.

The administrative, physical, and technical safeguards that are employed are based on a determination of what is reasonable and workable for the operations of the Compass Health Plans.

If an Individual has questions about particular safeguards, the Individual may contact the Privacy Officer at the address noted in section XV of this Privacy Policy. If an Individual would like to file a complaint, the Individual must file a complaint in writing with the Privacy Officer at the same address.

An Individual may also file a complaint with the Secretary of the United States Department of Health and Human Services.

Privacy Officer

XV. Privacy Officer

Compass has designated Robert Kovacs, Vice President of Benefits/Compensation/HRIS, as the Privacy Officer for the Compass Health Plans.

The Privacy Officer is the contact person for all issues regarding patient privacy and Individual privacy rights. The Privacy Officer is also responsible for:

- Development and implementation of the policies and procedures contained in this Privacy Policy
- Compliance with the Privacy Rule
- Establishing a complaint process and responding to Individual complaints
- Developing a training program
- Monitoring changes in the law and procedures that affect Protected Health Information

An Individual may contact the Privacy Officer at the address provided below with questions about the privacy of the Individual's Protected Health Information, the Individual's privacy rights, or the Privacy Notice.

Robert Kovacs
Vice President of Benefits/Compensation/HRIS
Compass Group
2400 Yorkmont Road
Charlotte, NC 28217

Privacy Committee

Member(s) of the Privacy Committee will assist the Privacy Officer in the functions of that office and may act on behalf of the Privacy Officer in the absence of or with the permission of the Privacy Officer.

Compass Health Plans have designated Cynthia Pitesa, Benefits Counsel, as a member of the Privacy Committee. Compass Health Plans may change the composition of the Privacy Committee at their discretion.

Complaint System

XVI. Complaint System

After April 14, 2003, an Individual may file a complaint with a Compass Health Plan if the Individual believes that a Compass Health Plan is not complying with the policies and procedures outlined in this Privacy Policy or the requirements of the Privacy Rule.

All complaints must be made in writing to the Privacy Officer at the address noted in section XV of this Privacy Policy.

The Privacy Officer will contact an Individual regarding the Individual's complaint within a reasonable time after receipt of the complaint. The Privacy Officer will maintain a record of the written complaint and the disposition of the complaint for six years from the date of creation of the complaint.

If an Individual believes that a Compass Health Plan is not complying with the Privacy Rule, the Individual may also file a written complaint with the Secretary of the United States Department of Health and Human Services. A complaint to the Secretary must name the entity that is the subject of the complaint and describe the acts or omissions believed to violate the Privacy Rule. A complaint must be filed with the Department within 180 days of the date that the Individual knew or should have known that the act or omission complained of occurred, unless the Individual can show good cause for delay.

Compass and the Compass Health Plans may not intimidate, threaten, coerce, discriminate against, or take other retaliatory action against any Individual for filing a complaint with a Compass Health Plan or with the Secretary.

Training

XVII. Training

As a demonstration of the commitment of Compass and the Compass Health Plans to the privacy and security of an Individual's Protected Health Information, there is a mandatory training process for members of the Compass workforce that use, disclose, request, or have access to Protected Health Information in order to carry out their work-related functions with respect to a Compass Health Plan. This training process outlines the Privacy Rule requirements for Protected Health Information and this Privacy Policy.

For current members of the workforce, training sessions will be provided by April 14, 2003. In the case of new members of the workforce, training will be provided within a reasonable period of time after their date of hire. New members of the workforce will either receive this training as part of the orientation process or at mandatory training sessions shortly after their dates of hire.

In the event that this Privacy Policy is materially changed and the change affects the work-related functions of a member of the Compass workforce with respect to a Compass Health Plan, training sessions will be held for affected members of the workforce within a reasonable period of time after the effective date of the material change.

A Compass Health Plan will maintain records of the dates of, and attendance at, all training sessions for six years from the date of the applicable training session.

For more information on the training process and/or sessions, members of the workforce should contact the Privacy Officer at the address noted in section XV of this Privacy Policy.

Violations of Policies and Procedures

XVIII. Violations of Policies and Procedures

Compass and the Compass Health Plans take the policies and procedures regarding Protected Health Information very seriously. As noted in section XVII of this Privacy Policy, the Compass Health Plans developed and implemented a training process that educates certain members of the Compass workforce on the policies and procedures regarding Protected Health Information, and the consequences of failing to comply with any policy or procedure regarding Protected Health Information.

The policies and procedures regarding Protected Health Information are developed and implemented not only to ensure that Protected Health Information is used and maintained in a manner that is consistent with Compass's commitment to privacy and protection of personal information, but also in a manner that is consistent and compliant with the Privacy Rule. The Privacy Rule sets out substantial penalties for noncompliance. The United States Department of Health and Human Services can impose civil penalties of up to \$100 per person per violation and up to \$25,000 per person for violations of a single standard in a calendar year. The United States Department of Health and Human Services may also impose criminal penalties for knowing misuse of Protected Health Information.

In the event that a member of the workforce who performs functions for or on behalf of a Compass Health Plan fails to follow this Privacy Policy or the Privacy Rule, that individual will be subject to sanctions imposed by Compass. Sanctions will be based on the severity of the violation, whether the violation was intentional or unintentional, and whether the violation demonstrated a pattern of improper use and disclosure of Protected Health Information. Depending on the nature of the violation, sanctions may include warnings (verbal or written), a probationary period(s), or termination of employment. Sanctions will be applied in accordance with the HR Progressive Counseling Policy.

The Compass Health Plans document any sanctions applied to a member of the Compass workforce violating this Privacy Policy or the Privacy Rule and maintain such documentation for at least six years.

Modifications

XIX. Modifications

Changes to the Compass Privacy Policy and the Privacy Notice

Compass and the Compass Health Plans monitor changes in the Privacy Rule and modify this Privacy Policy and the Privacy Notice as necessary and appropriate to comply with such changes. In addition, if the applicable privacy procedures and/or practices are changed otherwise than as required by the Privacy Rule (but in a manner consistent with the Privacy Rule), this Privacy Policy and the Privacy Notice are modified as necessary and appropriate to comply with such changes.

Any modifications to this Privacy Policy are effective for Protected Health Information received or created prior to the effective date of the modification. A Compass Health Plan reserves the right to change its Privacy Notice and to make the changed Notice effective for Protected Health Information a Compass Health Plan already has about an Individual, as well as for any such information created or received in the future.

Documentation

Each Compass Health Plan maintains this Privacy Policy and the Privacy Notice in written and/or electronic form. Each Compass Health Plan also maintains written and/or electronic copies of any required, written communications to Individuals. In the event that this Privacy Policy or the Privacy Notice is modified, a Compass Health Plan maintains a written and/or electronic record of such modification. Finally, each Compass Health Plan maintains in written and/or electronic form documentation of any action, activity, or designation required to be documented under the Privacy Rule. All such documentation is retained for six years from the date of its creation or the date when it last was in effect, whichever is later.