

TONGASS TIMBER TRUST
NOTICE OF PRIVACY PRACTICES
March 2007

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.

Effective date. The effective date of this Notice is April 14, 2004.

This Notice is required by law. The Tongass Timber Trust ("TTT") is required by law to take reasonable steps to ensure the privacy of your personally identifiable health information and to inform you about:

1. TTT's uses and disclosures of Protected Health Information (PHI),
2. Your rights to privacy with respect to your PHI,
3. TTT's duties with respect to your PHI,
4. Your right to file a complaint with TTT and with the Secretary of the United States Department of Health and Human Services (HHS), and
5. The person or office you should contact for further information about TTT's privacy practices.

Your Protected Health Information

What is Protected Health Information (PHI)?

The term "Protected Health Information" (PHI) includes all individually identifiable health information related to your past, present or future physical or mental health condition or to payment for health care. PHI includes information maintained by TTT in oral, written, or electronic form.

When Can TTT Disclose Your PHI Without Your Authorization?

Under the law, TTT may disclose your PHI without your consent or authorization, or the opportunity to agree or object, in the following cases:

- ◆ *At your request.* If you request it, TTT is required to give you access to certain PHI in order to allow you to inspect and/or copy it.
- ◆ *As required by HHS.* The Secretary of the United States Department of Health and Human Services may require the disclosure of your PHI to investigate or determine the TTT's compliance with the privacy regulations.
- ◆ *For treatment, payment or health care operations.* TTT and its business associates will use PHI in order to carry out:
 - ☞ Treatment,
 - ☞ Payment, or
 - ☞ Health care operations.

Treatment is the provision, coordination, or management of health care and related services. It also includes but is not limited to consultations and referrals between one or more of your providers.

Payment includes but is not limited to actions to make coverage determinations and payment (including billing, claims management, subrogation, plan reimbursement, reviews for medical necessity and appropriateness of care and utilization review and preauthorizations).

Health care operations includes but is not limited to quality assessment and improvement, reviewing competence or

qualifications of health care professionals, underwriting, premium rating and other insurance activities relating to creating or renewing insurance contracts. It also includes disease management, case management, conducting or arranging for medical review, legal services, and auditing functions including fraud and abuse compliance programs, business planning and development, business management and general administrative activities.

Disclosure to your group health plan's Plan Sponsor. TTT will also disclose PHI to the Plan Sponsor of your group health plan for purposes related to treatment, payment, and health care operations, if the Plan Sponsor has adopted amendments to its Plan Documents to permit this use and disclosure as required by federal law. For example, TTT may disclose information to the Plan Sponsor to allow it to decide an appeal or review of an eligibility question or a subrogation claim.

When Does the Disclosure of Your PHI Require Your Written Authorization?

Except as otherwise indicated in this Notice, uses and disclosures will be made only with your written authorization subject to your right to revoke your authorization.

When Is the Use or Disclosure of My PHI Permitted and My Consent, Authorization or Opportunity to Object Is Not Required?

TTT is allowed under federal law to use and disclose your PHI without your consent or authorization under the following circumstances:

1. *When required by applicable law.*
2. *Public health purposes.*
3. *Domestic violence or abuse situations.*
4. *Health oversight activities.*
5. *Legal proceedings.*
6. *Law enforcement health purposes.*
7. *Law enforcement emergency purposes.*
8. *Determining cause of death and organ donation.*
9. *Funeral purposes.*
10. *Research.*
11. *Health or safety threats.*
12. *Workers' compensation programs.*

Are there Other Uses or Disclosures?

TTT may contact you to provide you information about treatment alternatives or other health-related benefits and services that may be of interest to you.

TTT may disclose protected health information to your group health plan sponsor for reviewing your appeal of a benefit claim or for other reasons regarding the administration of TTT or your employer's group health plan.

Your Individual Privacy Rights

Can I Request Restrictions on Uses and Disclosures of my PHI?

You may request TTT to:

1. Restrict the uses and disclosures of your PHI to carry out treatment, payment or health care operations, or
2. Restrict uses and disclosures to family members, relatives, friends or other persons identified by you who are involved in your care.

TTT, however, is not required to agree to your request if TTT determines your request to be unreasonable.

Make such requests in writing to the TTT Privacy Contact Person:

Janice Harbour
Alaska Forest Association
111 Stedman St., Suite 200
Ketchikan, AK 99901

Can I Request Confidential Communications?

TTT will accommodate an individual's reasonable request to receive communications of PHI by alternative means or at alternative locations where the request includes a statement that disclosure could endanger the individual.

You or your personal representative will be required to complete a form to request restrictions on uses and disclosures of your PHI. Make such requests to the Privacy Contact Person, listed above.

Can I Inspect and Copy My PHI?

You have a right to inspect and obtain a copy of your PHI for as long as TTT maintains the PHI.

TTT must provide the requested information within 30 days if the information is maintained on site or within 60 days if the information is maintained offsite. A single 30-day extension is allowed if TTT is unable to comply with the deadline.

You or your personal representative will be required to complete a form to request access to the PHI. A reasonable fee may be charged. Requests for access to PHI should be made to the Privacy Contact Person, listed above.

If access is denied, you or your personal representative will be provided with a written denial setting forth the basis for the denial, a description of how you may exercise your review rights and a description of how you may complain to the Plan and HHS.

Do I Have the Right to Amend My PHI?

You have the right to request that TTT amend your PHI or a record about you for as long as the PHI is maintained subject to certain exceptions.

TTT has 60 days after receiving your request to act on it. TTT is allowed a single 30-day extension if TTT is unable to comply with the 60-day deadline. If TTT denied your request in whole or part, TTT must provide you with a written denial that explains the basis for the decision. You or your personal representative may then submit a written statement disagreeing with the denial and have that statement included with any future disclosures of that PHI.

You should make your request to amend PHI to the Privacy Contact Person, listed above.

You or your personal representative will be required to complete a written form to amendment of the PHI and include a reason to support the requested amendment.

Do I Have the Right to Receive an Accounting of TTT's Disclosures of My PHI?

At your request, TTT will also provide you with an accounting of certain disclosures by TTT of your PHI. TTT is not required to provide you with an accounting of disclosures related to treatment, payment, or health care operations, or disclosures made to you or authorized by you in writing.

TTT has 60 days to provide the accounting. TTT is allowed an additional 30 days if TTT gives you a written statement of the reasons for the delay and the date by which the accounting will be provided.

If you request more than one accounting within a 12-month period, TTT will charge a reasonable fee for each subsequent accounting.

Do I Have the Right to Receive a Paper Copy of This Notice Upon Request?

Yes. To obtain a paper copy of this Notice, contact the Privacy Contact Person, listed above.

Can My Personal Representative Act on My behalf Regarding My Privacy Rights?

You may exercise your rights through a personal representative. Your personal representative will be required to produce evidence of authority to act on your behalf before the personal representative will be given access to your PHI or be allowed to take any action for you. Proof of such authority will be a completed, signed and approved Appointment of Personal Representative form. You may obtain this form by calling the TTT Administration Office.

TTT retains discretion to deny access to your PHI to a personal representative to provide protection to those vulnerable people who depend on others to exercise their rights under these rules and who may be subject to abuse or neglect.

TTT will recognize certain individuals as personal representatives without you having to complete an Appointment of Personal Representative form. For example, TTT will automatically consider a spouse to be the personal representative of an individual covered by a group health plan. In addition, TTT will consider a parent or guardian as the personal representative of an unemancipated minor unless applicable law requires otherwise. A spouse or a parent may act on an individual's behalf, including requesting access to their PHI. Spouses and unemancipated minors may, however, request that TTT restrict information that goes to family members.

TTT's Duties Regarding Privacy

Maintaining Your Privacy

TTT is required by law to maintain the privacy of your PHI and to provide you and your eligible dependents with notice of its legal duties and privacy practices.

This Notice is effective beginning on April 14, 2003 and TTT is required to comply with the terms of this Notice. However, TTT reserves the right to change its privacy practices and to apply the changes to any PHI received or maintained by TTT prior to that date. If a privacy practice is changed, a revised version of this Notice will be provided to you and to all past and present participants and beneficiaries for whom TTT still maintains PHI via mail.

Any revised version of this Notice will be distributed within 60 days of the effective date of any material change to:

- ◆ The uses or disclosures of PHI,
- ◆ Your individual rights,
- ◆ The duties of TTT, or
- ◆ Other privacy practices stated in this notice.

Disclosing Only the Minimum Necessary Protected Health Information

When using or disclosing PHI or when requesting PHI from another covered entity, TTT will make reasonable efforts not to use, disclose or request more than the minimum amount of PHI necessary to accomplish the intended purpose of the use, disclosure or request, taking into consideration practical and technological limitations.

However, the minimum necessary standard will not apply in the following situations:

- ◆ Disclosures to or requests by a health care provider for treatment,
- ◆ Uses or disclosures made to you,

- ◆ Disclosures made to the Secretary of the United States Department of Health and Human Services pursuant to its enforcement activities under HIPAA,
- ◆ Uses or disclosures required by law, and
- ◆ Uses or disclosures required for TTT's compliance with the HIPAA privacy regulations.

This Notice does not apply to information that has been de-identified. De-identified information is information that:

- ◆ Does not identify you, and
- ◆ With respect to which there is no reasonable basis to believe that the information can be used to identify you.

In addition, TTT may use or disclose "summary health information" to your group health plan's Plan Sponsor for obtaining premium bids or modifying, amending or terminating the group health plan. Summary information summarizes the claims history, claims expenses or type of claims experienced by individuals for whom a Plan Sponsor has provided health benefits under a group health plan. Identifying information will be deleted from summary health information, in accordance with HIPAA.

Your Right to File a Complaint with TTT or the HHS Secretary

If you believe that your privacy rights have been violated, you are encouraged to call this office and discuss the matter. You may file a complaint with TTT in care of the following individual:

Privacy Official
Alaska Forest Association
111 Stedman St., Suite 200
Ketchikan, AK 99901

You may also file a complaint with:

Secretary of the U.S. Department of Health and Human Services
Hubert H. Humphrey Building
200 Independence Avenue S.W.
Washington, D.C. 20201

TTT will not retaliate against you for filing a complaint.

If You Need More Information

If you have any questions regarding this notice or the subjects addressed in it, you may contact the following individual at the TTT Administrative Office:

Privacy Contact Person

Conclusion

The federal Health Insurance Portability and Accountability Act, known as HIPAA, regulate PHI use and disclosure by TTT. You may find these rules at 45 *Code of Federal Regulations* Parts 160 and 164. This Notice attempts to summarize the regulations. The regulations will supersede this Notice if there is any discrepancy between the information in this Notice and the regulations.