

# Michigan Education Special Services Association (MESSA)<sup>®</sup> Blue Cross Blue Shield of Michigan<sup>®</sup> 4 Ever Life Insurance Company<sup>®</sup>

## 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.**

### Entities Covered by this Notice

This notice applies to the privacy practices of the following covered entities that may share your Protected Health Information as needed for treatment, payment and health care operations.

- Michigan Education Special Services Association (MESSA)<sup>®</sup>
- Blue Cross Blue Shield of Michigan<sup>®</sup>
- 4 Ever Life Insurance Company<sup>®</sup>

### Our Commitment Regarding Your Protected Health Information

We understand the importance of your Protected Health Information (hereafter referred to as “PHI”) and follow strict policies (in accordance with state and federal privacy laws) to keep your PHI private. PHI is information about you, including demographic data, that can reasonably be used to identify you and that relates to your past, present or future physical or mental health, the provision of health care to you or the payment for that care. Our policies cover protection of your PHI whether oral, written or electronic.

In this notice, we explain how we protect the privacy of your PHI, and how we will allow it to be used and given out (“disclosed”). We must follow the privacy practices described in this notice while it is in effect. This notice takes effect September 23, 2013, and will remain in effect until we replace or modify it.

We reserve the right to change our privacy practices and the terms of this notice at any time, provided that applicable law permits such changes. These revised practices will apply to your PHI regardless of when it was created or received. Before we make a material change to our privacy practices, we will provide a revised notice to you, our members.

Where multiple state or federal laws protect the privacy of your PHI, we will follow the requirements that provide greatest privacy protection. For example, when you authorize disclosure to a third party, state laws require MESSA/BCBSM to condition the disclosure on the recipient’s promise to obtain your written permission to disclose your PHI to someone else.

### Our Uses and Disclosures of Protected Health Information

We may use and disclose your PHI for the following purposes without your authorization:

- **To You and Your Personal Representative**  
We may disclose your PHI to you or to your personal representative (someone who has the legal right to act for you).
- **For Treatment**  
We may use and disclose your PHI to health care providers (doctors, dentists, pharmacies, hospitals and other

caregivers) who request it in connection with your treatment. For example, we may disclose your PHI to health care providers in connection with disease and case management programs.

- **For Payment**

We may use and disclose your PHI for our payment-related activities and those of health care providers and other health plans, including for example:

- » Obtaining premiums and determining eligibility for benefits
- » Paying claims for health care services that are covered by your health plan
- » Responding to inquiries, appeals and grievances
- » Coordinating benefits with other insurance you may have

- **For Health Care Operations**

We may use and disclose your PHI for our health care operations, including for example:

- » Conducting quality assessment and improvement activities, including peer review, credentialing of providers and accreditation
- » Performing outcome assessments and health claims analyses
- » Preventing, detecting and investigating fraud and abuse
- » Underwriting, rating and reinsurance activities (although we are prohibited from using or disclosing any genetic information for underwriting purposes)
- » Coordinating case and disease management activities
- » Communicating with you about treatment alternatives or other health-related benefits and services
- » Performing business management and other general administrative activities, including systems management and customer service

We may also disclose your PHI to other providers and health plans who have a relationship with you for certain of their health care operations. For example, we may disclose your PHI for their quality assessment and improvement activities or for health care fraud and abuse detection.

- **To Others Involved in Your Care**

We may under certain circumstances disclose to a member of your family, a relative, a close friend or any other person you identify, the PHI directly relevant to that person's involvement in your health care or payment for health care. For example, we may discuss a claim determination with you in the presence of a friend or relative, unless you object.

- **When Required by Law**

We will use and disclose your PHI if we are required to do so by law. For example, we will use and disclose your PHI in responding to court and administrative orders and subpoenas, and to comply with workers' compensation laws. We will disclose your PHI when required by the Secretary of the Department of Health and Human Services and state regulatory authorities.

- **For Matters in the Public Interest**

We may use or disclose your PHI without your written permission for matters in the public interest, including for example:

- » Public health and safety activities, including disease and vital statistic reporting, child abuse reporting, and Food and Drug Administration oversight
- » Reporting adult abuse, neglect, or domestic violence
- » Reporting to organ procurement and tissue donation organizations
- » Averting a serious threat to the health or safety of others

- **For Research**

We may use and disclose your PHI to perform select research activities, provided that certain established measures to protect your privacy are in place.

- **To Communicate with you about Health-Related Products and Services**

We may use your PHI to communicate with you about health-related products and services that we provide or are included in your benefits plan. We may use your PHI to communicate with you about treatment alternatives that may be of interest to you.

These communications may include information about the health care providers in our networks, about replacement of or enhancements to your health plan, and about health-related products or services that are available only to our enrollees and add value to your benefits plan.

- **To Our Business Associates**

From time to time we engage third parties to provide various services for us. Whenever an arrangement with such a third party involves the use or disclosure of your PHI, we will have a written contract with that third party designed to protect the privacy of your PHI. For example, we may share your information with business associates who process claims or conduct disease management programs on our behalf.

- **To Group Health Plans**

We participate in an Organized Health Care Arrangement with our underwriters. These insurers receive PHI from us in the form of enrollment and claims information (although we are prohibited from using or disclosing any genetic information for underwriting purposes). Whenever we disclose PHI to the underwriters, they must follow applicable laws governing use and disclosure of your PHI including amending the plan documents for your group health plan to establish the limited uses and disclosures it may make of your PHI.

You may give us written authorization to use your PHI or to disclose it to anyone for any purpose. If you give us an authorization, you may revoke it in writing at any time. Your revocation will not affect any use or disclosure permitted by your authorization while it was in effect. Some uses and disclosures of your PHI require a signed authorization:

- **For Marketing Communications:** Uses and disclosures of your PHI for marketing communications will not be made without a signed authorization except where permitted by law.
- **Sale of PHI:** We will not sell your PHI without a signed authorization except where permitted by law.
- **Psychotherapy Notes:** To the extent (if any) that we maintain or receive psychotherapy notes about you, disclosure of these notes will not be made without a signed authorization except where permitted by law.

**Any other use or disclosure of your protected health information, except as described in this Notice of Privacy Practices, will not be made without your signed authorization.**

## Disclosures You May Request

You may instruct us, and give your written authorization, to disclose your PHI to another party for any purpose. We require your authorization to be on our standard form. **You may obtain any form referred to in this Notice by visiting our Web site, [messa.org](http://messa.org) or by calling 800-292-4910 or 800-742-2328.**

## Individual Rights

**You have the following rights. To exercise these rights, you must make a written request on our standard forms.**

- **Access**

With certain exceptions, you have the right to look at or receive a copy of your PHI contained in the group of records that are used by or for us to make decisions about you, including our enrollment, payment, claims adjudication, and case or medical management notes. We reserve the right to charge a reasonable cost-based fee for copying and postage. You may request that these materials be provided to you in written form or, in certain circumstances, electronic form. If you request an alternative format, such as a summary, we may charge a cost-based fee for preparing the summary. If we deny your request for access, we will tell you the basis for our decision and whether you have a right to further review.

- **Disclosure Accounting**

You have the right to an accounting of certain disclosures of your PHI, such as disclosures required by law, except that we are not obligated to account for a disclosure that occurred more than 6 years before the date of your request. If you request this accounting more than once in a 12-month period, we may charge you a fee covering the cost of responding to these additional requests.

- **Restriction Requests**

You have the right to request that we place restrictions on the way we use or disclose your PHI for treatment, payment or health care operations. We are not required to agree to these additional restrictions; but if we do, we will abide by them (except as needed for emergency treatment or as required by law) unless we notify you that we are terminating our agreement.

- **Amendment**

You have the right to request that we amend your PHI in the set of records we described above under Access. If we deny your request, we will provide you a written explanation. If you disagree, you may have a statement of your disagreement placed in our records. If we accept your request to amend the information, we will make reasonable efforts to inform others, including individuals you name, in the amendment.

- **Confidential Communication**

We communicate decisions related to payment and benefits, which may contain PHI, to the member. Individual dependents who believe that this practice may endanger them may request that we communicate with them using a reasonable alternative means or location. For example, an individual dependent may request that we send an Explanation of Benefits to a post office box instead of the member's address. To request confidential communications, please complete the form found at [messa.org](http://messa.org) or call the MESSA Legal and Compliance Department Privacy Officer at 800-742-2328.

- **Breach Notification**

In the event of a breach of your unsecured PHI, we will provide you with notification of such a breach as required by law or where we otherwise deem appropriate.

## Questions and Complaints

If you want more information about our privacy practices or a written copy of this notice please contact us at:

Privacy Officer  
MESSA  
1475 Kendale Boulevard, P.O. Box 2560  
East Lansing, MI 48826-2560  
800-292-4910 or 800-742-2328

For your convenience, you may also obtain an electronic (downloadable) copy of this notice online at [messa.org](http://messa.org).

If you are concerned that we may have violated your privacy rights, or you believe that we have inappropriately used or disclosed your PHI, call the MESSA Legal and Compliance Privacy Officer at 800-292-4910 or 800-742-2328. Or complete our form online at [messa.org](http://messa.org).

You also may submit a written complaint to the U.S. Department of Health and Human Services. We will provide you with their address to file your complaint upon request. We support your right to protect the privacy of your PHI. We will not retaliate in any way if you file a complaint with us or with the U.S. Department of Health and Human Services.



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