



San Bernardino
Mountains Community Hospital District
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YOUR INFORMATION. YOUR RIGHTS. OUR RESPONSIBILITIES.

This notice of privacy practices describes how medical information about you may be used and disclosed and how you can get access to this information. **Please review it carefully.**

Please know that this notice is a summary only, and that applicable law places requirements on us, and limiters/expanders on the issues discussed in this notice (including our uses/disclosures), that may not be obvious. For example, HIPAA's definitions of "marketing" and "sales" and "breach" and "healthcare operations", and the related restrictions, are technical, include exceptions, and do not apply to all situations you may personally consider to be within those definitions. So, for instance, if HIPAA allows, we may use/disclose your information for healthcare operations purposes that you may personally believe to be marketing or sales, without your authorization being necessary. This notice is not intended to be more restrictive than applicable law, unless explicitly noted.

YOUR RIGHTS

With your health information, you have certain rights. This section generally explains your rights and some of our responsibilities to help you.

Get an electronic or paper copy of your medical record

- You can ask to see or get an electronic or paper copy of your medical record and other health information we have about you. Ask us how to do this.
- Under California law, you have the right to inspect your medical records within five (5) working days of submitting a written request and to receive copies within fifteen (15) days. You may request a written summary instead of copies, which will be provided within ten (10) working days. You may be accompanied by one person of your choosing during inspection. We may charge a reasonable, cost-based fee not exceeding \$0.25 per page for paper copies or \$0.50 per page

for copies from microfilm, plus reasonable costs for labor, supplies, and postage as permitted by law. We will not withhold your records due to an unpaid bill.

- If you or your authorized representative need copies of your medical records to support a claim or appeal for a public benefit program (such as Medi-Cal, CalWORKs, SSI/SSP, CalFresh, IHSS, federal veterans benefits, or government-funded housing assistance), a U-visa petition, or a Violence Against Women Act (VAWA) self-petition, we will provide the relevant portion of your records at no charge upon written request and reasonable proof of need. We will provide these copies within thirty (30) days of receiving your written request

Ask us to correct your medical record

- You can ask us to correct health information about you that you think is incorrect or incomplete. Your request must be made in writing.
- We may say “no” to your request, but we’ll tell you why in writing within 60 days, and we will give you the right to submit a written statement of disagreement with our decision, which will be attached to your records.
- In addition to your HIPAA right to request an amendment, California law allows you to submit a written addendum of up to 250 words for any item or statement in your medical record that you believe is incomplete or incorrect. Your addendum must clearly state that it is to be made part of your record. We will attach your addendum to your record and include it whenever we disclose the relevant portion to a third party. We will not be liable for any defamatory or otherwise unlawful language contained in an addendum that you submit.

Request confidential communications

- You can ask us to contact you in a specific way (for example, home or office phone) or to send mail to a different address.
- We will say “yes” to all reasonable requests.
- Under California law, If you are a subscriber or enrollee of a health care service plan, you have the right to request confidential communications regarding sensitive services or when disclosure could endanger you. We will honor your request within seven (7) calendar days if made by phone or electronically, or within fourteen (14) calendar days if made by first-class mail.

Your request will remain in effect until you revoke or replace it.

Ask us to limit what we use or share

- You can ask us not to use or share certain health information for treatment, payment, or our operations. We do not have to agree to your request, and we may say “no” if it would affect your care.
- If you pay for a service or health care item out-of-pocket in full, you can ask us not to share that information for the purpose of payment or our operations with your health insurer. We will say “yes” unless a law requires/allows us to share that information.

Get a list of those with whom we’ve shared information

- You can ask for a list (accounting) of the times we’ve shared your health information for six years prior to the date you ask, who we shared it with, and why.
- We will include all the disclosures except for those about treatment, payment, and healthcare operations, and certain other disclosures (such as any you asked us to make). We’ll provide one accounting a year for free but will charge a reasonable, cost-based fee if you ask for another one within 12 months.

Get a copy of this privacy notice. You can ask for a paper copy of this notice at any time, even if you have agreed to receive the notice electronically. We will provide you with a paper copy promptly.

Choose someone to act for you

- If you have given someone medical power of attorney or if someone is your legal guardian, that person can exercise

your rights and make choices about your health information.

- We will make sure the person has this authority and can act for you before we take any action.

Minor's Rights

- If you are a minor who is authorized under California law to consent to your own medical treatment, you have the right to inspect and obtain copies of records related to that treatment. In those circumstances, you — not your parent or guardian — control access to and authorization for disclosure of those records.
- A parent or guardian generally may not access your records if you lawfully consented (or could have consented) to the care; if we determine that access would have a detrimental effect on your physical safety, psychological well-being, or our professional relationship with you; or if the records relate to services for which you are authorized to consent under law (such as certain reproductive health, mental health, substance use, or sexual assault services).

File a complaint if you feel your rights are violated

- You can complain if you feel we have violated your rights by contacting us using the information on page 1.
- You can file a complaint with the U.S. Department of Health and Human Services Office for Civil Rights.
- You may also file a complaint with the California Department of Public Health (CDPH) if you believe there has been an unlawful or unauthorized access to, use of, or disclosure of your medical information. Information about filing a complaint is available at

www.cdph.ca.gov or by calling (916) 558-1784.

- You may also file a complaint with the California Attorney General for violations of the California Confidentiality of Medical Information Act (CMIA).
- We will not retaliate against you for filing a complaint.

YOUR CHOICES

For certain health information, you can tell us your choices about what we share. If you have a clear preference for how we share your information in the situations described below, talk to us. Tell us what you want us to do, and we will follow your instructions.

In these cases, you have both the right and choice to tell us to:

- Share information with your family, close friends, or others involved in your care
- Share information in a disaster relief situation

If you cannot tell us your preference, for example, if you are unconscious, we may go ahead and share your information if we believe it is in your best interest. We may also share your information when needed to lessen a serious and imminent threat to health or safety.

In these cases we never share your information unless you give us written permission:

- Marketing purposes
- Sale of your information
- Most sharing of psychotherapy notes

In the case of fundraising:

- We may contact you for fundraising efforts, but you can tell us not to contact you again.

If we have your substance use disorder patient records, subject to 42 CFR Part 2, we will give you clear and obvious notice in advance and a choice about whether to receive fundraising communications that use your Part 2 information.

OUR USES AND DISCLOSURES

How do we typically use or share your health information? We typically use or share your health information in the following ways:

Treat you. We can use your health information and share it with other professionals who are treating you. *Example: A doctor treating you for an injury asks another doctor about your overall health condition.*

Run our organization. We can use and share your health information to run our practice, improve your care, and contact you when necessary. *Example: We use health information about you to manage your treatment and services.*

Bill for your services. We can use and share your health information to bill and get payment from health plans or other entities. *Example: We give information about you to your health insurance plan so it will pay for your services.*

How else can we use or share your health information? We are allowed or required to share your information in other ways – usually in ways that contribute to the public good, such as public health and research. We must meet many conditions in the law before we can share your information for these purposes.

Help with public health and safety issues. We can share health information about you for certain situations such as: (i) preventing disease; (ii) helping with product recalls; (iii) reporting adverse

reactions to medications; (iv) reporting suspected abuse, neglect, or domestic violence; or (v) preventing or reducing a serious threat to anyone's health or safety

Multidisciplinary Personnel Teams. Under California law, we may share health information to a multidisciplinary personnel team relevant to the prevention, identification, management, or treatment of child abuse and the child's parents, or elder abuse and neglect.

Do research. We can use or share your information for health research.

Comply with the law. We will share information about you if state or federal laws require it, including with the Department of Health and Human Services if it wants to see that we're complying with federal privacy law.

Respond to organ and tissue donation requests. We can share health information about you with organ procurement organizations.

Work with a medical examiner or funeral director. We can share health information with a coroner, medical examiner, or funeral director when an individual dies.

Address workers' compensation, law enforcement, and other government requests. We can use or share health information about you: (i) for workers' compensation claims; (ii) for law enforcement purposes or with a law enforcement official; (iii) with health oversight agencies for activities authorized by law; or (iv) for special government functions such as military, national security, and presidential protective services.

Respond to lawsuits and legal actions. We can share health information about you in response to a

court or administrative order, or in response to a subpoena.

Substance Use Disorder Records. To the extent that we have your substance use disorder patient records, subject to 42 CFR Part 2, we will not share that information for investigations or legal proceedings against you without: (1) your written consent; or (2) a court order and a subpoena.

Use of Artificial Intelligence (AI) Tools. We may use artificial intelligence technologies, including generative AI, to support your care. These tools may assist with analyzing health data, supporting clinical decision-making, drafting patient communications, personalizing treatment recommendations, and improving the quality and efficiency of health care operations. When AI tools are used with your health information, the same privacy and security protections required by HIPAA and applicable state law apply. AI tools do not replace the professional judgment of your licensed health care providers, and clinical decisions are made with appropriate human oversight. In accordance with California law (AB 3030), if generative AI is used to create a communication to you about your clinical information that has not been reviewed by a licensed provider, that communication will include a notice that it was generated by AI and instructions on how to contact a human health care provider. If you have questions about how AI is used in your care, please contact our Privacy Officer.

Other Ways We Can Use/Disclose Information. Applicable law allows for additional uses and disclosures which are not all enumerated and explained above, and we will use/disclose information in any manner allowed by applicable law, including, without limitation, uses and disclosures: made at your request; for appointment reminders; to recommend treatment alternatives and healthcare related products and services;

limited data sets in certain circumstances; to avert a serious threat to health or safety; for certain public health and safety issues; to third party business associates who assist us; to coroners, medical examiners, and funeral directors if death occurs; to aggregate data and de-identify data (at which point it is not subject to HIPAA); sharing within an Organized Healthcare Arrangement we may participate in, within accountable care organizations, regional health information organizations, blue button project, or other health information exchanges (in these situations, there may be an “opt-out” right or other rights you may have); and uses and disclosures that are incidental to other permitted uses and disclosures.

In all cases, including those listed above, if we have substance use disorder patient records about you, subject to 42 CFR Part 2, we cannot use or share information in those records in civil, criminal, administrative, or legislative investigations or proceedings against you without: (1) your consent; or (2) a court order and a subpoena.

OUR RESPONSIBILITIES

- We are required by law to maintain the privacy and security of your protected health information.
- We will let you know promptly if a breach occurs that may have compromised the privacy or security of your information. In addition to our obligations under HIPAA, California law requires MCH (as a licensed health facility) to report any unlawful or unauthorized access to, use of, or disclosure of your medical information to you and the California Department of Public Health within fifteen (15) business days of detecting the breach, unless a law enforcement delay applies. You may also file a complaint with the California

Department of Public Health regarding a suspected breach.

- We must follow the duties and privacy practices described in this notice and give you a copy.
- We will not use or share your information other than as described here unless you tell us we can in writing. If you tell us we can, you may change your mind at any time. Let us know in writing if you change your mind.

NONDISCRIMINATION

Mountains complies with applicable Federal civil rights laws and does not discriminate, exclude, or treat people differently on the basis of race, color, national origin, age, disability, sex, or other legally enumerated protected classes. We, as necessary, provide free aids and services to people with disabilities to communicate effectively with us, such as: qualified sign language interpreters, written information in other formats (large print, audio, accessible electronic formats, other formats), language services to people whose primary language is not English (*e.g.*, qualified interpreters, information written in other languages). If you need these services, contact [Leslie Plouse, RN, MN,CPHQ, CPPS Privacy Officer]. If you believe that [San Bernardino Mountains Community Hospital] has failed to provide these services or discriminated in another way on the basis of a protected class, you can file a grievance with: [Leslie Plouse, RN, MN,CPHQ, CPPS Privacy Officer], [P.O Box 70, Lake Arrowhead, Ca 92352], [909-436-3089], [909-336-1179], [Leslie.Plouse@mchcares.com]. You can file a grievance in person or by mail, fax, or email. If you need help filing a grievance, [Leslie Plouse, RN, MN,CPHQ, CPPS Privacy Officer] is available to help you. You can also file a civil rights complaint with the U.S. Department of Health and Human Services, Office for Civil Rights, electronically

through the Office for Civil Rights Complaint Portal, available at <https://ocrportal.hhs.gov/ocr/portal/lobby.jsf>, or by mail or phone at: U.S. Department of Health and Human Services, 200 Independence Avenue, SW, Room 509F, HHH Building, Washington, D.C. 20201, 1-800-368-1019, 800-537-7697 (TDD). Complaint forms are available at <http://www.hhs.gov/ocr/office/file/index.html>.

CHANGES TO THE TERMS OF THIS NOTICE

We can change this notice, and the changes will apply to all information we have about you. The new notice will be available upon request, in our office, and on our website.

OTHER

- We are advising you in this notice that, if you email or text us health information, or request that we provide you with information in these or similar mediums, that these are unsecure mediums for transmitting information and that there is some risk to using these mediums. Information transmitted these ways is more likely to be intercepted by unauthorized third parties than more secure transmission channels. If you want to communicate with us in these mediums, you are accepting the risks we have notified you of, and you agree that we are not responsible for unauthorized access of such medical information while it is in transmission to you based on your request, or when the information is delivered to you.
- We typically do not maintain psychotherapy notes.
- Besides the potentially applicable Federal HIPAA law, there are other federal or state health information privacy laws. California law provides

stricter protections for certain types of health information and may require your specific written authorization before disclosure, even when HIPAA would otherwise permit it. These categories include:

- HIV/AIDS. California law strictly protects the confidentiality of HIV test results. We generally may not disclose your HIV test results without your specific written authorization, except in limited circumstances permitted by law.
- Mental Health Records. California law provides additional confidentiality protections for mental health treatment records. In many cases, we must obtain your specific written authorization before disclosing this information, except as permitted by law.
- Substance Use Disorder Records. In addition to federal 42 CFR Part 2 protections, California law provides heightened confidentiality protections for alcohol and drug abuse treatment records. We will not disclose this information without your authorization unless permitted or required by law.
- Genetic Testing Information. California law places special restrictions on the disclosure of genetic test results. We generally may not disclose genetic testing information without your specific

written authorization, except as permitted by law.

- Sexual Assault and Domestic Violence Records. Records relating to sexual assault victim services or domestic violence are subject to additional confidentiality protections under California law and generally require your authorization before disclosure, unless otherwise permitted by law.
- Reproductive Health Information. California law provides additional privacy protections for reproductive health care information. We will not disclose this information in response to out-of-state legal process seeking to penalize lawful reproductive health care provided in California.
- This notice applies to any other entity/member of an organized healthcare arrangement in which we might participate, including, without limitation, our affiliated entities.

We comply with all applicable federal and state laws, and where California law provides greater protection than HIPAA, we follow the stricter standard. The California Confidentiality of Medical Information Act (CMIA), Cal. Civil Code §56 *et seq.*, provides an independent framework that governs the confidentiality of medical information maintained by health care providers in California and may apply to disclosures that HIPAA alone would otherwise permit.