



JOINT NOTICE OF PRIVACY PRACTICES

Full Length Version Effective Date: 9/23/2013

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.

Fred's, Inc., including wholly-owned subsidiaries, such as Fred Stores of Tennessee, Inc., ("Fred's") makes, keeps, uses and shares records of your medical information. As explained in this Notice, we will use and disclose (share) your medical information -

- To provide treatment to you and to keep a record of your care,
- To get paid for the care or services we provide,
- To run our business, and
- To comply with the law.

This Notice explains the ways Fred's and those noted as being "covered" below may use and disclose medical information about you. It also tells you about your rights and our legal duties. This Notice applies to all medical and billing records held within Fred's.

When we use the word "we" or "Fred's," we mean all the persons/entities covered by this Notice and listed below and other people or companies who assist us with your treatment, payment or who do things for our business as a health care provider.

We are required by law -

- To maintain the privacy of your medical information as noted in this Notice;
- To make available to you this Notice of our legal duties and privacy practices with respect to your medical information; and
- To follow the terms of the Notice that is currently in effect.

PERSONS / ENTITIES COVERED BY THIS NOTICE

The following people and businesses are jointly covered by this Notice:

- Fred's Stores of Tennessee, Inc.; EntrustRX Inc.; National Pharmaceutical Network, Inc. , DBA EntrustRX; Reeves-Sain Drug Store Inc., DBA EntrustRX
- All pharmacists, employees, staff, volunteers and other Fred's personnel;
- Persons or entities who perform services for Fred's under agreements containing privacy and security protections or to which disclosure of medical information is permitted or required by law;
- Persons or entities with whom Fred's participates in managed care arrangements; and

- Pharmacists, pharmacy technicians and other medical professionals involved in your care or reviewing the actions of others, conducting quality improvement, medical education and other services for Fred's.

USES AND DISCLOSURES OF YOUR MEDICAL INFORMATION

We use and disclose medical information in the ways described below.

Treatment. We may use your medical information to provide prescriptions or other services to you. We may disclose medical information about you to pharmacists, doctors, nurses, technicians, therapists, or other people providing services to you inside and outside of Fred's stores. We may use and disclose your medical information to coordinate or manage your care or to seek a consultation. As examples, we may need to contact your prescribing physician to confirm your diagnosis, dosage, prescription order, treatment regime, etc. Departments within Fred's may share your medical information to be able to confirm and fill your order. We also may disclose your medical information to health care providers or facilities treating you, including to our in-house clinics (if any). We also may disclose your medical information to people outside Fred's who are involved in your care while you are here or after you leave Fred's Store, such as other health care providers, family members or other pharmacies.

Payment. We may use and disclose your medical information so that the drugs or services you get from us can be billed and collected from you, an insurance company or another company or person. As examples, we may give your insurance company (e.g., Medicare, Medicaid, Champus/Tricare, or a private insurance company) your treatment or prescription information. We also may tell your insurance company about a treatment/drugs you are going to receive or did receive in order to know whether insurance will pay. We could disclose your information to a collection agency to obtain overdue payment. We might also be asked to disclose information to a government agency or other entity to determine whether the products/services we provided were correctly billed.

Health Care Operations. We may use and disclose your medical information to run Fred's and its stores as a business, including uses/disclosures of your information such as in the following examples: (1) quality or patient safety activities, population-based activities to improve health or reducing health care costs, case management and care coordination, and contacting of health care providers and you with information about treatment alternatives; (2) reviewing health care professionals' backgrounds and grading their performance, conducting training programs for staff, students, trainees, or professionals; performing accreditation, licensing, or credentialing activities for our business; (3) activities related to insurance benefits, (4) arranging for medical review, legal services, and auditing; (5) business planning, development, and management activities, including things like customer service, or resolving complaints; (6) selling, transferring, leasing, or combining of all or part of Fred's facilities; and (7) creating and using/disclosing de-identified health information or a limited data set or having a vendor combine data or do other tasks for various business reasons.

As other examples, we may disclose your medical information to doctors who review the care that was provided to patients. We may disclose information to pharmacists, doctors, nurses, therapists, technicians, medical or other students, and Fred's personnel to help teach others how

to do their jobs. We may combine medical information about many patients to decide what services Fred's should offer, and whether new services are cost-effective and how we compare with other places. We may take your name and other pieces of your information off of your medical information so others may use it to study health services, products and delivery without learning who you are. We may disclose information to other providers involved in your treatment to allow them to carry out the work of their facility or to get paid.

Activities of Our Affiliates. We may disclose your medical information to entities that are owned by Fred's and other businesses that we work closely with in connection with your treatment or other Fred's activities.

Health Services, Products, Treatment Alternatives and Health-Related Benefits. We may use and disclose your medical information in providing face-to-face communications; promotional gifts; refill reminders or communications about a drug or biologic; case management or care coordination, or to direct or recommend alternative treatments, therapy, doctors, or settings of care; or to describe a health-related product/service (or payment for such product/service) that is provided through a benefit plan; or to offer information on other providers participating in a healthcare network that we participate in, or to offer other health-related products, benefits or services that may be of interest to you. We may use and disclose your medical information to contact and remind you of an appointment or a refill.

Personal Representative(s) and Other Individuals Involved in Your Care or Payment for Your Care. There may be times when you are not able to act or speak for yourself, or you may simply choose to pick another person to act, speak, pick up prescriptions, or make decisions for you. A person who has the ability under State law to act for you in making healthcare decisions is your "personal representative." This may be the person you listed in your Durable Power of Healthcare Attorney (if you have one) or the person who has the ability to consent to medical treatment for you under the law (e.g., your next of kin, your spouse, your parents if you are a dependent minor, a guardian, etc.). Your personal representative can officially act for you to exercise your rights or to get your medical and billing records or to receive verbal information about you - usually in the same way that you can do these things. In addition to your legal "personal representative," family members or other persons who are involved in your care or payment may be able to get medical or billing information about you, even if they are not allowed by law to act as your personal representative. In other words, we are allowed at certain times to speak with those who are/were involved in your care/payment activities (even after your death), such as in emergency situations, if you are present and do not object and/or if we assume based on our professional judgment that you would not object. This helps us be able to provide services to you. We may also give your medical information to an entity assisting in disaster relief efforts. If you do not want us to talk with or talk in front of a particular person about your care, you should notify the Privacy Officer and/or make your wishes clearly known each time you speak with our staff.

Minors. If you are a minor, Fred's will comply with State law regarding minors. We may release certain types of your medical information to your parent or legal guardian, if such release is required or permitted by law.

Research. We may use and disclose your medical information for research purposes. Most research projects, however, are subject to a special approval process. Most research projects require your permission if a researcher will be involved in your care or will have access to your name, address or other information that identifies you. However, the law allows some research to be done using your medical information without requiring your written approval.

Required By Law. We will disclose your medical information when federal, state or local law requires us to.

Serious Threat to Health or Safety. We may use and disclose your medical information to prevent a serious threat to your health and safety or the health and safety of the public or another person.

Organ and Tissue Donation. If you are an organ donor, we may release your medical information to organizations that handle organ procurement or organ, eye or tissue transplantation or to an organ donation bank, as necessary to aid in its organ or tissue donation and transplantation process.

Military and Veterans. If you are a member of the U.S. or foreign armed forces, we may release your medical information as required by the military.

Workers' Compensation. We may disclose medical information about you for workers' compensation or similar programs. These programs provide benefits for work-related injuries or illness.

Public Health Risks. We may disclose your medical information (and certain test results) for public health purposes, such as -

- To report to a public health authority to prevent or control the spread of diseases (including sexually transmitted diseases), injury or disability,
- To report births and deaths,
- To report child, elder or adult abuse, neglect or domestic violence,
- To report to bad reactions to medications or problems with drugs or products,
- To notify people of recalls of products they may be using,
- To notify a person who may have been exposed to a disease or may be at risk for getting or spreading a disease or condition,
- To notify employer of work-related illness or injury (in certain cases), and
- To disclose to a school whether immunizations have been obtained.

Health Oversight Activities. We may disclose your medical information to a federal or state agency for health oversight activities such as audits, investigations, inspections, and licensure of Fred's and of the providers who treated you. These activities are necessary for the government to monitor us to make sure we are doing what we are supposed to do under the law.

Lawsuits and Disputes. We may disclose your medical information to respond to a court or government request, order or a search warrant and to defend ourselves. We also may disclose

your medical information to respond to a subpoena, discovery request, or other lawful process by someone else involved in a dispute.

Law Enforcement. Subject to certain conditions, we may disclose your medical information for a law enforcement purpose upon the request of a law enforcement official or to report suspicion of death resulting from criminal conduct or crime on our premises or for emergency or other purposes.

Medical Examiners and Funeral Directors. We may disclose your medical information to a coroner or medical examiner or funeral director so they may carry out their duties.

National Security. We may disclose your medical information to authorized federal officials for national security activities authorized by law.

Protective Services. We may disclose your medical information to authorized federal officials so they may provide protection to the President of the United States and other persons.

Inmates. If you are an inmate of a correctional institution or under the custody of a law enforcement officer, we may release your medical information to the correctional institution or a law enforcement officer. This release would be necessary for Fred's to provide you with health services/products, to protect your health and safety or the health and safety of others, or for the safety and security of the law enforcement officer or the correctional institution.

Incidental Disclosures. Although we train our staff in privacy safeguards, due to the way treatment and billing occurs, your medical or billing information may be overheard or seen by people not involved directly in your care. For example, despite safeguards, other customers could overhear a conversation between you and our pharmacist or staff.

Business Associates. Your medical or billing information could be disclosed to people or companies outside our Fred's so they can provide services to us. We make these companies sign special confidentiality agreements with us before giving them access to your information.

Sensitive Information. *State law provides special protection for certain types of health information, including information about alcohol or drug abuse, mental health and communicable diseases (e.g., AIDS/HIV), and may limit whether and how we may disclose information about you to others. Most of these laws allow us to use and disclose sensitive information for treatment purposes but may restrict other types of disclosures.*

YOUR PRIVACY RIGHTS

Right to Inspect and Right to Get a Copy. You have the right to review and get a copy of your medical and billing information that is held by us in a designated record set (including the right to obtain an electronic copy if readily producible by us in the form and format requested). Our HIPAA Contact Person (listed below) and some Pharmacies have a form you can fill out to request to review or get a copy of your medical information, and can tell you how much your copies will cost. Fred's is allowed by law to charge a reasonable cost-based fee for labor, supplies, postage for the records and the time to prepare any summary. We usually will provide you a copy of your record within 30 days of our receipt of the request. Fred's will tell you if it

cannot fulfill your request. If you are denied the right to see or copy your information, you may ask us to reconsider our decision. Depending on the reason for the decision, we may ask a licensed health care professional to review your request and its denial. We will comply with this person's decision.

Right to Amend. If your medical information in our records is incorrect or incomplete, you may ask us in writing to amend the information. You must provide a reason to support your requested amendment. We will tell you if we cannot fulfill your request within 60 days of your request. You may request that a written statement of disagreement be placed in your medical record. The HIPAA Contact Person listed below can help you with your request.

Right to an Accounting of Disclosures. You have the right to ask in writing for a list of certain types of disclosures Fred's has made of your medical information during the 6 years prior to the request. This list is not required to include all disclosures we make and generally will be provided to you within 60 days of your request. For example, disclosure for treatment, payment, or business purposes, disclosures made before April 14, 2003, disclosures made to you or which you authorized us to make, and other disclosures are not required to be listed. The HIPAA Contact Person listed at the end of the Notice can help you with this process.

Right to Request Restrictions on Disclosures. You have the right to make a written request to restrict access to your records or limit the medical information we use or disclose about you for treatment, payment or health care operations. You also have the right to request a limit on your medical information that we disclose to someone involved in your care or the payment for your care, like a family member or friend. We may not be required to agree to your request, except as follows:

- **Payor Exception:** If allowed by law, we must agree to a requested restriction, if (1) the disclosure is to your health insurance company for purposes of carrying out payment or health care operations and (2) the medical information to be restricted relates solely to an item or service for which all parties have been paid in full out of pocket.

If we do agree to a request for restriction, we will comply with your request unless the information is needed to provide you with emergency treatment or to make a disclosure that is required under law. In your request, you must tell us (1) what information you want to limit; (2) whether you want to limit our use, disclosure or both; and (3) to whom you want the limits to apply, for example, disclosures to your adult children. The HIPAA Contact Person listed at the end of the Notice can help you with these requests.

Right to Request Confidential Communications. You have the right to make a written request that we communicate with you about medical things in a certain way or at a certain location. For example, you can ask that we contact you only at work or by mail. We will not ask you the reason for your request. We will agree to all reasonable requests. Your request must specify how or where you wish to be contacted. The HIPAA Contact Person listed at the end of the Notice can help you with these requests.

Right to a Paper Copy of This Notice. You have the right to get a paper copy of this Notice at any time even if you have agreed to receive this Notice electronically. You may obtain a copy of

this Notice at our website at www.fredsinc.com or a paper copy from the HIPAA Contact Person listed at the end of the Notice

Right to Receive a Notice of a Breach of Unsecured Medical / Billing Information. You have the right to receive a notice in writing of a breach of your unsecured medical or billing or financial information.

For more information, see www.hhs.gov/ocr/privacy/hipaa/understanding/consumers/index.html

Changes to the Notice. We reserve the right to change this Notice. The revised Notice will apply to medical information we already have at the time of the change, as well as, to any medical information we have in the future. We will post the current Notice in Fred's stores, and throughout Fred's registration sites and on our website at <http://www.fredsinc.com> or <http://www.fredsinc.com/pharmacy/>.

Other Uses and Disclosures will Require Authorization. Uses and disclosures that are not generally referred to in this Notice of Privacy Practices or are not otherwise allowed by federal and/or state law or our policies and procedures, will require your written authorization. For example, unless otherwise allowed by law, most uses and disclosures of psychotherapy notes, uses and disclosures for marketing purposes and disclosures that are the sale of medical information require an authorization. If you give us permission to use or disclose medical information about you, you may revoke that permission, in writing, at any time. If you revoke your permission, we will no longer use or disclose your medical information for the reasons noted in your written authorization, but the revocation will not affect actions we have taken while relying on your permission. We will be unable to take back any disclosures we have already made with your permission. We still must continue to comply with laws that require certain disclosures, and we are required to retain our records of the care/services that we provide to you.

YOUR HIPAA CONTACT PERSON

If you have any questions about this Notice or have a complaint or concern, please contact FRED'S PRIVACY OFFICER at 866-498-8849, or send an email to PrivacyOfficer@fredsinc.com or send a letter to [Attn: HIPAA Privacy Officer at 4300 New Getwell Rd., Memphis, TN 38118].

Complaints. If you believe your privacy rights have been violated, you may file a written complaint with Fred's, by calling Fred's Privacy Officer at 866-498-8849, or emailing at PrivacyOfficer@fredsinc.com or writing a letter to [Attn: HIPAA Privacy Officer, 4300 New Getwell Rd, Memphis, TN 38118]. You can also file a complaint with the U.S. Department of Health and Human Services Office by sending a letter to 200 Independence Avenue, S.W., Washington, D.C. 20201, calling 1-877-696-6775, or visiting www.hhs.gov/ocr/_privacy/hipaa/complaints. We will not retaliate against you for filing a complaint.

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