

Effective date: September 1, 2011

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

This notice describes how information about you may be used and disclosed by the Family Health Insurance Assistance Program (FHIAP) and how you can get access to this information. FHIAP respects the privacy of personal information about all people on the FHIAP Reservation List, applicants for FHIAP, and members (FHIAP Members), including family members (together, FHIAP Participants), and will maintain confidentiality in a responsible and professional manner.

Because FHIAP subsidizes health insurance premiums, FHIAP falls under the definition of “Health Plans” under the *Health Insurance Portability and Accountability Act* (HIPAA) Privacy Regulations. The regulations address the privacy requirements related to the use of Protected Health Information (PHI) while FHIAP is acting as a Health Plan that subsidizes premiums.

FHIAP is providing FHIAP Members with this notice explaining how it uses, discloses and protects your personal, medical and/or health information as a Health Plan that subsidizes premiums.

For purposes of this notice, your PHI is information that identifies FHIAP Participants and relates to a past, present, or future physical or mental health condition; the provision of health care to you; or the past, present, or future payment for health care furnished to the FHIAP Participant, or the subsidy for health insurance premiums paid or provided on behalf of the FHIAP Participant. FHIAP is required by law to maintain the privacy of PHI and to provide FHIAP Members with this notice of its legal duties and privacy practices with respect to PHI.

How information is collected and protected

As a Health Plan that subsidizes premiums, FHIAP must collect a certain amount of PHI to provide customer service, determine eligibility, administer the subsidy, and to fulfill legal and regulatory requirements. FHIAP also collects information provided when the FHIAP Member enrolls or makes changes to the subsidized health benefits. Examples include:

- PHI on enrollment forms and related forms, such as name, address, date of birth, gender, marital status.
- PHI about your relationship to benefit plans, including plans selected and enrollment and disenrollment information and premium information.
- Information from your employer about eligibility dates and premiums.
- PHI from visits to FHIAP’s websites, such as that provided through online forms and online information-collecting devices known as “cookies.” Cookies enable the site to remember who visits so navigating the site is easier. FHIAP does not record personal or sensitive information in cookies. FHIAP ensures the security of your information through physical, technical, and procedural safeguards. FHIAP restricts the access to and use of confidential information by employees and has established internal policies and procedures to protect member’s confidential information from unauthorized disclosure.

How information is used or shared by FHIAP

As a Health Plan that subsidizes premiums, FHIAP transmits enrollment information to the Health Plan that provides health benefits, that is selected by the FHIAP Member. Information is transmitted electronically. Health Plans that provide benefits may disclose to FHIAP information on whether an individual is participating in the plan, or is enrolled, or has been disenrolled from the plan.

Your authorization is required for uses and disclosures of PHI other than those allowed or required by law. If you provide authorization for the use and disclosure of your information and later change your mind, you may revoke the authorization. FHIAP cannot take back any uses or disclosures already made with your permission.

FHIAP may use or disclose information without your authorization for the following purposes under limited circumstances:

- **For law enforcement and as required by law.** FHIAP will disclose PHI for law enforcement and other purposes as required or allowed by federal or state law.
- **For government programs.** FHIAP may use and disclose PHI for public benefits under other government programs.
- **For research.** FHIAP uses PHI for studies and to develop reports. These reports do not identify specific people.

Review and access to information

FHIAP Participants have the right to access PHI held by FHIAP, receive a list of disclosures FHIAP has made of PHI, request restriction on use or disclosure of PHI, or correction of incorrect information. You may submit a complaint if you believe FHIAP has improperly used or disclosed your PHI or if you have concerns regarding FHIAP's privacy policies.

- FHIAP Participants may ask to review any information you believe may be on file at FHIAP by submitting a written request with your signature to the FHIAP Program Manager. FHIAP will respond to the request within 30 days. FHIAP will either schedule an appointment for review of records on-site in the FHIAP office, or will provide a photocopy of the requested record. FHIAP may ask for reimbursement of copies made at your request.
- FHIAP Participants may ask that FHIAP restrict the use and disclosure of your individual information in the course of FHIAP activities on your behalf; and to amend incorrect information held by FHIAP.
- FHIAP Members may correct information in their FHIAP file. Any request to correct information or to request a restriction should be made in writing to the FHIAP Program Manager. FHIAP will consider the request, although FHIAP is not required to agree to the request.
- You may request an accounting of disclosures of your personal information in writing to the FHIAP Program Manager. FHIAP will provide a list of disclosures within 30 days of receipt of your request; however the list does not have to include PHI disclosures made to individuals about their own PHI or prior to the HIPAA compliance date.
- FHIAP Participants have a right to receive a paper copy of this notice upon request at any time. Log on at www.ophp.oregon.gov to access this notice.

How to contact FHIAP to use your privacy rights

To use any of the privacy rights listed above, you may contact the FHIAP office. FHIAP may deny your request. If your request is denied, FHIAP will send you a letter that tells you the reason. FHIAP will tell you how you can ask for a review of the denial.

How to file a privacy complaint or report a privacy problem

You may contact any of the people listed below if you want to file a privacy complaint. You may also contact them to report a problem with how FHIAP has used or disclosed your health information.

Your benefits will not be affected by any complaints you make. FHIAP cannot hold it against you if you file a complaint. FHIAP cannot hold it against you if you cooperate in an investigation. FHIAP cannot hold it against you if you refuse to agree to something that you believe to be unlawful.

If you have any questions about this notice, contact the FHIAP Program Manager.

FHIAP Program Manager

P.O. Box 5880
Salem, OR 97304-0880
Phone: 503-373-1692

If you believe FHIAP has inappropriately disclosed your confidential information, you may file a written complaint with the FHIAP Administrator.

FHIAP Administrator

P.O. Box 5880
Salem, OR 97304-0880
Phone: 503-373-1692

You also have the right to file a complaint regarding how FHIAP uses confidential information with the Privacy Officer of the State of Oregon, Oregon Health Authority (OHA).

Oregon Health Authority, Privacy Officer

500 Summer Street NE, E24
Salem, OR 97301
Phone: 503-945-5780
Fax: 503-947-5396
E-mail: dhs.privacyhelp@state.or.us

You may also file a written complaint with the U.S. Department of Health and Human Services; Office of Civil Rights if you believe FHIAP has violated your rights. FHIAP will not take any action against you for filing a complaint.

Office for Civil Rights, Medical Privacy Complaint Division

U.S. Department of Health and Human Services
200 Independence Avenue, SW, HHH Building, Room 509H
Phone: 866-627-7748
TTY: 866-788-4989
E-mail: OCRComplaint@hhs.gov

Changes to our notice

This notice is effective on September 1, 2011. FHIAP is required to abide by the terms of this notice until it is changed. We reserve the right to change the terms of this notice and to make the new notice effective for all PHI we maintain. Once revised, we will notify you that a change has been made through the FHIAP correspondence and post the notice on our website at www.ophp.oregon.gov.

This publication will be furnished in a format for individuals with disabilities upon request by telephoning 503-378-3486, fax 503-373-7690, or TTY 503-378-3523. Available formats include large print, Braille, audio tape recording, electronic format, and oral presentation.