

**Health Services
Office of Medical Assistance Programs**

Jane Alm, DHS Privacy Officer
Authorized Signature

Number: OMAP-IM-05-073
Issue Date: 05/26/2005

Topic: Medical Benefits

Subject: June Medical ID stuffer: Revised Notice of Privacy Practices

Applies to (check all that apply):

- | | |
|--|---|
| <input type="checkbox"/> All DHS employees | <input type="checkbox"/> County Mental Health Directors |
| <input type="checkbox"/> Area Agencies on Aging | <input type="checkbox"/> Health Services |
| <input type="checkbox"/> Children, Adults and Families | <input type="checkbox"/> Seniors and People with Disabilities |
| <input type="checkbox"/> County DD Program Managers | <input checked="" type="checkbox"/> Other (please specify): DHS staff and others identified on the SPD, CAF, OMHAS and OMAP transmittal lists |

Message:

DHS has revised the Notice of Privacy Practices (NPP) and will distribute the attached document with the June OHP Medical IDs. The NPP describes how medical information about DHS clients and patients may be used and disclosed. It also describes how they can access their health information.

The NPP has been amended to reflect a new policy that allows disclosure of confidential information to law enforcement and to the public, "to avert serious threat to the patient or resident, another individual, or the public." The original NPP did not clearly state the possibility of that particular disclosure.

The amended NPP follows the HIPAA guidelines and only describes uses and disclosures of health information. The 2003 NPP referenced other confidential information as well.

If you have any questions about this information, contact:

Contact(s):	Jane Alm, DHS Privacy Officer		
Phone:	503-947-5255	Fax:	
E-mail:	jane.alm@state.or.us		



STATE OF OREGON DEPARTMENT OF HUMAN SERVICES
NOTICE OF PRIVACY PRACTICES

Effective Date: June 1, 2005

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.

This publication will be furnished in a format for individuals with disabilities upon request by telephoning (503) 945-5780, Fax (503) 947-5396 or TTY (503) 945-5928.

Available formats include:

Large Print, Braille, Audio Tape Recording, Electronic Format and Oral Presentation.

The Department of Human Services (DHS) is required to tell you about our privacy practices for health information. The Notice of Privacy Practices will tell you how DHS may use or disclose health information about you. This information is called Protected Health Information (PHI). Not all situations will be described. DHS is required to protect health information by federal and state law. DHS is required to follow the terms of the notice currently in effect.

DHS may use and disclose health information without your authorization:

- **For Treatment.** DHS may use or disclose PHI with health care providers who are involved in your health care. For example, information may be shared to create and carry out a plan for your treatment.
- **For Payment.** DHS may use or disclose PHI to get payment or to pay for the services you receive. For example, DHS may provide PHI to bill your health plan for health care provided to you.
- **For Health Care Operations.** DHS may use or disclose PHI in order to manage its programs and activities. For example, DHS may use PHI to review the quality of services you receive.

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

- **Appointments and Other Health Information.** DHS may send you reminders for medical care or checkups. DHS may send you information about health services that may be of interest to you.

- **For Public Health Activities.** DHS is the public health agency that keeps and updates vital records, such as births and deaths. DHS is the public health agency that tracks and takes action to control some diseases.
- **For Health Oversight.** DHS may use or disclose PHI for government healthcare oversight activities. Examples are audits, investigations, inspections, and licenses.
- **For Law Enforcement and As Required by Law.** DHS will disclose PHI for law enforcement and other purposes as required or allowed by federal or state law.
- **For Disputes and Lawsuits.** DHS will disclose PHI in response to a court order. DHS will disclose PHI in response to an administrative order. If you are involved in a lawsuit or dispute, DHS may share your information in response to legal requirements.
- **Worker's Compensation.** DHS may disclose PHI as allowed by law to worker's compensation or like programs.
- **For Abuse Reports and Investigations.** DHS is required by law to receive reports of abuse. It is also required to investigate reports of abuse.
- **For Government Programs.** DHS may use and disclose PHI for public benefits under other government programs. An example would be to figure out Supplemental Security Income (SSI) benefits.
- **To Avoid Harm.** DHS may disclose PHI in order to avoid a serious threat to your health and safety or to the health and safety of a person or the public.
- **For Research.** DHS uses PHI for studies and to develop reports. These reports do not identify specific people.
- **For Reporting Death.** DHS may disclose information of a deceased person to a coroner. DHS may also share information about a deceased person to a medical examiner or to a funeral director.
- **Disclosures to Family, Friends, and Others.** DHS may disclose PHI to your family or other persons who are involved in your health care. You have the right to object to the sharing of this information.
- **For Disaster Relief.** Should there be a disaster, DHS may disclose information about you to any agency helping in relief efforts. DHS may share information about you to tell your family about your condition or location.

- **Other Uses and Disclosures Require Your Written Authorization**

For other purposes, DHS will ask for your written permission before using or disclosing PHI. You may cancel this permission at any time in writing. DHS cannot take back any uses or disclosures already made with your permission.

- **Other Laws Protect PHI.** Many DHS programs have other laws for the use and disclosure of health information about you. For example, usually you must give your written permission for DHS to use and disclose your mental health and chemical dependency treatment records.

Your PHI Privacy Rights

When information is kept by DHS for its work as a public health agency, other state and federal laws govern the public health records. The public health records are not subject to the rights described below.

- **Right to See and Get Copies of Your Records.** In most cases, you have the right to look at or get copies of your health records. You must make the request in writing. You may be charged a fee for the cost of copying your records.
- **Right to Request a Correction or Update of Your Records.** You may ask to change or add missing information to health records DHS created about you, if you think there is a mistake. You must make the request in writing, and provide a reason for your request. DHS may deny your request in certain circumstances.
- **Right to Get a List of Disclosures.** You have the right to ask DHS for a list of your PHI disclosures made after April 14, 2003. You must make the request in writing. This list will not include the times that information was disclosed for treatment, payment, or health care operations. The list will not include information provided directly to you or your family, or information that was sent with your authorization. If you request a list more than once during a 12-month period, you may be charged a fee.
- **Right to Request Limits on Uses or Disclosures of PHI.** You have the right to ask that DHS limit how your health information is used or disclosed. You must make the request in writing and tell DHS what information you want to limit and to whom you want the limits to apply. DHS is not required to agree to the restriction. You can request in writing or verbally that the restrictions be ended.
- **Right to Revoke Permission.** If you are asked to sign an authorization to use or disclose PHI, you can cancel that authorization at any time. You must make the request in writing. This will not affect information that has already been shared.

- **Right to Choose How We Communicate with You.** You have the right to ask that DHS share PHI with you in a certain way or in a certain place. For example, you may ask DHS to send information to your work address instead of your home address. You must make this request in writing. You do not have to explain the reason for your request.
- **Right to File a Complaint.** You have the right to file a complaint if you do not agree with how DHS has used or disclosed health information about you.
- **Right to Get a Copy of this Notice.** You have the right to ask for a copy of this notice at any time.

How to contact DHS to Use Your Privacy Rights

To use any of the privacy rights listed above, you may contact your local DHS office. You may also contact the Governor’s Advocacy Office at the address listed at the end of this notice. DHS may deny your request.

If DHS denies your request, DHS will send you a letter that tells you the reason. DHS 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 DHS has used or disclosed your health information.

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

State of Oregon Department of Human Services Governor’s Advocacy Office
 500 Summer St. NE, E17 Salem, Oregon 97301-1097
 Phone: 800-442-5238 Fax: 503-378-6532 Email: GAOinfo@state.or.us

Office for Civil Rights, Medical Privacy Complaint Division
 U.S. Department of Health and Human Services
 200 Independence Avenue, SW, HHH Building, Room 509H
 Washington D.C. 20201
 Phone: 866-627-7748 TTY: 866-788-4989 Email: OCRComplaint@hhs.gov

For More Information on this Notice of Privacy Practices

You can contact the DHS Privacy Officer if you have any questions about this notice. You can contact the DHS Privacy Officer if you need more information on privacy.

State of Oregon Department of Human Services Privacy Officer

500 Summer Street NE, E24 Salem, Oregon 97301

Phone: 503-945-5780 Fax: 503-947-5396 Email: dhs.privacyhelp@state.or.us

In the future, DHS may change its Notice of Privacy Practices. Any changes will apply to information DHS already has. It will also apply to information DHS receives in the future.

A copy of the new notice will be posted at each DHS site and facility. A copy of the new notice will be provided as required by law. You may ask for a copy of the current notice anytime you visit a DHS facility. You can also get a copy of the current notice on-line at <http://dhsforms.hr.state.or.us/forms/Served/DE2090.pdf>