

NOTICE OF PRIVACY PRACTICES

This Notice took effect on April 14, 2003. Revised May 2013.

The 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.

Dear Orange County Client:

Your medical and mental health treatment information and records are personal and private. The County of Orange is committed to protecting your health information. The medical and mental information we create and maintain is known as Protected Health Information, or PHI. We are required by Federal and State laws to protect the privacy of your medical and mental health information and obtain a signed authorization by you for certain disclosures.

We are required by law to provide you with this Notice of our legal duties and privacy practices with respect to your medical and mental health information. This Notice explains how we may legally use and disclose your protected health information and your rights regarding the privacy of your protected health information. We are required to follow all the terms of this notice. We reserve the right to change the provisions of this Notice and make it effective for all protected health information we maintain.

If you have any questions and/or would like additional information, you may contact the Deputy County Privacy Officer at (714) 834-4082 or the County Privacy Officer at (714) 834-3154. Thank you.

HOW WE MAY USE AND DISCLOSE YOUR PROTECTED HEALTH INFORMATION

The following categories describe different ways that we use and disclose your protected health information. For each category, we will explain what we mean and try to give some examples. Not every use or disclosure in a category will be listed. However, all of the ways we are permitted to use and disclose your protected health information will fall within one of the categories. We will separately describe the ways we use and disclose HIV/AIDS and substance and/or alcohol abuse information later in this Notice.

1. **Treatment**

We may use and disclose your protected health information to provide, coordinate, or manage your health care and any related services. We may also disclose your health information to other providers who may be treating you or involved in your care.

2. **Payment**

We may use or disclose your protected health information to obtain payment for the health care services provided to you. For example, we may include information with a bill to Medi-Cal or Medicare that identifies you, your diagnosis, and services provided in order to receive payment.

3. **Health Care Operations**

We may use and disclose your protected health information to support the business activities of the County or Orange. For example, we may use your protected health information to review and evaluate our treatment and services or to improve the care and services we offer. In addition, we may disclose your health information with other staff or business associates, who perform billing, consulting, auditing, investigatory, and other services for the County of Orange.

4. **Required by Law**

We will use and disclose your protected health information, when required by Federal, State, or local law.

5. **Health Oversight Activities**

We may disclose your protected health information to Federal or State agencies that audit, investigate, and inspect government health benefit programs.

6. **Public Health Activities**

We may use and disclose your protected health information to public health authorities or government agencies for reporting certain diseases, injuries, illnesses, and events as required by law. For example, we may disclose your medical information to a local government agency in order to assist the agency during the investigation of an outbreak of disease in the area.

7. **Victims of Abuse, Neglect, or Domestic Violence**

We may disclose your protected health information to other government agencies to report suspected abuse, neglect, or domestic violence. We will only disclose this information if you agree, if the law requires us to, or when it is necessary to protect someone from serious harm.

8. **Lawsuits and Legal Actions**

We may disclose your protected health information in response to a court order, subpoena, or other lawful process, as allowed by law, for legal proceedings.

9. Law Enforcement

We may disclose your protected health information to law enforcement officials, such as the police, sheriff, or FBI, in response to a search warrant or court order, to locate or identify a missing person, a suspect, or a fugitive. In addition, we may disclose your information to report a crime that happens at our clinics or offices, or to report certain types of wounds, injuries, or deaths that may result from a crime.

10. Coroners, Medical Examiners, and Funeral Directors

We may disclose your protected health information to funeral directors, coroners, and medical examiners to identify a dead person, determine what caused the death, or for other official duties.

11. Organ and Tissue Donation

We may disclose your protected health information to organizations that take care of organ, eye, or tissue donations and transplants.

12. Research

We may use and disclose your protected health information for research, if approved by an Institutional Review Board (IRB). An IRB is a committee responsible for reviewing the research proposal and establishing protocols to ensure the privacy of your protected health information.

13. To Stop a Serious Threat to Health or Safety

We may use or disclose your protected health information if it is necessary to lessen the imminent threat of a serious threat to health or safety.

14. Inmates

If you are an inmate of a correctional institution, we may disclose your protected health information to the correctional institution to protect your health and safety, or to protect the health and safety of others at the institution.

15. Military Activity and National Security

If you are or were a member of the armed forces, we may disclose your protected health information to military authorities. We may also share your protected health information with authorized Federal officials when necessary for national security, intelligence activities, or the protection of the President or other government officials.

16. Government Programs for Public Benefits

We may use or disclose your protected health information to help you qualify for government benefit programs, such as Medicare, Medi-Cal, Supplemental Security Income, or other benefits or services available. We may also contact you to tell you about possible treatment options or health-related benefits or services.

17. Workers' Compensation

We will use and disclose your protected health information for workers' compensation or similar programs that provide benefits for work-related injuries or illness.

18. Family and Friends Involved in or Paying for Your Care

We may disclose your protected health information to a friend, family member, or any other person you identify as being involved with your medical care or payment for care. For example, you may bring a friend or family member to your appointment and have that person in the exam room while talking with a health care provider. You may inform us verbally or in writing if you object to disclosures to your family and friends.

19. Disaster Relief

We may disclose your protected health information to public or private entities in a disaster to provide needed medical care or to help you find members of your family.

20. Appointment Reminders

We may use the contact information that you provided us to remind you of your upcoming medical appointments with the County.

21. Immunization Records

We may disclose your child's proof of immunization to their school, if State or other law requires the school to have such information prior to admitting your child as a student. We will obtain the parent's or guardian's authorization prior to doing so, though this may be done informally.

USES AND DISCLOSURES OF YOUR PROTECTED HEALTH INFORMATION REQUIRING YOUR PERMISSION

We will obtain your written permission through an authorization for other uses and disclosures of your protected health information not covered by this Notice. You may revoke the authorization in writing at any time and we will stop disclosing protected health information about you for the reasons stated in your written authorization. Any disclosures made prior to the revocation are not affected by the revocation. We are also required to retain our records of the care you receive from the County.

USES AND DISCLOSURES OF HIV/AIDS INFORMATION

We may disclose any public health records relating to HIV/AIDS we develop or acquire that contain your protected health information as provided by law for public health purposes or to other public health agencies or corroborating medical researchers when the information is necessary to carry out their duties in investigation, control, or surveillance of disease.

Your physician who orders an HIV test on your behalf may disclose the result of your HIV test to your health care providers for purposes related to your diagnosis, care, or treatment.

USES AND DISCLOSURES OF YOUR SUBSTANCE AND ALCOHOL ABUSE INFORMATION

The confidentiality of your alcohol and drug abuse records we maintain is protected by Federal law and regulations. Generally, we are not allowed to disclose to an outside person your participation in the program or identify you as an alcohol or drug abuser unless:

- (1) You consent in writing;
- (2) The disclosure is allowed by a court order; or
- (3) The disclosure is made to medical personnel in a medical emergency or to qualified personnel for research, audit, or program evaluation.

Federal law and regulations do not protect any information about a crime committed by you either at our program or against any person who works for the program or about any threat to commit such a crime.

Federal laws and regulations do not protect any information about suspected child abuse or neglect from being reported under State law to appropriate State or local authorities.

YOUR RIGHTS REGARDING PROTECTED HEALTH INFORMATION ABOUT YOU

1. **Right to Inspect and Copy**

You have the right to inspect and copy the protected health information in our designated record set, which includes medical and billing records, as long as we maintain that information. You have the right to access your records in any format that the County of Orange maintains them in and you may direct them to be sent to a third party. A request must be submitted in writing and a fee may be charged for the costs of copying, mailing, and for any other supplies used in fulfilling your request. We may deny your request to inspect and copy your records. If this occurs, we will send you a written statement as to why and we will explain your right, if any, to have the denial reviewed.

2. **Right to Request an Amendment**

You have the right to request that we amend your protected health information if you feel that it is incomplete or inaccurate. The request must be in writing and provide reasons that support your request including what information is incomplete or inaccurate.

We may deny your request if it is not in writing or does not include a reason to support the request. We may also deny your request if:

- The information is correct and accurate.
- The information was not created by us or the person who created it is no longer available to make the amendment.
- The information is not part of the records you are permitted to inspect and copy.

If we deny your request for amendment, you have the right to file a written addendum, not to exceed five (5) pages. You may request in writing that the written addendum be added to your medical records, along with your original request to change your medical information and the written denial to make the change.

3. **Right to an Accounting of Disclosures**

You have the right to request an "accounting of disclosures" which is a list of disclosures we made of your protected health information. The request must be made in writing and can only include disclosures that occurred between the date of your request and up to six years before this date, but not before April 14, 2003. The list will not include disclosures:

- Based on your written authorization;
- To treat you or to receive payment for your treatment;
- For certain business reasons;
- To family members or friends involved in your medical treatment or care;
- To jails, prisons, or law enforcement; or
- For reasons related to legal actions.

For Electronic Health Records (EHR), the accounting of disclosures would also include disclosures of your protected health information made to carry out treatment, payment, and health care operations. This requirement is limited to disclosures within the three (3) year period prior to your request and after January 1, 2014.

You can request one free accounting of disclosures in a 12 month period, but may be charged for additional lists.

4. Right to Request Restrictions

You have the right to request a restriction or limitation on how we use or disclose your protected health information for treatment, payment, or health care operations. For example, you could ask us to limit the information we share with someone who is involved in your care or the payment for your care. For example, you might ask that we limit disclosures to your spouse. We may ask that you give us your request in writing. If we agree to your request, we will not use or disclose the protected health information in violation of such restriction except if we believe this information is required to provide you with necessary medical treatment or care.

We are not required to agree to your request except that you have the right to restrict disclosures to a Health Plan or its business associate if you or someone on your behalf pays out of pocket in full for the health care item or service unless we are required by law to disclose the protected health information. We require the payment be made in full at the time of the request for restriction. If payment is not made, the restriction will be void and disclosure of protected health information will be made to your Health Plan for payment. In some cases where a restriction of disclosure cannot be made or involves another party, we will discuss with you in detail.

5. Right to Request Confidential Communications

You have the right to request how we communicate with you to preserve your privacy. For example, you may request that we call you only at your work number, or send mail to a special address. Your request must be made in writing and must specify how or where we are to contact you. We will accommodate all reasonable requests.

6. Right to Revoke an Authorization

You have the right to take back or revoke your written authorization to use and disclose your protected health information at any time. You must let us know in writing. If you take back your written authorization, we will stop sharing your protected health information. However, we cannot take back any information already used or shared while the authorization was valid.

The County is required by law to keep a record of the medical treatment you receive from the County, whether or not you give us written permission to use or share it. You do not have the right to have information removed from your record.

7. Right to a Paper Copy of this Notice

You have the right to receive a paper copy of this notice any time you request it, unless you are an inmate at the jail.

8. Breach Notification

In the event of a breach of your unsecured protected health information, the County will notify you of the circumstances of the breach.

9. Right to File a Complaint

If you have any questions about this Notice, your Privacy Rights, or believe your privacy rights have been violated, you may call the Deputy County Privacy Officer at (714) 834-4082 or the County Privacy Officer at (714) 834-3154 or fill out a complaint form online at <http://ohealthinfo.com/about/admin/hipaa/complaintform>.

You also have the right to file a complaint directly to the Secretary of the United States Department of Health and Human Services (DHHS) at: DHHS, Region IX Office for Civil Rights, 90 7th Street, Suite 4-100, San Francisco, CA 94103, or call (800) 368-1019, TDD (800) 537-7697. The complaint must be filed in writing, and sent by mail, fax, or electronically by e-mail and within 180 days of when you found out the violation occurred.

You will not be punished, threatened, or penalized for asking questions or for filing a complaint.

Our Responsibilities

We must follow the terms of this Notice while it is in effect. We reserve the right to change this Notice and our privacy practices at any time. Changes in our privacy practices will apply to any protected health information we already have and to protected health information we create or receive in the future. If the County of Orange is your health plan, we will mail a new Notice to you if changes are made. The Notice will also be available on the County HIPAA website at <http://ohealthinfo.com/about/admin/hipaa/npp>