

## Notice of Privacy Practices

Effective date: July 1, 2011

**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 notice gives you information about the privacy practices of the Department of Human Services (DHS) and the Oregon Health Authority (OHA). OHA, along with DHS, manages the medical assistance program for the state of Oregon. This includes the Oregon Health Plan, the Healthy Kids program, and other state programs that pay for medical assistance. DHS and OHA work together to determine eligibility and to provide medical assistance and other public benefits.

This “Notice of Privacy Practices” will tell you how DHS and OHA may use or disclose information about you. This information is called Protected Health Information (PHI). Not all situations will be described. DHS and OHA are required to protect health information by federal and state law. DHS and OHA are required to follow the terms of the notice currently in effect.

- Information may be shared between DHS and OHA to determine eligibility, coordinate your care, and for treatment, payment and health care operations.

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.

### **DHS and OHA may use and disclose health information without your authorization:**

- **For treatment.** DHS and OHA 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 and OHA may use or disclose PHI to get payment or to pay for the services you receive. For example, DHS and OHA may provide PHI to bill your health plan for health care provided to you.
- **For health care operations.** DHS and OHA may use or disclose PHI in order to manage its programs and activities. For example, DHS and OHA may use PHI to review the quality of services you receive.

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

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

- **For public health activities.** OHA is the public health agency that keeps and updates vital records, such as births and deaths. OHA is the public health agency that tracks and takes action to control some diseases.
- **For health oversight.** DHS and OHA may use or disclose PHI for government health care oversight activities. Examples are audits, investigations, inspections and licenses.
- **For law enforcement and as required by law.** DHS and OHA will disclose PHI for law enforcement and other purposes as required or allowed by federal or state law.
- **For disputes and lawsuits.** DHS and OHA will disclose PHI in response to a court order. DHS and OHA will disclose PHI in response to an administrative order. If you are involved in a lawsuit or dispute, DHS and OHA may share your information in response to legal requirements.
- **Worker's compensation.** DHS and OHA may disclose PHI as allowed by law to worker's compensation or like programs.
- **For abuse reports and investigations.** DHS and OHA are required by law to receive reports of abuse. It is also required to investigate reports of abuse.
- **For government programs.** DHS and OHA may use and disclose PHI for public benefits under other government programs. An example would be to determine Supplemental Security Income (SSI) benefits.
- **To avoid harm.** DHS and OHA 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 and OHA uses PHI for studies and to develop reports. These reports do not identify specific people.
- **For reporting death.** DHS and OHA may disclose information of a deceased person to a coroner. DHS and OHA may also share information about a deceased person to a medical examiner or to a funeral director.
- **Disclosures to family, friends and others.** DHS and OHA 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 and OHA may disclose information about you to any agency helping in relief efforts. DHS and OHA 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 and OHA will ask for your written permission before using or disclosing PHI. You may cancel this permission at any time in writing. DHS and OHA cannot take back any uses or disclosures already made with your permission.
- **Other laws protect PHI.** Many DHS and OHA 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 and OHA to use and disclose your mental health and chemical dependency treatment records.

## **Your PHI privacy rights:**

When information is kept by DHS or OHA for their work as health oversight or public health agencies, programs that are not governed by HIPAA, or child or adult protective services, other state and federal laws govern those records. Those records are not subject to the PHI privacy 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 and OHA 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 and OHA may deny your request in certain circumstances.
- **Right to get a list of disclosures.** You have the right to ask DHS and OHA for a list of your PHI disclosures made after April 14, 2003. You must make the request in writing. This list may 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 and OHA limit how your health information is used or disclosed. You must make the request in writing and tell DHS and OHA what information you want to limit and to whom you want the limits to apply. DHS and OHA may not be 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 and OHA share PHI with you in a certain way or in a certain place. For example, you may ask DHS and OHA 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 or OHA 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 and OHA 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 on the next page of this notice. DHS or OHA may deny your request. If your request is denied, DHS or OHA will send you a letter that tells you the reason. DHS or OHA 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 or OHA has used or disclosed your health information.

Your benefits will not be affected by any complaints you make. DHS or OHA cannot hold it against you if you file a complaint. DHS or OHA cannot hold it against you if you cooperate in an investigation. DHS or OHA 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, OR 97301-1097  
Phone: 800-442-5238 • FAX: 503-378-6532 • Email: [dhs.info@state.or.us](mailto:dhs.info@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](mailto:OCRComplaint@hhs.gov)

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

Oregon Health Authority, Privacy Officer  
500 Summer Street NE, E24, Salem, OR 97301  
Phone: 503-945-5780 • FAX: 503-947-5396 • Email: [dhs.privacyhelp@state.or.us](mailto:dhs.privacyhelp@state.or.us)

In the future, DHS and OHA may change its “Notice of Privacy Practices”. Any changes will apply to information DHS and OHA already has and will also apply to information DHS and OHA receives in the future. A copy of the new notice will be posted at each DHS and OHA 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 online at: <https://apps.state.or.us/cf1/FORMS/>.