

## **NOTICE OF PRIVACY PRACTICES**

**Effective April 14, 2003**

**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.**

**If you have any questions about this notice, please contact the Privacy Officer at El Paso Health**

This Notice of Privacy Practices is given to you as part of the Health Insurance Portability and Accountability Act (HIPAA). It says how we can use or share your protected health information (PHI) and sensitive personal information (SPI). It tells you who we can share it with and how we keep it safe. It tells you how to get a copy of or edit your information. You can allow or not allow us to share specific details unless needed by law. We can change this notice at any time. The last revision date is on the bottom of each page. You can get a current copy from our website: [www.epfirst.com](http://www.epfirst.com). You can also call our Privacy Officer and ask for a paper copy to be mailed to you.

### **OUR RESPONSIBILITY TO YOU REGARDING PROTECTED HEALTH INFORMATION**

“Protected health information” and “sensitive personal information” (PHI/SPI) is information that identifies a person or patient. This data can be your age, address, e-mail address, and medical facts. It can be about your past, present, or future physical or mental health conditions. It also can be about sensitive health care services and other personal facts.

By law, we, El Paso Health must:

- Make sure that your PHI/SPI is kept private.
- Give you this notice of our legal duties and privacy practices. It describes the use and disclosure of your PHI/SPI.
- Follow the terms of the notice in effect now.
- Tell you about any changes in the notice.
- Notify you that your health information (PHI/SPI) created or received by El Paso Health is subject to electronic disclosure.
- Give you an electronic copy of your record within 15 days after you ask in writing. We can also give this to you another way if you ask for it. There are some exceptions to this rule.
- With exceptions, not sell any PHI/SPI.
- Disclose any breach of unsecured PHI/SPI we think might an unauthorized person might have.
- Train employees about our privacy practices. Training is no later than 60 days after their first day and at least every two years after.

## **HOW WE (EL PASO HEALTH) CAN USE OR DISCLOSE YOUR PROTECTED HEALTH INFORMATION WITHOUT YOUR AUTHORIZATION**

Here are some examples of allowed uses and disclosures of your PHI/SPI. These are not the only ones.

### **Treatment**

We will use and share your PHI/SPI to provide, coordinate, or manage your health care and other services. We might share it with doctors or others who help with your care. In emergencies, we will use and share it to get you the care you need. We will only share what is needed.

### **Payment**

We can use and share your PHI/SPI to get paid for the health care services that you received.

### **Health Care Operations**

We can use or share your PHI/SPI in our daily activities. For example:

- To call you to remind you of your visit.
- To conduct or arrange other health care activities.
- To send you a newsletter.
- To send news about products or services that might benefit you.
- To give you information about treatment choices or other benefits.
- To conduct evaluation activities

### **Business Associates**

We can share your PHI/SPI with our Business Associates. They must also protect it. They must follow HIPAA privacy and security rules, HITECH rules and Texas Privacy Laws. They can face fines and penalties. They have to report any breaches of unencrypted PHI/SPI.

## **REQUIRED BY LAW - By law, sometimes we must use or share your PHI/SPI.**

Here are some examples:

### **Public Health Authorities**

- To prevent or control disease, injury, or disability.
- To report births and deaths.
- To report child abuse or neglect.
- To report problems with medicines or other products.
- To notify authorities if we believe a patient has been the victim of abuse, neglect, or domestic violence.

**Communicable Diseases**

We can share your PHI/SPI to tell a person they might have been exposed to a disease. We can tell a person they might be at risk for getting or spreading a disease or condition.

**Health Oversight Agencies & U.S. Food and Drug Administration**

We will share your PHI/SPI when health oversight agencies ask for it.

**Legal Proceedings**

We will share your PHI/SPI for legal matters. We must receive a legal order or other lawful process.

**Law Enforcement, Criminal Activity, and National Security**

We will share your PHI/SPI if we believe it helps solve a crime. We will share it to stop or reduce a serious threat. We can also share it to help law enforcement officers find or arrest a person.

**Coroners, Funeral Directors, and Organ Donations**

We share PHI/SPI with coroners, medical examiners, and funeral directors. We can also share it to help manage organ, eye, or tissue donations.

**Research**

If El Paso Health agrees to be part of an approved research study, we will make sure that your PHI/SPI is kept private.

**Military Activity**

We can share PHI/SPI of Armed Forces personnel with the government.

**Workers' Compensation**

We will share your PHI/SPI to follow workers' compensation laws and similar programs.

**Inmates**

We can use or share your PHI/SPI if you are a correctional facility inmate and we created or received your PHI/SPI while providing your care.

**Disclosures by the Health Plan**

We will share your PHI/SPI to get proof that you are able to get health care. We will work with other health insurance plans and other government programs. If applicable, we may share your information with your plan sponsor.

**Parental Access**

We follow Texas laws about treating minors. We follow the law about giving their PHI/SPI to parents, guardians, or other person with legal responsibility for them.

### **For People Involved in Your Care or Payment for Your Care**

We will share your PHI/SPI with your family or other people you want to know about your care. You can tell us who is allowed or not allowed to know about your care. You must fill out a form that will be part of your medical record.

### **Restrictions on Marketing**

The HITECH Act does not let El Paso Health receive any money for marketing communications.

### **Other Laws that Protect Health Information**

Other laws protect PHI/SPI about mental health, alcohol and drug abuse treatment, genetic testing and HIV/AIDS testing or treatment. You must agree in writing to share this kind of PHI/SPI.

## **YOUR PRIVACY RIGHTS WITH RESPECT TO YOUR HEALTH INFORMATION**

### **Right to Inspect and Copy Your Health Information**

This means you may inspect and obtain a copy of protected health information about you that is contained in a designated record set for as long as we maintain the protected health information. A “designated record set” contains medical and billing records and any other records that your physician and the practice uses for making decisions about you. Under federal law, however, you may not inspect or copy the following records; psychotherapy notes; information compiled in reasonable anticipation of, or use in, a civil, criminal, or administrative action or proceeding, and protected health information that is subject to law that prohibits access to protected health information. Depending on the circumstances, a decision to deny access may be reviewable. In some circumstances, you may have a right to have this decision reviewed. Please contact the Compliance Officer if you have questions about access to your medical records.

### **Right to Amend Your Health Information**

You can ask El Paso Health to change facts if you think they are wrong or not complete. You must do this in writing. We do not have to make the changes.

### **Right to an Accounting of Disclosures**

You can ask for a list of certain disclosures of your PHI/SPI. The list will not include PHI/SPI shared before April 14, 2003. You cannot ask for more than six years. The list can only go back three years for electronic PHI/SPI. There are other limits that apply to this list. You might have to pay for more than one list a year.

### **Right to Ask For Restrictions**

You can ask us to not use or share part of your PHI/SPI for treatment, payment, or health care operations. You must ask in writing. You must tell us (1) PHI/SPI you want restricted; (2) if you want to change our use and/or disclosure; (3) who it applies to (e.g., to your spouse); and (4) expiration date.

If we think it is not best for those involved, or cannot limit the records, we do not have to agree. If we agree, we will only share that PHI/SPI in an emergency. You can take this back in writing at any time.

If you pay in full for an item or service you can ask a provider to not share PHI/SPI with El Paso Health for payment or operations purposes. These are the main reasons we would need it. This does not apply if we need the PHI/SPI for treatment purposes.

### **Right to Receive Confidential Communications**

You can tell us where and how to give you your PHI/SPI. You can ask us to only call at a certain number. You can also give us another address if you think sending mail to your usual address will put you in danger. You must be specific and put this in writing.

### **Right to a Copy of this Notice**

You can ask for and get a copy of this Notice from at any time, even if you have received this Notice previously or agreed to receive this Notice electronically.

### **Right to Withdraw an Authorization for Disclosure**

If you have let us use or share your PHI/SPI, you can change your mind at any time. You must tell us in writing. In some cases, we might have already used or shared it.

### **Right to be Notified of Breach**

You will be told if we find a breach of unsecured PHI/SPI. The breach could be from either El Paso Health or a Business Associate of El Paso Health.

## **GIVING AUTHORIZATION TO USE OR DISCLOSE HEALTH INFORMATION**

These uses and disclosures will be made only with your written agreement:

- most uses and disclosures of psychotherapy notes;
- uses and disclosures of PHI for some marketing purposes;
- disclosures that are a sale of PHI; and
- other uses and disclosures not stated in this notice.

If we want to use or share your PHI/SPI for fundraising we will tell you how you can opt-out at any time. By law, we cannot use your genetic information for underwriting. The HITECH Act makes El Paso Health limit uses, disclosures, and requests of your PHI/SPI. We cannot ask for or share more than is needed.

You can change your mind about letting us use or share your PHI/SPI at any time. You must tell us in writing.

## **FEDERAL PRIVACY LAWS**

This Notice of Privacy Practices is given to you as part of HIPAA. There are other privacy laws that also apply. Those include the Freedom of Information Act; Alcohol, Drug Abuse, and Mental Health Administration Reorganization Act; the Health Information Technology for Economic and Clinical Health Act (HITECH) and the Texas Privacy Law (HB 300).

## **COMPLAINTS**

You can file a complaint if you believe your privacy rights have been violated. You can call El Paso Health's Privacy Officer at 915-532-3778 Ext 1032 or 1-877-532-3778. You can also file a complaint with the Department of Health and Human Services. We urge you to tell us about any privacy concerns. You will not be retaliated against in any way for filing a complaint.

## **EFFECTIVE DATE**

This Notice took effect on April 14, 2003, and stays in effect until it is replaced by another Notice.

## **CONTACT INFORMATION**

If you have any questions or complaints:

El Paso Health  
Attn: Privacy Officer  
P.O. Box 971100  
El Paso, Texas 79997-1100  
Phone: 915-532-3778 Ext 1032  
FAX: 915-532-2877