

# **Pima County Notice of Privacy Practices**

**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. Pima County is required by law to take reasonable steps to ensure the privacy of personally identifiable health information and to inform individuals about:**

- **Pima County’s uses and disclosures of Protected Health Information (PHI);**
- **Your rights with respect to your PHI;**
- **Pima County’s duties with respect to PHI;**
- **Your right to file a complaint with Pima County and to the Secretary of the U.S. Department of Health and Human Services; and**
- **The identification of the person or office to contact for further information about Pima County’s privacy practices.**

**If you have any questions about this Notice please contact Pima County’s Privacy Officer**

**Carmen Thomas, Pima County Human Resources  
150 W. Congress, 4<sup>th</sup> Floor  
Tucson, AZ 85701  
520-724-8445**

This Notice of Privacy Practices describes how Pima County may use and disclose your protected health information to carry out treatment, payment or manage health care operations and for other purposes permitted or required by law. It also describes your rights to access and control your protected health information.

“Protected Health Information” (PHI) means information about you (including demographic information), that may identify you and pertains to your past, present or future physical or mental health or condition and related health care services. Pima County is required by the privacy regulations issued under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) to maintain the privacy of PHI, provide individuals covered under Pima County’s group health plan with notice of Pima County’s legal duties and privacy practices concerning PHI and to abide by the terms of this Notice of Privacy Practices. Pima County may change the terms of this notice in the future. The new notice will be effective for all PHI that Pima County maintains at that time. Pima County will provide you with any revised Notice of Privacy Practices upon request. You may request a revised version by accessing the Pima County Human Resources website, or calling the Privacy Officer and requesting that a revised copy be sent to you in the mail.

Pima County will not use or disclose your PHI without a signed authorization except as outlined below. Pima County will not use genetic information to decide whether we will give you coverage and genetic information will not be used to affect the price of coverage. You have the right to revoke that authorization in writing except to the extent that Pima County has taken action in reliance upon the authorization. If the authorization was obtained as a condition of obtaining coverage under the group health plan, Pima County has the right to contest a claim under the coverage or the coverage itself.

## **USES AND DISCLOSURES OF YOUR PROTECTED HEALTH INFORMATION TO CARRY OUT TREATMENT, PAYMENT AND HEALTH CARE OPERATIONS**

The following categories describe different ways that Pima County may legally use and disclose PHI. For each category of uses and disclosures an explanation will be provided. Not every use or disclosure in a category will be listed; however, all of the ways Pima County is permitted or required to use and disclose PHI will fall within one of the following categories.

**Treatment:** Pima County may use and disclose your PHI to provide, coordinate, or manage your health care and any related services; including consulting with other health care providers about your health care or referring you to another health care provider for treatment including physicians, nurses, and other health care providers involved in your care. Pima County may use and disclose your PHI to inform you of alternative treatments.

**Payment:** Pima County may use and disclose your PHI as necessary for payment purposes. Pima County may use information regarding the medical procedures and treatment to process and pay claims. Pima County may also disclose your PHI for payment purposes to a health care provider or a health plan. Pima County may use or disclose your information to send a bill to you, your health insurer, or your family member. The information on or accompanying the bill may include information identifying you and your diagnosis, as well as services rendered, any procedures performed and supplies used.

**Health Care Operations:** Pima County may use and disclose your PHI as necessary for health care operations. For example, activities relating to the creation, renewal, or replacement of your Group Health Plan coverage, reinsurance, compliance, auditing, rating, business management, quality improvement and assurance, or other functions related to your Group Health Plan.

Pima County may share your PHI with third party “business associates” that perform various activities (for example, billing or transcription services). Pima County maintains written contracts containing terms that will protect the privacy of your PHI with all business associates.

**Business Associates:** Pima County may use outside persons or organizations to help provide you with the benefits of your Group Health Plan. Outside persons or organizations might include vendors that help process your claims.

## **USES AND DISCLOSURES THAT REQUIRE YOU BE GIVEN AN OPPORTUNITY TO AGREE OR DISAGREE PRIOR TO USE OR DISCLOSURE**

Disclosure of PHI to family members, other relatives, and your close friends is allowed when:

- the information is directly relevant to the family or friend's involvement with your care or payment for that care, and
- you have either agreed to the disclosure or have been given an opportunity to object and have not objected

If you are unavailable or incapacitated and Pima County determines that a limited disclosure is in your best interest, Pima County may share limited PHI with individuals mentioned above. Pima County may disclose PHI to your spouse or domestic partner concerning the processing of a claim. The PHI of minor children may be disclosed to their parents or guardians unless such disclosure is otherwise prohibited by law.

## **OTHER PERMITTED AND REQUIRED USES AND DISCLOSURES THAT MAY BE MADE WITHOUT YOUR AUTHORIZATION OR OPPORTUNITY TO AGREE OR OBJECT**

**Required By Law:** Pima County may use or disclose your PHI if that the use or disclosure is required by state or federal law. The use or disclosure will be made in compliance with the law and will be limited to the relevant requirements of the law. You will be notified, if required by law, of any such uses or disclosures.

**Public Health:** Pima County may disclose your PHI for public health activities and purposes to a public health authority permitted by law to collect or receive the information. A disclosure may be made for the purpose of preventing or controlling disease, injury or disability.

**Communicable Diseases:** Pima County may disclose your PHI if authorized by state or federal law to a person who may have been exposed to a communicable disease or may otherwise be at risk of contracting or spreading the disease or condition.

**Health Oversight:** Pima County may disclose your PHI to a health oversight agency for activities authorized by state or federal law, such as audits, investigations, and inspections. This includes uses or disclosures in civil, administrative or criminal investigations, inspections, and licensure or for disciplinary actions (for example, to investigate complaints against providers); and other activities necessary for appropriate oversight of government benefit programs (for example, to investigate health care fraud). Oversight agencies seeking this information may include government agencies that oversee the health care system, government benefit programs, and other government regulatory programs and civil rights laws.

**Abuse or Neglect:** Pima County may disclose your PHI to a public health authority that is authorized by state or federal law to receive reports of child abuse or neglect. Pima County may disclose your PHI when authorized by law to report information about abuse, neglect, or domestic violence if there is a reasonable belief that an individual may be a victim of abuse, neglect, or

domestic violence. In such case, Pima County will promptly inform you that such a disclosure has been or will be made unless that notice could cause a risk or serious harm. For purposes of reporting child abuse or neglect, it is not necessary to inform the minor that such a disclosure has been or will be made. Disclosure may generally be made to the minor's parents or other representatives although there may be circumstances under federal or state law when the parents or other representatives may not be given access to the minor's PHI.

**Food and Drug Administration:** Pima County may disclose your PHI to a person or company required by the Food and Drug Administration for the purpose of quality, safety, or effectiveness of FDA-regulated products or activities.

**Legal Proceedings:** Pima County may disclose your PHI in the course of any judicial or administrative proceeding, in response to an order of a court or administrative tribunal, or in certain conditions in response to a subpoena, discovery request or other lawful process. Pima County may disclose your PHI when required for judicial or administrative proceedings. For example, your PHI may be disclosed in response to a subpoena or discovery request provided certain conditions are met. One of those conditions is that satisfactory assurances must be given to Pima County that the requesting party has made a good faith attempt to provide written notice to you, and the notice provided sufficient information about the proceeding to permit you to raise an objection and no objections were raised or were resolved in favor of disclosure by the court or tribunal.

**Law Enforcement:** Pima County may disclose your PHI so long as applicable legal requirements are met for law enforcement purposes including for the purpose of identifying or locating a suspect, fugitive, material witness or missing person. Also, when disclosing information about an individual who is, or is suspected to be, a victim of a crime but only if the individual agrees to the disclosure or the covered entity is unable to obtain the individual's agreement because of emergency circumstances. Furthermore, the law enforcement official must represent that the information is not intended to be used against the individual, the immediate law enforcement activity would be materially and adversely affected by waiting to obtain the individual's agreement and disclosure is in the best interest of the individual as determined by the exercise of Pima County's best judgment. This would include legal processes and otherwise required by law, limited information requests for identification and location purposes, pertaining to victims of a crime, suspicion that death has occurred as a result of criminal conduct, in the event that a crime occurs on Pima County premises.

**Coroners, Funeral Directors, and Organ Donation:** Pima County may disclose your PHI to a coroner or medical examiner for identification purposes, determining cause of death or for the coroner or medical examiner to perform other duties authorized by law. Also, disclosure of your PHI is permitted to funeral directors, consistent with applicable law, as necessary to carry out their duties with respect to the decedent. Your PHI may be used and disclosed for cadaveric organ, eye or tissue donation purposes.

**Research:** Pima County may disclose your PHI to researchers when their research has been approved by an institutional review board that has reviewed the research proposal and established protocols to ensure the privacy of your PHI.

**De-identified Information:** Pima County may use your PHI to create “de-identified” information or disclose your information to a business associate so that the business associate can create de-identified information on Pima County’s behalf.

**Criminal Activity:** Consistent with applicable federal and state laws, Pima County may disclose your PHI if there is a good faith belief that the use or disclosure is necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the public and the disclosure is reasonably able to prevent or lessen the threat, including the target of the threat.

**Military Activity and National Security:** Pima County may use or disclose PHI of Armed Forces personnel for activities deemed necessary by appropriate military command authorities, for the purpose of determination by the Department of Veterans Affairs of your eligibility for benefits, or to foreign military authority if you are a member of that foreign military services. Pima County may disclose your PHI to authorized federal officials for conducting national security and intelligence activities, including for the provision of protective services to the President or others legally authorized.

**Workers’ Compensation:** Pima County may disclose your PHI as authorized to comply with workers’ compensation laws and other similar legally established programs.

**Inmates:** Pima County may disclose your PHI if you are an inmate of a correctional facility and your physician created or received your PHI in the course of providing care to you.

**Disaster Relief:** Pima County may disclose your PHI in disaster relief situations where disaster relief organizations seek your health information to coordinate your care, or notify family and friends of your location and condition.

## **YOUR HEALTH INFORMATION RIGHTS**

You have the following rights regarding medical information Pima County gathers about you:

**Access to Your PHI:** You have the right of access to copy and/or inspect your PHI Pima County maintains in designated records. Your request for access to your PHI must be in writing, stating that you want access to your PHI and must be signed by you or your representative (preferably with a Power of Attorney). Pima County may charge you a fee for copying and postage.

**Amend Your PHI:** You have the right to request an amendment to medical information you feel is incorrect or incomplete. A request to amend must be made in writing and submitted to Pima County’s Privacy Officer. Your request to amend the information may be denied. You have a right to submit a statement about your request to amend that will be maintained in your file.

**Accounting for Disclosures of Your PHI:** You have the right to receive an accounting of certain disclosures made by Pima County of your PHI. Disclosures that Pima County is required to account for include those to state insurance departments, pursuant to valid legal processes, or for law enforcement purposes. Pima County may charge a fee for accounting requests.

**Restrictions on Your PHI:** You have the right to request a restriction or limitation on the medical information Pima County uses or discloses for treatment, payment, or health care operations made to persons involved in your care, and disclosures for disaster relief purposes. Your request must describe in detail the restriction you are requesting. You have the right to terminate, in writing or orally, any agreed-to restriction.

**Confidential Communications on Your PHI:** You have the right to request that communications regarding your PHI be made by alternative means or to alternative locations, such as answering machine or a particular address. Confidential requests must be in writing and signed by you and sent to Pima County's Privacy Officer.

**Right to Receive a Copy of the Notice:** You have the right to a paper copy of this Notice upon request by contacting Pima County's Privacy Officer.

**Right to Receive Notice of a Breach:** Pima County is required to notify you by first class mail or by e-mail of any breaches of Unsecured PHI as soon as possible, but in any event, no later than 60 days following the discovery of the breach. In the event the breach involves 10 or more people whose contact information is out of date Pima County will post a notice of the breach on the Human Resources page of our website or in a major print or broadcast media. If the breach involves more than 500 people in the state, a notice will be sent to prominent media outlets. Pima County is also required to provide immediate notification to the Secretary of the U.S. Department of Health and Human Services.

## **COMPLAINTS**

If you believe your privacy rights have been violated, you may file a complaint with Pima County or with the Secretary of the U.S. Department of Health and Human Services, 200 Independence Ave, S.W., Washington, D.C. 20201. To file a complaint with Pima County, contact Pima County's Privacy Officer. All complaints must be submitted in writing and should be submitted within 180 days of when you knew or should have known that the alleged violation occurred. For more information see the Office for Civil Rights website <http://www.hhs.gov/ocr/office/file/index.html>.

Reprisal strictly prohibited: Pima County will not retaliate against you for filing a complaint.

## **EFFECTIVE DATE**

This notice is effective September 1, 2013.