

TEXAS CHILDREN'S HEALTH INSURANCE PROGRAM (CHIP)



TEXAS HEALTH AND HUMAN SERVICES COMMISSION

HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA) PRIVACY NOTICE

Effective Date: *This Notice takes effect on September 1, 2008, and stays in effect until it is replaced by another Notice.*

This notice describes how your child's medical information may be used and disclosed and how you can get access to this information. Please review it carefully.

About the Notice

In this Privacy Notice:

- "HHSC" means the Texas Health and Human Services Commission;
- "CHIP" means the Texas Children's Health Insurance Program; and
- "medical information" means the same as "health information."

When your child receives CHIP benefits, CHIP may get health information about him or her. Health information includes any information that relates to

- (1) your child's past, present, or future physical or mental health or condition;
- (2) providing health care to your child; or
- (3) the past, present, or future payment for your child's health care.

This Notice tells you about your child's privacy rights, CHIP's duty to protect health information that identifies your child, and how CHIP may use or disclose your child's health information without your written permission. For purposes of the CHIP Perinatal Program, health information includes health information of the unborn child and the mother.

Your Child's Privacy Rights

The law gives you the right to:

- in most situations, look at or get a copy of the health information CHIP has about your child;
- ask CHIP to correct certain information, including certain health information about your child, if you believe the information is wrong or incomplete. Most of the time, CHIP cannot change or delete information, even if it is incorrect. However, if CHIP decides it should make a change, it will add the correct information to the record and note that the new information takes the place of the old information. The old information will remain in the record. If CHIP denies your request to change the information, you can have your written disagreement placed in your child's record;
- ask for information about the times CHIP has disclosed health information about your child;
- ask CHIP to put more limits on the use or disclosure of your child's health information than the law requires. However, CHIP is not required to change the limits;
- tell CHIP where and how to send messages that include health information, if you think sending the information to your usual address could put your child in danger. You must put this request in writing, and you must be specific about where and how to contact you;
- ask for and get a paper copy of this Notice from CHIP;
- withdraw permission you have given CHIP to use or disclose your child's health information, unless CHIP has already taken action based on your permission. You must withdraw your permission in writing.

CHIP's Duty To Protect Health Information That Identifies Your Child

The law requires CHIP to protect the privacy of health information that identifies your child. It also requires CHIP to give you this Notice of CHIP's legal duties and privacy practices.

- In most situations, CHIP may not use or disclose health information that identifies your child without your written permission. This Notice explains when CHIP may use or disclose health information that identifies your child without your permission.
- For all other uses and disclosures, CHIP must obtain your written permission, which you may withdraw at any time.
- If CHIP changes its privacy practices, it must notify you of the changes by mailing a new Privacy Notice to the most recent address you have given CHIP. CHIP will mail the new Privacy Notice within 60 days of the changes. The new practices will apply to all the health information CHIP has about your child, regardless of when CHIP received or created the information.

CHIP employees must protect the privacy of your child's health information. CHIP does not give employees access to health information unless they need it to do their job. Reasons for needing access to health information include making benefit decisions, paying bills, and planning for needed care. CHIP will punish employees who do not protect the privacy of health information that identifies your child.

If you have questions about this Notice or need more information about your child's privacy rights, you may contact CHIP at the following number:

- (800) 647-6558

If you believe CHIP has violated your child's privacy rights, you may file a complaint by contacting the hotline. You may also file a complaint with the:

- Region VI, Office of Civil Rights, U.S. Department of Health and Human Services by mail at 1301 Young St., Dallas, Texas 75202, by telephone at (214) 767-4056, by TDD at (214) 767-8940, or by fax at (214) 767-0432, or by email at OCRComplaint@hhs.gov. There will be no retaliation for filing a complaint.

How CHIP May Use and Disclose Health Care Information That Identifies Your Child

1. Payment

CHIP may use or disclose your child's health information to pay or collect payment for your child's health care. For example, determining your child's eligibility for CHIP is a use or disclosure for payment purposes.

2. Health care operations

CHIP may use or disclose you or your child's health information for health care operations. Health care operations include:

- activities to assess and improve the quality of health care;
- reviewing the competence, qualifications, and performance of health plans; and
- CHIP's business management or general administration.

Examples of uses and disclosures for health care operations include using or disclosing health information for case management or making sure providers bill only for care your child receives. CHIP may also contact you to tell you about treatment alternatives or additional benefits for your child you may be interested in.

3. Family member, other relative, or close personal friend

CHIP may disclose your child's health information to a family member, other relative, or close personal friend if:

- the health information is related to that person's involvement with your child's care or payment for your child's care; and
- you have had an opportunity to stop or limit the disclosure before it happens.

4. Government programs providing public benefits

CHIP may disclose your child's health information to another government agency offering public benefits if:

- the information relates to whether your child qualifies for or is enrolled in CHIP and the law requires or specifically allows the disclosure; or
- the other government agency has the same privacy protections CHIP does, has programs that serve similar types of people, and the disclosure is needed to coordinate or improve how the programs are run.

5. Health oversight activities

CHIP may use or disclose your child's health information to another government agency authorized to conduct health oversight activities. Health oversight activities include investigating possible fraud in the CHIP program.

6. Public health

CHIP may disclose your child's health information for public health activities, including to:

- a public health authority to prevent or control disease, injury, or disability; and
- a government agency authorized to receive reports of child abuse or neglect or reports of domestic violence.

7. Victims of abuse, neglect, or domestic violence

If CHIP believes your child is the victim of abuse, neglect, or domestic violence, CHIP may sometimes disclose health information about your child to a government agency that receives reports of abuse, neglect, or domestic violence if:

- a law requires the disclosure;
- you agree to the disclosure;
- a law allows the disclosure and the disclosure is needed to prevent serious harm to your child or someone else; or
- a law allows the disclosure, you are unable to agree or disagree, the information is needed for immediate action, and the information will not be used against you.

If CHIP makes a report under this section, CHIP will tell you about the report unless it believes that telling you would place your child at risk of harm.

8. Serious threat to health or safety

CHIP may use or disclose your child's health information if it believes the use or disclosure is needed:

- to prevent or lessen a serious and immediate threat to the health and safety of a person or the public;
- for law enforcement authorities to identify or catch an individual

who has admitted participating in a violent crime that resulted in serious physical harm to the victim, unless the information was learned while initiating or in the course of counseling or therapy; or

- for law enforcement authorities to catch an individual who has escaped from lawful custody.

9. For other law enforcement purposes

CHIP may disclose your child's health information to a law enforcement official for the following law enforcement purposes, including:

- to comply with a subpoena;
- to comply with a lawful administrative request;
- to identify and locate a suspect, fugitive, witness, or missing person; in response to a request for information about an actual or suspected victim of a crime; or
- to alert a law enforcement official of a death that CHIP suspects is the result of criminal conduct.

10. For judicial or administrative proceedings

CHIP may disclose your child's health information for judicial and administrative purposes, including:

- an order from a regular or administrative court.

11. As required by law

CHIP must use or disclose your child's health information when a law requires the use or disclosure.

12. Contractors

CHIP may disclose your child's health information to a CHIP contractor if the contractor:

- needs the information to perform services for CHIP; and
- agrees to protect the privacy of the information.

13. Secretary of Health and Human Services

Agencies must disclose your child's health information to the Secretary of the U.S. Department of Health and Human Services when the Secretary wants it to enforce privacy protections.

14. Research

Agencies may use or disclose your child's health information for research if a research board approves the use. The board will ensure that your child's privacy is protected when your child's health information is used in research. Uses and disclosures for research include:

- allowing a researcher to prepare a research project, as long as the researcher agrees to keep the information confidential;
- researching the causes of your child's death.

15. Other uses and disclosures

CHIP may use or disclose your child's health information:

- to create health information that does not identify any specific individual;
- to the U.S. military or a foreign military for military purposes, if your child is a member of the group asking for the information;
- for purposes of lawful national security activities;
- to federal officials to protect the President and others; to a prison or jail, if your child is an inmate of that prison or jail, or to law enforcement personnel if your child is in custody;
- to comply with workers' compensation laws or similar laws; and
- to tell or help in telling a family member or another person involved in your child's care about your child's location, general condition, or death.

If you want this Notice in Spanish, please contact the hotline at (800) 647-6558.

Si quiere recibir este aviso en español, favor de comunicarse con la Línea Directa de CHIP al (800) 647-6558.