

	<b>Privacy</b>	<b>Rio Grande Valley HIE</b>	<b>Policy: P2</b>
	<b>Effective Date</b> 01/15/2014	<b>Last Date Revised/Updated</b> 01/14/2014	<b>Date Board Approved:</b> 01/14/2014
<b>Subject:</b> Notice of Privacy Practices			

**FEDERAL AND STATE REGULATION:**

45 CFR §164.502(i)  
45 CFR §164.520(a)(b)(c)(e)  
Texas Health & Safety Code § 181.154

**POLICY:**

A patient has a right to adequate notice of the uses and disclosures of protected health information that may be made by Rio Grande Valley HIE [RGV HIE] and of the patient’s rights and RGV HIE’s legal duties with respect to protected health information.

Each provider notifies their patients of their ability to “opt out” of exchanging data through RGV HIE through their Notice of Privacy Practices or separate document, and gives the patient an Opt-Out form if the patient requests. Each Provider is also responsible for obtaining signed authorization forms if required for sharing sensitive data and for notifying patients about this process through their the Notice of Privacy Practices or separate document. *See P1, Authorization to Use and/or Disclose Protected Health Information*

RGV HIE is also responsible for making available to patients a Notice of Privacy Practices, posted on the RGV HIE website.

**PROCEDURE:**

1. To facilitate Patients’ understanding regarding where their Data is being generated, stored and being made accessible for exchange, a list of Health Care Providers participating in RGV HIE shall be made available through RGV HIE’s website, a link to which may also be placed on each Participating Provider’s website. Each Participating Provider shall also be responsible for providing a hard copy of such list if requested by a Patient.
2. The Participating Providers’ Notice of Privacy Practices shall include a description of Rio Grande Valley HIE and inform patients regarding the following. The Provider may choose to make this information available through a separate document. Participating Providers shall

include language substantially similar to the RGV HIE Sample HIPAA NPP.

- What information may be included in and made available through RGV HIE.
  - Who is able to access information through RGV HIE
  - How the Patient can “Opt Out” of having his or her information available for access through RGV HIE.
3. RGV HIE’s will also prepare a Notice of Privacy Practices which will be posted on and made available electronically through the RGV HIE website.
  4. RGV HIE will review its Notice of Privacy Practices annually with existing employees having access to PHI, and all new employees during their orientation to RGV HIE. A copy of the RGV HIE Notice of Privacy Practices will be distributed to all employees at the time of review or orientation.
  5. The Privacy Officer will keep a copy of the RGV HIE Notice of Privacy Practices and any revisions for a period of six years from the date of its creation or when it was last in effect, whichever is later.
  6. Questions regarding the RGV HIE NPP should be referred to the RGV HIE Privacy Officer.
  7. RGV HIE will promptly revise and post its Notice whenever there is a material change to the uses or disclosures, the individual’s rights, RGV HIE’s legal duties, or other practices stated in the Notice. Except when required by law, a material change to any term of the Notice may not be implemented prior to the effective date of the Notice in which such material change is reflected.
  8. RGV HIE is not a provider with a direct treatment relationship with an individual, and therefore is not an originator of Protected Health Information.
  9. RGV HIE may provide the Notice to an individual by email, if the individual requests and agrees to electronic notice and such agreement has not been withdrawn. The individual who is the recipient of electronic notice retains the right to obtain a paper copy of the Notice from RGV HIE upon request.

### **CONTENT OF NOTICE**

RGV HIE’s Notice of Privacy Practices is written in plain language and contains the following elements:

1. Header: The Notice contains the following statement as a header or otherwise prominently displayed: “THIS NOTICE DESCRIBES HOW HEALTH INFORMATION ABOUT YOU MAY BE

USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY.”

2. The Notice contains descriptions of uses and disclosures:
  - a) A description, including at least one example, of the types of uses and disclosures that RGV HIE is permitted to make for treatment, payment and health care operations.
  - b) A description of each of the other purposes for which RGV HIE is permitted or required to use or disclose protected health information without the individual’s written authorization.
  - c) If a use or disclosure for any purpose described in a) or b) above is prohibited or materially limited by other applicable law, the description of such use or disclosure must reflect the more stringent law.
  - d) For each purpose described in a) or b) above, the description must include sufficient detail to place the individual on notice of the uses and disclosures that are permitted or required by this or any other applicable law.
  - e) A statement that other uses and disclosures will be made only with the individual’s written authorization and that the individual may revoke such authorization.
  
3. The RGV HIE Notice contains a statement of the individual’s rights with respect to protected health information and a brief description of how the individual may exercise these rights, including contacting the provider who provided the PHI to RGV HIE:
  - a) The right to request restrictions on certain uses and disclosures of protected health information, including a statement that RGV HIE and/or the physician who provided the PHI is not required to agree to a requested restriction;
  - b) The right to receive confidential communications of protected health information, as applicable from the originator of the Protected Health Information;
  - c) The right to inspect and copy protected health information;
  - d) The right to amend protected health information;
  - e) The right to receive an accounting of disclosures of protected health information; and
  - f) The right of an individual, including an individual who has agreed to receive the Notice electronically, to obtain a paper copy of the Notice from RGV HIE upon request.

4. The Notice contains statements related to RGV HIE's duties to comply:
  - a) A statement that RGV HIE maintains the privacy of protected health information and provides individuals with notice of its legal duties and privacy practices with respect to protected health information;
  - b) A statement that RGV HIE abides by the terms of the Notice currently in effect; and
  - c) For RGV HIE to apply a change in a privacy practice that is described in the Notice to protected health information that RGV HIE created or received prior to issuing a revised Notice, a statement that it reserves the right to change the terms of its Notice and to make the new Notice provisions effective for all protected health information that it maintains. The statement also describes how it will make the revised Notice available to individuals.
5. The RGV HIE Notice contains a statement that individuals may complain to RGV HIE and to the Secretary of the U.S. Department of Health and Human Services if they believe their privacy rights have been violated, a brief description of how the individual may file a complaint with RGV HIE and a statement that the individual will not be retaliated against for filing a complaint.
6. The RGV HIE Notice contains the name or title, and telephone number of a person or office to contact for further information.
10. The RGV HIE Notice contains the date on which the Notice is first in effect, which may not be earlier than the date on which the Notice is printed or otherwise published.



**Rio Grande Valley HIE**  
**NOTICE OF PRIVACY PRACTICES**

**THIS NOTICE DESCRIBES HOW HEALTH 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 our Privacy Officer at 956-622-5801 or email: [info@rgvhie.org](mailto:info@rgvhie.org).

This Notice of Privacy Practices is provided to you as a requirement of the Health Insurance Portability and Accountability Act (HIPAA). It describes how the Rio Grande Valley Health Information Exchange (RGV HIE) may use or disclose your protected health information, with whom that information may be shared, and the safeguards in place to protect it. This notice also describes your rights to access, to amend, or to restrict the use and disclosure (except as required or authorized by law) of your protected health information.

Our intent is to make you aware of the possible uses and disclosures of your protected health information and your privacy rights. RGV HIE does not provide direct treatment services and is not an originator of your protected health information. Your doctor or other healthcare provider creates and shares your health information through RGV HIE.

**Understanding Your Health Record/Information**

Each time you visit a hospital, physician, dentist, or other healthcare provider, a record of your visit is made. Typically, this record contains your symptoms, examination and test results, diagnoses, treatment, and a plan for future care or treatment.

Your physician shares some of your health information with other physicians, specialists, hospitals in order to provide them with the information they need to treat you. For example, if you have to go to the Emergency Room, the ER physician can look up the medications prescribed by your physician which will help you if you don't remember the dose or exact name of the drug. The RGV HIE is a nonprofit organization in the community that helps your physicians exchange information with other providers.

Understanding what is in your record and how your health information is used helps you to:

- Ensure its accuracy.
- Better understand who, what, when, where, why and how others may access your health information.
- Make more informed decisions when authorizing disclosure to others.

## **Patient's Health Information Rights**

You have the right to:

- Request a restriction on certain uses and disclosures of your information as provided by 45 CFR 164.522. You have the right to request a restriction or limitation on the medical information used or disclosed about you for treatment, payment, or health care operations, including the right to opt out of having your information exchanged through RGV HIE. You also have the right to request a limit on the medical information disclosed about you to someone who is involved in your care or the payment for your care, like a family member or friend. To request restrictions, you must make your request in writing to RGV HIE or your physician's Privacy Officer. In your request, you must indicate:

- (1) What information you want to limit.
- (2) Whether you want to limit use, disclosure, or both.
- (3) To whom you want the limits to apply (for example: disclosure to your spouse).

A request form is available on the RGV HIE website or at your physician's facility where you receive services. You may also obtain an Opt Out form in either place.

- Obtain a paper copy of the Notice of Privacy Practices upon request. You may ask us to give you a copy of this notice at any time. You may obtain a copy of this notice at our website [www.rgvhie.org](http://www.rgvhie.org) To obtain a paper copy of this notice, contact the Privacy Officer at RGV HIE, 956-622-5801 or email [info@rgvhie.org](mailto:info@rgvhie.org).
- Amend your health record as provided in 45 CFR 164.528. If you feel that medical information we have about you is incorrect or incomplete, you may ask us or your physician to amend the information. You have the right to request an amendment for as long as the information is kept. To request an amendment, your request must be made in writing and submitted to your physician in compliance with the respective policies and procedures of that physician. You may send the request to us and we will forward to your physician. Your physician may deny your request for an amendment if:
  - It is not in writing.

- It does not include a reason to support the request.
  - The information was not created by that physician.
  - The information is not part of the medical information kept in the record.
  - The information is not part of the information which you would be permitted to inspect and copy.
  - The information is accurate and complete.
- Inspect and obtain a copy of your health record as provided for in 45 CFR 164.524 and required by § 181.102 of the Texas Health and Safety Code. Usually, this includes medical and billing records, but does not include psychotherapy notes. A request form is available on the RGV HIE website. If you request a copy of the information, a fee may be charged for the costs of copying, mailing, or other supplies associated with your request. We will provide records in an electronic format if you request and will do so within fifteen (15) business days of a written request.
  - Obtain an accounting of disclosures of your health information as provided in 45 CFR 164.528. This is a list of the disclosures RGV HIE made of medical information about you. To request this list of disclosures, you must submit your request in writing to the Privacy Officer. A request form is available at the RGV HIE web site. Your request must state the time period, which may not be longer than three years. Your request should indicate in what form you want the list (for example, on paper or electronically). The first two lists you request within a twelve month period will be free. For additional requests within the twelve month period, we may charge you for the costs of providing the list.
  - Request communications of your health information by alternative means or at alternative locations. Although you have the right to request confidential communication, this generally will not apply to RGV HIE because we will not be contacting you. Your provider is responsible for contacting you regarding treatment. To request confidential communications, you must make your request in writing to your provider or to the RGV HIE Privacy Officer. Your request must specify how or where you wish to be contacted.
  - Authorize the disclosure of sensitive data about you such as mental health or substance abuse information to another entity. Your doctor is responsible for obtaining an authorization from you to exchange your sensitive health information.
  - Revoke your authorization to use or disclose sensitive health information except to the extent that action has already been taken. To revoke your authorization, you should make your request in writing to your doctor. A request form is available at the doctor's office where you receive care.

## **Our Responsibilities to You Regarding Protected Health Information**

The Rio Grande Valley HIE is required to:

- Maintain the privacy of your health information.
- Provide you with a notice about our legal duties and privacy practices with respect to information we collect and maintain about you.
- Abide by the terms of this notice.
- Notify you if we are unable to agree to a requested restriction.
- Accommodate reasonable requests you may have to communicate health information by alternative means or at alternative location.

We reserve the right to change our practices and to make any new practice effective for all protected health information we maintain. Should our information practices change, we will post that change on our website.

## **How We May Use or Disclose Your Protected Health Information**

We will not use or disclose your sensitive health information without your authorization, except as described in this notice. The following are examples of permitted uses and disclosures of your protected health information. These are examples only and do not represent a complete or exhaustive list of uses and disclosures.

### ***1. We will use your health information for treatment:***

Physicians, hospitals, outpatient facilities, ambulances, or other health care providers may look up information about you that is contained in the RGV HIE centralized record for you that would provide them assistance in your treatment. For example, if you have to go to the emergency room, the ER physician might look up information about the medications you are taking in order to know what medications to prescribe for you.

### ***2. We will use your health information for regular health operations:***

For example, we may use information in your health record to assess the care and outcomes in your case and others like it. This information will then be used in an effort to continually improve the quality and effectiveness of the healthcare and services provided by the doctors and hospitals that participate in RGV HIE.

There are some services provided in our organization through contacts with business associates. Examples include computer software services. When these services are used, we may disclose your health information to our business associates so they can perform the job we have asked them to do. To protect your health information, however, we require the business associate to appropriately safeguard your information.



**3. We may use your health information for research**

We may disclose limited information 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 health information.

**4. We will disclose your health information if required by law**

We may disclose health information to the extent authorized by and to the extent necessary to comply with laws relating to workers' compensation or other similar programs established by law.

As required by law, we may disclose your health information to public health or legal authorities charged with preventing or controlling disease, injury, abuse, neglect or disability.

We may disclose health information for law enforcement purposes as required by law or in response to a valid subpoena.

We may disclose medical information to a health oversight agency for activities authorized by law. These oversight activities include, for example, audits, investigation, inspections and licensure.

**5. We will NOT use your health information to notify your family about your conditions**

We do not provide direct patient care, therefore we will not use or disclose information to notify or assist in notifying a family member, personal representative, or another person responsible for your care, your location, or general condition.

**6. We will NOT use your health information for payment:**

We do not provide direct patient care and therefore no billing or request for payment will be sent to a patient.

**7. We will NOT use your health information for marketing or fundraising**

We will not sell your personal health information to any other entity or individual. We will not contact you to provide information about health-related benefits and services that may be of interest to you.

We will not use or disclose to any state, federal, or local government, or foundation, any individually identifiable health information for the purpose of raising funds for our own benefit or for the benefit of any other organization without your prior written authorization.

**For More Information or to Report a Problem**

If you have any questions and would like additional information, you may contact our Privacy Officer at RGV HIE, 956-622-5801 or email: [info@rgvhie.org](mailto:info@rgvhie.org) .

If you believe your privacy rights have been violated, you can file a complaint with the Privacy Officer, or with the Secretary of Health and Human Services. There will be no retaliation for filing a complaint.

**This Notice is effective as of: [date]**

**Revised: 01/14/2014**