

Monterey County Health Department



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.**

If you have any questions about this notice, please contact the Monterey County Health Department (MCHD) Privacy Officer at 831-755-4018.

Who will follow this Notice?

This notice describes the Monterey County Health Department's practices and that of:

- any health care professional authorized to enter information into your medical chart;
- all of our clinical and administrative staff, whether employees or contractors;
- any volunteers or students who assist us in providing services to you; and
- any other County staff who assist us in providing services to you.

The Monterey County Health Department will follow the terms of this notice.

How We Protect Your Information

We understand that medical information about you and your health is personal. We are committed to protecting medical information about you. We create a record of the care and services you receive from us. We need this record to provide you with quality care and to comply with certain legal requirements. This notice applies to all of the records of your care generated by us, and any records that other healthcare providers may have sent to us that has been made part of your record. Your other healthcare providers may have different policies or notices regarding their use and disclosure of your medical information created by them.

This notice will tell you about the ways in which we may use and disclose medical information about you. We also describe your rights and certain obligations we have regarding the use and disclosure of medical information.

We are required by law to:

- Make sure that medical information that identifies you is kept private (with certain exceptions);
- Give you this notice of our legal duties and privacy practices with respect to medical information about you; and
- Follow the terms of the notice that is currently in effect.

How We May Use and Disclose Medical Information About You

The following categories describe different ways that we use and disclose medical information. For each category of uses or disclosures we will explain what we mean and try to give some examples. Not every use or disclosure in a category will be listed. However, all of the ways we are permitted to use and disclose information will fall within one of the categories.

1. Disclosures at your Request. We may disclose information when requested by you. This disclosure at your request may require a written authorization by you.

2. For Treatment. We may use medical information about you to provide you with medical treatment or services. We may disclose medical information about you to doctors, nurses, technicians, health care students, or other personnel who are involved in your medical care at our health care facilities. This may be done using Telemedicine methods such as video conferencing. Different units of the Department also may share medical information about you in order to coordinate the different things you need, such as prescriptions, lab work and X-rays. We also may disclose medical information about you to people outside our facility who may be involved in your medical care after you leave our care, such as skilled nursing facilities, home health agencies, and physicians or other practitioners. For example, we may give your primary care physician information to assist your physician in treating you. We may share information about your immunization record with the Immunization registry, CAIR. We may share that information electronically through the local Health Information Exchange, Central Coast Health Connects (CCHC), or other Health Information Exchanges, depending on what information you consent to share. Lastly, your information may be shared, as the privacy laws and your consent allow, in the Monterey County Enterprise Data Management Solution (EDMS/JAMS) to help coordinate services provided to you by Monterey County.

3. For Payment. We may use and disclose medical information about you so that the treatment and services you receive here may be billed to and payment may be collected from you, an insurance company or another third party payer. For example, we may need to give information about treatment you received here to your health plan or insurance company so it will pay us or reimburse you for the care. We may also tell your health plan or insurance company about a treatment you are going to receive to obtain prior approval or to determine whether your plan or insurance will cover the treatment. We may also provide basic information about you and your

health plan, insurance company or other source of payment to practitioners outside our facility who are involved in your medical care, to assist them in obtaining payment for services they provide to you.

4. For Health Care Operations. We may use and disclose medical information about you for health care operations. These uses and disclosures are necessary to run our Department and make sure that all of our patients receive quality care. For example, we may use medical information to review our treatment and services and to evaluate the performance of our staff in caring for you. We may also combine medical information about many clinic patients to decide what additional services the clinic should offer, what services are not needed, and whether certain new treatments are effective. We may also disclose information to doctors, nurses, technicians, medical students, and other personnel for review and learning purposes. We may remove information that identifies you from this set of medical information so others may use it to study health care and health care delivery without learning who the specific patients are.

5. To Individuals Involved in Your Care or Payment for Your Care. We may release medical information about you to a friend or family member who you have told us is involved in your medical care. With your permission, we may also give information to someone who helps pay for your care.

6. For Research. Under certain circumstances, we may use and disclose medical information about you for research purposes. For example, a research project may involve comparing the health and recovery of all patients who received one medication to those who received another, for the same condition. All research projects, however, are subject to a special approval process. This process evaluates a proposed research project and its use of medical information, trying to balance the research needs with patients' need for privacy of their medical information. Before we use or disclose medical information for research, the project will have been approved through this research approval process, but we may, however, disclose medical information about you to people preparing to conduct a research project, for example, to help them look for patients with specific medical needs, as long as the medical information they review does not leave our facility.

7. As Required by Law. We will disclose medical information about you when required to do so by federal, state or local law.

8. To Avert a Serious Threat to Health or Safety. We may use and disclose medical information about you when necessary to prevent a serious threat to your health and safety or the health and safety of the public or another person. Any disclosure, however, would only be to someone able to help prevent the threat.

9. Special Situations.

- Organ and Tissue Donation - We may release medical information to organizations that handle organ procurement or organ, eye or tissue transplantation or to an organ donation bank, as necessary to facilitate organ or tissue donation and transplantation.
- Military and Veterans - If you are a member of the armed forces, we may release medical information about you as required by military command authorities. We may also release medical information about foreign military personnel to the appropriate foreign military authority.
- Workers' Compensation - We may release medical information about you for workers' compensation or similar programs. These programs provide benefits for work-related injuries or illness.

10. Public Health Activities. We may disclose medical information about you for public health activities. These activities generally include the following:

- To prevent or control disease, injury or disability;
- To report births and deaths;
- To report abuse or neglect of children, elders and dependent adults;
- To report reactions to medications or problems with products;
- To notify people of recalls of products they may be using;
- To notify a person who may have been exposed to a disease or may be at risk for contracting or spreading a disease or condition;
- To notify the appropriate government authority if we believe a patient has been the victim of abuse, neglect or domestic violence. We will only make this disclosure if you agree or when required or authorized by law;
- To notify emergency response employees regarding possible exposure to HIV/AIDS, to the extent necessary to comply with state and federal laws.

11. Health Oversight Activities. We may disclose medical information to a health oversight agency for activities authorized by law. These oversight activities include, for example, audits, investigations, inspections, and licensure. These activities are necessary for the government to monitor the health care system, government programs and compliance with civil rights laws.

12. Lawsuits and Disputes. If you are involved in a lawsuit or a dispute, we may disclose medical information about you in response to a court or administrative order. We may also disclose medical information about you in response to a subpoena, discovery request, or other lawful process by someone else involved in the dispute, but only if efforts have been made to tell you about the request (which may include written notice to you) or to obtain an order protecting the information requested.

13. Law Enforcement. We may release medical information if asked to do so by a law

enforcement official:

- In response to a court order, subpoena, warrant, summons or similar process;
- To identify or locate a suspect, fugitive, material witness, or missing person;
- About the victim of a crime if, under certain limited circumstances, we are unable to obtain the person's agreement;
- About a death we believe may be the result of criminal conduct;
- About criminal conduct on our premises or against our staff; and
- In emergency circumstances to report a crime; the location of the crime or victims; or the identity, description or location of the person who committed the crime.

14. Coroners, Medical Examiners and Funeral Directors. We may release medical information to a coroner or medical examiner. This may be necessary, for example, to identify a deceased person or determine the cause of death. We may also release medical information about our patients to funeral directors as necessary to carry out their duties.

15. National Security and Intelligence Activities. We may release medical information about you to authorized federal officials for intelligence, counterintelligence, and other national security activities authorized by law.

16. Protective Services for the President and Others. We may disclose medical information about you to authorized federal officials so they may provide protection to the President, other authorized persons or foreign heads of state or conduct special investigations.

Special Categories of Information

In some circumstances, your health information may be subject to restrictions that may limit or preclude some uses or disclosures described in this notice. For example, there are special restrictions on the use or disclosure of certain categories of information — e.g., tests for HIV or treatment for mental health conditions or alcohol and drug abuse. Government health benefit programs, such as Medi-Cal, may also limit the disclosure of beneficiary information for purposes unrelated to the program.

Organized Health Care Arrangement

MCHD Clinics is part of an organized health care arrangement including participants in OREGON COMMUNITY HEALTH INFORMATION NETWORK (OCHIN). A current list of OCHIN participants is available at www.ochin.org. As a business associate of MCHD Clinics, OCHIN supplies information technology and related services to MCHD Clinics and other OCHIN participants. OCHIN also engages in quality assessment and improvement activities on behalf of its participants. For example, OCHIN coordinates clinical review activities on behalf

of participating organizations to establish best practice standards and assess clinical benefits that may be derived from the use of electronic health record systems. OCHIN also helps participants work collaboratively to improve the management of internal and external patient referrals. Your health information may be shared by MCHD Clinics with other OCHIN participants when necessary for health care operations purposes of the organized health care arrangement.

Your Rights Regarding Your Medical Information

You have the following rights regarding medical information we maintain about you:

1. Right to Inspect or Receive a Copy of Your Information. You have the right to inspect and obtain a copy of medical information that may be used to make decisions about your care. To inspect and obtain a copy of medical information that may be used to make decisions about you, you must submit your request in writing to MCHD Privacy Program, 1270 Natividad Rd, Salinas CA, 93906. If you request a copy of the information, we may charge a fee for the costs of copying, mailing or other supplies associated with your request. We may deny your request to inspect and obtain a copy in certain very limited circumstances. If you are denied access to medical information, you may request that the denial be reviewed. Another licensed health care professional chosen by us will review your request and the denial. The person conducting the review will not be the person who denied your request. We will comply with the outcome of the review.

2. Right to Amend Your Health Information. If you feel that medical information we have about you is incorrect or incomplete, you may ask us to amend the information. You have the right to request an amendment for as long as the information is kept by or for us. To request an amendment, your request must be made in writing and submitted to MCHD Privacy Program, 1270 Natividad Rd, Salinas CA, 93906. In addition, you must provide a reason that supports your request. We may deny your request for an amendment if it is not in writing or does not include a reason to support the request. In addition, we may deny your request if you ask us to amend information that:

- Was not created by us, unless the person or entity that created the information is no longer available to make the amendment;
- Is not part of the medical information kept by or for us;
- Is not part of the information which you would be permitted to inspect and copy; or
- Is accurate and complete.

Even if we deny your request for amendment, you have the right to submit a written addendum, not to exceed 250 words, with respect to any item or statement in your record you believe is incomplete or incorrect. If you clearly indicate in writing that you want the addendum to be made part of your medical record we will attach it to your records and include it whenever we

make a disclosure of the item or statement you believe to be incomplete or incorrect.

3. Right to an Accounting of Disclosures. You have the right to request an “accounting of disclosures”. This is a list of the disclosures we made of medical information about you other than our own uses for treatment, payment and health care operations (as those functions are described above), and with other exceptions pursuant to the law. To request this list or accounting of disclosures, you must submit your request in writing to MCHD Privacy Program, 1270 Natividad Rd, Salinas CA, 93906. Your request must state a time period which may not be longer than six years and may not include dates before April 14, 2003. Your request should indicate in what form you want the list (for example, on paper or electronically). The first list you request within a 12-month period will be free. For additional lists, we may charge you for the costs of providing the list. We will notify you of the cost involved and you may choose to withdraw or modify your request at that time before any costs are incurred. In addition, we will notify you as required by law following a breach of your unsecured protected health information.

4. Right to Request Restrictions. You have the right to request a restriction or limitation on the medical information we use or disclose about you for treatment, payment or health care operations. You also have the right to request a limit on the medical information we disclose about you to someone who is involved in your care or the payment for your care, like a family member or friend. For example, you could ask that we not use or disclose information about a test you had. We are not required to agree to your request, except to the extent that you request us to restrict disclosure to a health plan or insurer for payment or health care operations purposes if you, or someone else on your behalf (other than the health plan or insurer), has paid for the item or service out of pocket in full. Even if you request this special restriction, we can disclose the information to a health plan or insurer for purposes of treating you. If we agree to another special restriction, we will comply with your request unless the information is needed to provide you emergency treatment. To request restrictions, you must make your request in writing to MCHD Privacy Program, 1270 Natividad Rd, Salinas CA, 93906. In your request, you must tell us 1) what information you want to limit; 2) whether you want to limit our use, disclosure or both; and 3) to whom you want the limits to apply, for example, disclosures to your spouse.

5. Right to Request Confidential Communications. You have the right to request that we communicate with you about medical matters in a certain way or at a certain location. For example, you can ask that we only contact you at work or by mail. To request confidential communications, you must make your request in writing to MCHD Privacy Program, 1270 Natividad Rd, Salinas CA, 93906. We will not ask you the reason for your request. We will accommodate all reasonable requests. Your request must specify how or where you wish to be contacted. You also have the right to ask for communications through alternative methods, such as texting or email. Ask staff for more information.

6. Right to a Paper Copy of this Notice. You have the right to a paper copy of this notice. You may ask us to give you a copy of this notice at any time. Even if you have agreed to receive this notice electronically, you are still entitled to a paper copy of this notice. You may obtain a copy of this notice at our website: www.mtyhd.org . You can also get a paper copy of this notice by mailing a request to:

MCHD Privacy Officer
1270 Natividad Rd
Salinas, CA 93906
or call 831-755-4018

We reserve the right to change this notice. We reserve the right to make the revised or changed notice effective for medical information we already have about you as well as any information we receive in the future. We will post a copy of the current notice at our facilities. The notice will contain the effective date on the first page, in the top right-hand corner. In addition, each time you register at one of our facilities for treatment or health care services, we will offer you a copy of the current notice in effect.

Complaints

If you believe your privacy rights have been violated, you may file a complaint with the Monterey County Health Department or with the Secretary of the U.S. Department of Health and Human Services. To file a complaint with us, contact the Monterey County Health Department Privacy Officer at:

MCHD Privacy Officer
1270 Natividad Rd
Salinas, CA 93906
Phone: 831-755-4018

sumeshwar@d@co.monterey.ca.us

You will not be penalized for filing a complaint.

Other Uses of Medical Information

Other uses and disclosures of medical information not covered by this notice or the laws that apply to us will be made only with your written permission. If you provide us permission to use or disclose medical information about you, you may revoke that permission, in writing, at any time. If you revoke your permission, this will stop any further use or disclosure of your medical information for the purposes covered by your written authorization, except if we have already acted in reliance on your permission. You understand that we are unable to take back any disclosures we have already made with your permission, and that we are required to retain our records of the care that we provided to you.