



# SEDGWICK COUNTY

**CHAPTER:** HIPAA

**SUBJECT:** Notice of Privacy Practices

**POLICY NUMBER:** 1

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**SPECIAL NOTES:** Sedgwick County reserves the right to amend this manual at any time subject only to approval by the Sedgwick County Privacy Officer.

[This notice of Privacy Practices is effective as of 11/7/18](#)

**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.**

Privacy Officer		Privacy Officer
<b>Sedgwick County</b>		<b>Sedgwick County Division of Health</b>
525 N. Main, Suite 359		2716 W. Central Ave.
Wichita, KS 67203		Wichita, KS 67203
Tel. #: (316) 660-9340		Tel. #: (316) 660-7427
Fax #: (316) 383-7007		Fax #: (316) 660-4917
Privacy Officer		Privacy Officer
<b>CDDO (Sedgwick County Developmental Disability Organization)</b>		<b>COMCARE of Sedgwick County</b>
615 N. Main		271 W. 3 <sup>rd</sup> St. N., Suite 600
Wichita, KS 67203		Wichita, KS 67202
Tel. #: (316) 660-7634		Tel. #: (316) 660-7600
Fax #: (316) 660-4894		Fax #: (316) 660-7510
TTY#: (316) 660-4893		
Privacy Officer		Privacy Officer
<b>Sedgwick County Emergency Medical Service (EMS)</b>		<b>Sedgwick County Department on Aging</b>
1015 Stillwell		271 W. 3 <sup>rd</sup> St. N., Suite 500
Wichita, KS 67213		Wichita, KS 67202
Tel. #: (316) 660-7994		Tel. #: (316) 660-7298
Fax #: (316) 383-7338		Fax #: (316) 660-1936
Privacy Officer		
<b>Sedgwick County Human Resources</b>		
510 N. Main, Suite 306		
Wichita, KS 67203		
Tel. #: (316) 660-7050		
Fax #: (316) 383-7288		

## **Understanding your medical information—its uses and disclosures:**

Certain laws require that you be provided “Notice” of our privacy practices that relate to your medical information. Our privacy practices are contained with this “Notice.” This “Notice” applies to the protected health records of your care provided by Sedgwick County and its employees, staff and volunteers. Your primary care physician, other health care or treatment providers, or your health insurance plan may have different privacy policies or “Notices” regarding use and disclosure of your health information that is created outside of Sedgwick County.

**This “Notice” contains information in the following general categories:**

- **What is your health record/information?**
- **What are your health information rights?**
- **What are the responsibilities of Sedgwick County when it comes to your health information?**
- **How will Sedgwick County use and disclose your medical information?**
- **Other Uses and Disclosures — revoking previous permission to use or disclose your health information.**
- **What should you do if you have a complaint concerning your medical records?**
- **If changes are made to this “Notice”— how to obtain a revised copy.**

## **What is your health record/information?**

Each time you receive health-related treatment or care from a health department or another healthcare provider, a record of your visit is made. Typically, this record contains a history of your illnesses or injuries, symptoms, exam and laboratory results, treatment plans and treatments provided, and notes on future care. Depending on your health care situation, your record with each healthcare provider may contain more or different information. How your health information is used, is described on the following pages.

## **What are the responsibilities of Sedgwick County when it comes to your health information?**

Sedgwick County is required by law to:

- Keep your health information private and only disclose it when required to do so by law;
- Explain Sedgwick County’s legal duties and privacy practices in connection with your health records;
- Obey the rules found in this “Notice”;
- Inform you when Sedgwick County is unable to agree to a requested restriction that you have given us; and
- Accommodate your reasonable request for an alternative means of delivery, regarding destination, when sending your health information.

Sedgwick County will not use or disclose your health information without your authorization, except as explained in this “Notice” or as required by law. Certain laws may require Sedgwick County to disclose your health information without your authorization. Sedgwick County is obligated to follow those laws.

## **What are your health information rights?**

Although your health record is the physical property of Sedgwick County, the information belongs to you. You have the right to:

**Inspect and Copy Your Records.** You have the right to inspect and obtain a copy of certain health information that may be used to make decisions about your care. Usually, this includes medical and billing records, but does not include psychotherapy notes, information compiled in reasonable anticipation of, or use in, civil, criminal, or administrative actions or proceedings, information that is subject to special laws or other information not contained in the medical or billing records.

To inspect and obtain a copy of your protected health information maintained in the designated record set by Sedgwick County, you must submit your request in writing. This request should include name, address, description of records to be copied, and phone number, if necessary for contact or follow up. Information should include personal identification for requester and that of the client whose protected health information is being requested. Personal identifiers include Social Security number and date of birth. A written request must be completed prior to Sedgwick County providing the requested information. You must submit your request in writing to a Sedgwick County Privacy Officer listed on page one. If you request a copy of the information, we may charge a reasonable fee for copying, including labor, supplies, and the cost of postage.

***Sedgwick County may deny your request*** to inspect and copy in certain very limited circumstances. Certain reasons for the denial are not reviewable and some are reviewable. If you are denied access to health information, you will be told in writing. In certain circumstances, however, you may request that the denial be reviewed. If the original denial of access to the medical records was made by a licensed health care provider as allowed by law, another licensed healthcare professional chosen by Sedgwick County will review your request and the denial. The person conducting the review will not be the person who denied your request. Sedgwick County will comply with the outcome of the review. You will be advised in writing of this reviewing official's decision.

**Request an Amendment of Your Records.** If you feel that health information Sedgwick County has about you is incorrect or incomplete, you may ask us to correct or supplement the information. You have the right to request an amendment for as long as the information is kept by or for Sedgwick County. To request an amendment, your request must be made in writing and submitted to a Sedgwick County Privacy Officer listed on page one. In addition, you must provide a reason that supports your request.

***Sedgwick County may deny your request*** for an amendment if it is not in writing or does not include a reason to support the request. If your request for an amendment is denied, you have the right to file a statement of disagreement that will be included with any future disclosures of your health information. Sedgwick County may deny your request if you ask us to amend information that:

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

**Accounting of Disclosures.** You have the right to request, in certain circumstances, an “accounting of disclosures.” An “accounting” is a list of the disclosures Sedgwick County has regarding your health information. An “accounting” will not include:

- Internal uses of information for treatment, payment, or operations;
- Disclosures made to you or made at your request; or
- Disclosures made to family members or friends in the course of providing care.

To request this list or “accounting” of disclosures, you must submit your request in writing to a Sedgwick County Privacy Officer listed on page one. 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 (e.g., on paper or electronically.) Sedgwick County may charge you for the costs of providing the list. We will notify you of the costs involved and you may choose to withdraw or modify your request at that time before any costs are incurred.

**Right to Request Restrictions.** You have the right to request a restriction on the health information that Sedgwick County uses or discloses about you for treatment, payment or healthcare operations. You also have the right to request a limit on the health information Sedgwick County discloses about you to someone who is involved in your care or the payment for your care (i.e., a family member or friend.) For example, you could ask that:

- Sedgwick County not use or disclose information about a procedure you had done; or
- Sedgwick County not share specific information with certain people.

***Sedgwick County is not required to agree to your request.*** Only the Privacy Officer can agree to your request. If the Privacy Officer does agree, Sedgwick County will notify you in writing and comply with your request. If Sedgwick County agrees to a restriction we may:

- Terminate any restriction with or without your agreement; or
- Inform you that Sedgwick County is terminating our agreement to the restriction.

You may also terminate any restriction.

## **How to make a request.**

To request restrictions, you must make your request in writing to a Sedgwick County Privacy Officer listed on page one. In your request, you must tell us:

- What information you want to limit;
- Whether you want to limit our use, disclosure or both; and
- To whom you want the limits to apply (e.g., disclosures to your spouse).

**Request Confidential Communications.** You have the right to request that Sedgwick County communicates with you about medical matters in a certain way or at a certain location. For example, you can ask that Sedgwick County only contact you at work or by mail. To request confidential communications, you must make your request in writing to a Sedgwick County Privacy Officer listed on page one. Sedgwick County will not ask you the reason for your request. Sedgwick County may ask you for clarification so we can understand your request. You are not required to give an explanation. Sedgwick County will accommodate all reasonable requests. Your request must specify how or where you wish to be contacted.

**Receive Notice of Any Breach of Your Health Information.** If your health information is acquired, accessed, used, or disclosed in a manner not permitted under the HIPAA Rules which compromises the security or privacy of the protected health information, you have a right to receive notice from Sedgwick County of the breach.

The term “breach” does not include:

- Any unintentional acquisition, access, or use of your health information by a member of Sedgwick County’s workforce or a person acting under the authority of Sedgwick County or its business associate, if such acquisition, access, or use was made in good faith and within the scope of authority and does not result in further use or disclosure in a manner not permitted under the HIPAA Rules.
- Any inadvertent disclosure by a person who is authorized to access your health information at Sedgwick County or its business associate to another person authorized to access protected health information at Sedgwick County or its business associate, or organized health care arrangement in which Sedgwick County participates, and the information received as a result of such disclosure is not further used or disclosed in a manner not permitted under the HIPAA Rules.
- A disclosure of protected health information where Sedgwick County or its business associate has a good faith belief that an unauthorized person to whom the disclosure was made would not reasonably have been able to retain such information.

**Regarding an Electronic Health Information Exchange.** Sedgwick County may participate in an electronic health information exchange, or HIE. New technology allows a provider or a health plan to make a single request through a health information organization, or HIO, to obtain electronic records for a specific patient from other HIE participants for purposes of treatment, payment, or health care operations. HIOs are required to use appropriate safeguards to prevent unauthorized uses and disclosures.

You have two options with respect to HIE. First, you may permit authorized individuals to access your electronic health information through an HIO. If you choose this option, you do not have to do anything.

Second, you may restrict access to all of your information through an HIO (except access by properly authorized individuals as needed to report specific information as required by law). If you want to restrict access to your records through the exchange, you must submit a request for restriction through Kansas Health Information Technology (“KanHIT”), an office within the Kansas Department of Health and Environment. Contact the KanHIT Support Center at 785-296-8627 or visit [www.kanhit.org](http://www.kanhit.org) for more information. You cannot restrict access to certain information only; your choice is to permit or restrict access to all of your information. Please be aware that the inability to access restricted information may result in a health care provider not having access to information necessary to provide appropriate care.

Even if you restrict access through an HIO, providers and health plans may share your information directly through other means (e.g., facsimile or secure e-mail) without your specific written authorization. Your information will also be available through the exchange by a properly authorized individual as necessary to report specific information to a government agency as required by law (for example, reporting of certain communicable diseases or suspected incidents of abuse).

For your protection, each request for restrictions is subject to verification procedures. Please allow sufficient time for your request to be processed. Your failure to provide all information required for verification may result in additional delay or denial of your request.

If you receive health care services in a state other than Kansas, different rules may apply regarding restrictions on access to your electronic health information. Please communicate directly with your out-of-state health care provider regarding those rules.

If you have questions regarding HIE or HIOs, please visit [www.kanhit.org](http://www.kanhit.org) for additional information.

**Restrict Disclosure of Your Health Information to Health Plans.** You have the right to request Sedgwick County not disclose your health information to a health plan if:

- The disclosure is for the purpose of carrying out payment or health care operations and is not otherwise required by law; and
- The health information pertains solely to a health care item or service for which you, or a person other than the health plan on behalf of you, has paid Sedgwick County in full.

**Receive your Health Information in Electronic Form.** If Sedgwick County maintains your health information in one or more designated record sets electronically and if you request an electronic copy of such information, Sedgwick County must provide you with access to your health information in the electronic form and format requested by the you, if it is readily producible in such form and format; or, if not, in a readable electronic form and format as agreed to by the Sedgwick County and you.

**A Paper Copy of This “Notice.”** You have the right to a paper copy of this “Notice.” You may ask Sedgwick County 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.” To obtain a paper copy of this “Notice” you may contact a Sedgwick County Privacy Officer listed on page one. You may also obtain a copy of this “Notice” at our website, [www.sedgwickcounty.org](http://www.sedgwickcounty.org)

### ***Types of Uses and Disclosures that Require Authorization under 45 CFR § 164.508(a)(2)–(a)(4)***

Sedgwick County will not use or disclose your health information without your written authorization in the following circumstances:

- Psychotherapy notes; except to carry out the following treatment, payment, or health care operations:
  - Use by the originator of the psychotherapy notes for treatment;
  - Use or disclosure by Sedgwick County for its own training programs in which students, trainees, or practitioners in mental health learn under the supervision to practice or improve their skills in group, joint, family, or individual therapy; or

- Use or disclosure by Sedgwick County to defend itself in a legal action or other proceeding brought by the individual.
- Marketing; except if the communication is in the form of:
  - A face-to-face communication made by Sedgwick County to the individual;
  - A promotional gift of nominal value provided by Sedgwick County.

If the marketing involves direct or indirect remuneration to Sedgwick County from a third party, the authorization must state that such remuneration is involved.

- Sale – Sedgwick County will not sell your health information; however, you have a right that no sale can occur without your written authorization, and the authorization must state whether Sedgwick County would receive any remuneration.

## **Other uses and disclosures—revoking previous permission to use or to disclose your health information:**

Other uses and disclosures of health information not covered by this “Notice” or the laws that apply to Sedgwick County will be made only with your written permission. For certain disclosures of your information, you must complete an “Authorization for Uses and Disclosure of Protected Health Information” form and submit it to Sedgwick County. If you provide Sedgwick County permission to use or disclose health information about you, you may revoke that permission, in writing, at any time. To revoke any permission already given to Sedgwick County or permission given to us in the future, you must revoke that permission in writing by sending it to a Sedgwick County Privacy Officer listed on page one. If you revoke your permission, Sedgwick County will no longer use or disclose health information about you for the reasons covered by your written authorization. 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.

## **How will Sedgwick County use and disclose your health information?**

**For Treatment.** Sedgwick County may use health information about you to provide you with health-related treatment or care. Sedgwick County may disclose health information about you to other treatment providers who are involved in your care. The following are several examples.

- A nurse caring for you during your pregnancy will need to know if you have diabetes because diabetes affects the growth of the baby during the pregnancy. The nurse may need to tell the dietitian that you have diabetes so that your nutritional needs during pregnancy are considered in your care.
- CDDO staff may disclose treatment information to a Business Associate or Affiliate to request services on your behalf.
- Department on Aging staff may disclose treatment information to a Business Associate or Affiliate to request services on your behalf.

Different departments of Sedgwick County may share health information about you in order to coordinate the different services you need (i.e., medications, lab work, x-rays, etc.). Sedgwick County also may disclose health information about you to people outside Sedgwick County who may be involved in your medical care while you are a client of Sedgwick County (e.g., other doctors, nurses, advanced registered nurse practitioners, family members, clergy, etc.).

**For Payment.** Sedgwick County may use and disclose health information about you for billing purposes so Sedgwick County can collect payment from you, an insurance company or a third party. For example, Sedgwick County may need to give your health insurance company information about a procedure you received at Sedgwick County so we can be paid or you can be reimbursed for the procedure. Sedgwick County may also tell your health plan about a treatment you are going to receive in order to obtain prior approval or to determine whether your plan will cover the treatment.

**For Health Care Operations.** Sedgwick County may use and disclose health information about you for operations. These uses and disclosures are necessary to run Sedgwick County and make sure all of our clients receive quality care. For example, Sedgwick County may use health information to review our treatment and services and to evaluate the performance of our staff in caring for you. Sedgwick County may disclose information to doctors, nurses, medical students, and other personnel for review and learning purposes. Additional uses and disclosures for “health care operations” include:

- Activities related to improving health or reducing health care costs;
- Protocol development;
- Care management;
- Training, certification, licensing, credentialing or other related activities;
- Insurance-related functions;
- Medical review and auditing functions, including fraud and abuse detection and compliance programs;
- Conducting or arranging for legal services for Sedgwick County, or its personnel; and
- Business planning and development, business management and general administrative activities
- Internal grievance resolution.

**Treatment Alternatives.** Sedgwick County may use and disclose health information to tell you about, or recommend, possible treatment options or alternatives that may be of interest to you.

**Health-Related Benefits and Services.** Sedgwick County may use and disclose health information to tell you about health-related benefits or services that may be of interest to you.

**Individuals Involved in Your Care or Payment for Your Care.** Sedgwick County may release health information about you to a friend or family member who is involved in your health-related treatment or care. Sedgwick County may also give information to someone who helps pay for your care. Sedgwick County may disclose health information about you to an entity assisting in disaster relief effort so that your family can be notified about your condition, status and location. The amount of information disclosed will depend on that person’s particular involvement in your care. If you want this information restricted, you must tell us by using the required procedure.

**Research.** Under certain circumstances, Sedgwick County may use and disclose health information about you for research purposes. For example, a research project may study the effects of early access to health care during pregnancy. All research projects are subject to a special approval process. This process evaluates a proposed research project and its use of health information, while balancing research needs with the client’s need for privacy of their health information. Before we use disclosure of health information for research, the project must be approved through the research approval process.

**As Required by Law.** Sedgwick County will disclose health information about you when required to do so by federal, state or local law. This may include reporting of communicable diseases, wounds, abuse, disease registries, health oversight matters and other public policy requirements. We may be required to report this information without your permission.

**To Avert a Serious Threat to Health or Safety.** Sedgwick County may use and disclose health 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, is limited to person(s) who can help prevent the threat.

### **Special situations: *(Sharing of information without your permission)***

**Military and Veterans.** If you are a member of the armed forces, Sedgwick County may release health information about you as required by military command authorities.

**Workers’ Compensation.** Sedgwick County may release health information about you for workers’ compensation or similar programs. These programs provide benefits for work-related injuries or illness.

**Public Health Activities.** Sedgwick County may disclose health information about you without your permission 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 child abuse or neglect;
- To report adverse events, reactions to medications or problems with foods or 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; and
- 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.

**Health Oversight Activities.** Sedgwick County may disclose health information without your permission 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, licensing functions, and compliance with civil rights laws.

**Lawsuits and Disputes.** If you are involved in a lawsuit or in a dispute, Sedgwick County may disclose health information about you in response to a court or administrative order. We may also disclose health information about you in response to a court or administrative order even if you are not involved in the lawsuit or dispute. Health information about you may be disclosed 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 or to obtain an order protecting the information requested or as otherwise permitted by law.

**Law Enforcement.** *Unless state or federal law is more restrictive than HIPAA with regard to disclosure of certain records,* Sedgwick County may release health information if asked to do so by law enforcement officials:

- 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; and
- In emergency circumstances to report a crime, the location of a crime or victims, or the identity, description or location of the person who committed the crime.

**Coroners, Medical Examiners and Funeral Directors.** Sedgwick County may release health information to a Coroner or Medical Examiner (e.g., to determine the cause of death).

**National Security and Intelligence Activities.** Sedgwick County may release health information about you to authorized federal officials for intelligence, counterintelligence, and other national security activities authorized by law.

**Inmates.** If you are an inmate of a correctional institution or under the custody of a law enforcement official, Sedgwick County may release health information about you to the correctional institution. This release would be necessary:

- For the institution to provide you with health care;
- To protect your health and safety or the health and safety of others; or
- For the safety and security of the correctional institution.

## **What should you do if you have a complaint concerning your medical records?**

If you believe your privacy rights have been violated, you may file a complaint with Sedgwick County or with the Secretary of the Department of Health and Human Services (DHHS.) To file a complaint with Sedgwick County or to receive additional information about how to file a complaint with the DHHS, contact a Sedgwick County Privacy Officer listed on page one. All complaints must be submitted in writing. We cannot, and will not, require you to waive the right to file a complaint as a condition of receiving treatment from Sedgwick County. **You will not be penalized for filing a complaint.**

## **If changes are made to this “Notice”:**

Sedgwick County reserves the right to change this “Notice.” Sedgwick County reserves the right to make the revised or changed “Notice” applicable to health information we already have about you, as well as, any information we receive in the future. Sedgwick County will post a current copy of the “Notice” in all identified locations. You will find the date the “Notice” became effective at the top of the first page below the title. If a material change is made to the “Notice” you will be presented with a new version of the Notice of Privacy Practices. You will be asked to sign a new Notice of Privacy Practices Acknowledgement form. In addition, each time you register for services with Sedgwick County, a copy of the current “Notice” in effect will be given to you if you request it.