

1. Purpose

The purpose of this policy is to describe the methods of complying with the HIPAA Privacy Rule which requires providing a "Notice of Privacy Practices" document to patients.

2. Scope

This policy applies to all Sedgwick County employees, with the exception of the Sheriff's Office and District Attorney's Office.

3. Policy Statement

Sedgwick County shall make available the current version of its Notice of Privacy Practices pursuant to the requirements of the HIPAA Privacy Rule (see 45 C.F.R. §164.520) and the Kansas Health Information and Technology Act.

4. Procedures

- A. The current version of the "Notice of Privacy Practices" form (attached hereto as Exhibit A) ("Notice") shall be distributed to all new patients who receive health-related treatment or care from a Sedgwick County, Kansas treatment provider. The Notice and a written acknowledgement of receipt of the Notice must be provided to the patient prior to the first date of service.
- B. The Department Privacy Officers have overall responsibility for ensuring employees in their department properly distribute the Notice as required by the HIPAA Privacy Rule. The Department Privacy Officers have responsibility for implementing the provisions of this policy.
- C. The Department Privacy Officers will assure that their department employees offer a copy of the current Notice to each new patient and make an attempt to obtain a written acknowledgement of receipt of the Notice from each new patient is made. However, the

Department Privacy Officers need not require the current Notice be offered to a patient from whom a written acknowledgement of receipt has been previously obtained (even if the acknowledgement was for receipt of a prior version of the Notice).

- D. Each time a client is provided services by Sedgwick County, the workforce member responsible for registering the client shall review the client's record to determine whether the client (or client representative) previously has provided a written acknowledgment of receipt of the Notice. If the client has not provided such acknowledgment, the workforce member shall provide the client (or client representative) a copy of the current Notice, and obtain the signature of the client (or client representative) on the acknowledgment form (attached as Exhibit B). The workforce member shall place the signed acknowledgment in the client's medical record.
- E. If the process outlined in the preceding section cannot be completed at the time of providing emergency treatment, that process shall be completed when it is practical to do so after the emergency situation has ended. Where notice is delayed by an emergency treatment situation, the provider need not make a good faith effort to obtain a written acknowledgement of receipt of the Notice.
- F. If, at any time, the client (or client representative) refuses or is unable to sign the acknowledgement form when presented, the workforce member shall document (on the form attached hereto as Exhibit C) the good faith efforts to obtain the acknowledgement. The workforce member shall place the documentation in the client's medical record.
- G. A copy of the Notice shall be maintained in the front lobbies of identified Sedgwick County Facilities in a notebook clearly labeled "Notice of Privacy Practices." A copy of the Notice shall be posted on the department's website available from a link appearing on the home page of such website.
- H. Any member of Sedgwick County's workforce who receives an inquiry concerning Sedgwick County's Notice of Privacy Practices shall direct such inquiry to the relevant Department Privacy Officers listed on pages 10 and 11 of Exhibit A who are responsible for handling all such inquiries. Upon request, the Department Privacy Officer or any workforce member shall provide a paper copy of the Notice to any person who requests a paper copy of the document.
- I. Sedgwick County shall promptly revise its Notice whenever there is a material change to the uses or disclosures, individual rights, Sedgwick County's legal duties, or other privacy practices stated in the Notice. Except when required by law, a material change to any term of the Notice shall not be implemented prior to the effective date of the Notice in which such material change is reflected. Sedgwick County shall maintain copies of each version of its Notice for six years following its last effective date.

NOTICE OF PRIVACY PRACTICES SEDGWICK COUNTY, KANSAS

EFFECTIVE [insert effective date of revision]

THIS NOTICE DESCRIBES HOW MEDICAL INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW CAREFULLY. You have the right to a paper copy of this Notice which you may request at any time.

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 of Privacy Practices" ("Notice"). This Notice of Privacy Practices ("Notice") applies to Sedgwick County, Kansas, a municipality, which operates the following: Sedgwick County Health Department; Sedgwick County Developmental Disabilities Organization; Sedgwick County Aging Department; COMCARE of Sedgwick County, Kansas; Sedgwick County Emergency Medical Services; Sedgwick County Office of the Medical Director and the Sedgwick County Human Resources Department.

Summary - This Notice contains information in the following general categories:

- What is your health record/information?
- What are the responsibilities of Sedgwick County when it comes to your health information?
- What are your health information rights?
- How will Sedgwick County use and disclose your medical records/information?
- Other uses and disclosures.
- What should you do if you have a complaint concerning your medical records?
- Obtaining a revised copy of this Notice if changes are made.

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.

What are the responsibilities of Sedgwick County when it comes to 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 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.

What are your health information rights?

You have the right to:

<u>Inspect and Obtain a Copy of Your Records.</u> 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 to the relevant Privacy Officer listed below, preferably using the form found at this link:

http://eline.sedgwick.gov/HIPAA/Shared%20Documents1/Blank%20Forms/Form%20-%20Request%20by%20Client%20for%20Access%20to%20Protected%20Health%20Information%20.pdf.

This request should include name, address, a description of records and a phone number. 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. 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. 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 the relevant Privacy Officer listed below. 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.

<u>Request an Accounting of Disclosures.</u> 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 the relevant Sedgwick County Privacy Officer listed below. 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.

<u>Request Restrictions</u>. 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.

To request restrictions, you must make your request in writing to the relevant Privacy Officer listed below. In your request, you must state:

- 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).

You may terminate restrictions in writing directed to the relevant Privacy Officer listed below by stating the specific restriction(s) that you wish to be terminated.

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 the relevant Privacy Officer listed below. 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 electronic health information technology or HIT. This 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 HIT 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 HIT. 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 <u>all</u> of your information through an HIO (except as required by law). If you wish to restrict access, you must submit the required information either online at http://www.KanHIT.org or by completing and mailing a form. This form is available at http://www.KanHIT.org. You cannot restrict access to certain information only; your choice is to permit or restrict access to all of your information.

If you have questions regarding HIT or HIOs, please visit http://www.KanHIT.org for additional

information.

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.

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.

<u>Receive A Paper Copy of This Notice.</u> 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 below. You may also obtain a copy of this Notice at our website, <u>www.sedgwickcounty.org</u>.

How will Sedgwick County use and disclose your health-related treatment or care information?

<u>For Treatment.</u> 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.).

<u>For Payment.</u> 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.

<u>For Health Care Operations.</u> 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.

<u>Treatment Alternatives.</u> 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.

<u>Health-Related Benefits and Services.</u> 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 discuss health information about you to a friend or family member who you identify as being involved in your health-related treatment or care. In situations where you are incapacitated or unable to make this decision, we will use our professional judgment in making such disclosures. 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 in these situations 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 listed on page 5 of this Notice.

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.

<u>As Required by Law.</u> 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.

<u>To Avert a Serious Threat to Health or Safety.</u> 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.

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

<u>Workers' Compensation.</u> Sedgwick County may release health information about you for workers' compensation or similar programs. These programs provide benefits for work-related injuries or illness.

<u>Public Health Activities.</u> 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

<u>Victims of Abuse, Neglect or Domestic Violence.</u> Sedgwick County may disclose health information without your permission 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.

<u>Health Oversight Activities.</u> 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.

<u>Lawsuits and Disputes.</u> 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.

<u>Law Enforcement.</u> 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.

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

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

<u>Inmates.</u> 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.

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:
 - o 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.

• Sedgwick County will not sell your health information.

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. The form may be located at this link: http://eline.sedgwick.gov/HIPAA/Shared%20Documents1/Blank%20Forms/Form%20-%20Authorization%20for%20Use%20or%20Disclosure%20of%20PHI.pdf.

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 below. 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.

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 the relevant Sedgwick County Privacy Officer listed below. 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.

Obtaining a revised copy of this notice if changes are made:

Sedgwick County reserves the right to revise this Notice and make the revised Notice applicable to health information we already have about you, as well as to any information we receive in the future. When Sedgwick County makes a material change to the uses or disclosures, individual rights, Sedgwick County's legal duties or other privacy practices stated in this Notice, we will post the revised Notice in prominent locations throughout the County's facilities as well as on the Sedgwick County website at: https://www.sedgwickcounty.org/policies-and-disclaimers/hippa-privacy/. In addition, you may request a copy of the current Notice at any time.

PRIVACY OFFICERS/CONTACT PERSONS:

Sedgwick County Privacy Officer 100 N. Broadway, Suite 650 Wichita, KS 67202

Tel. #: (316) 660-9340 Fax #: (316) 660-9351

Department Privacy Officer

SCDDO (Sedgwick County Developmental Disability Organization)

615 N. Main

Wichita, KS 67203

Tel. #: (316) 660-7630 Fax #: (316) 660-4894

TTY#: (316) 660-4893

Department Privacy Officer

Sedgwick County Emergency Medical Service (EMS)

1015 Stillwell

Wichita, KS 67213 Tel. #: (316) 660-7994

Fax #: (316) 383-7338

Department Privacy Officer

Sedgwick County Human Resources

510 N. Main, Suite 306

Wichita, KS 67203

Tel. #: (316) 660-7050

Fax #: (316) 383-7288

Department Privacy Officer

Sedgwick County Department of Health

2716 W. Central Ave. Wichita, KS 67203

Tel. #: (316) 660-7300

Fax #: (316) 660-4917

Department Privacy Officer

COMCARE of Sedgwick County

271 W. 3rd St. N., Suite 600

Wichita, KS 67202

Tel. #: (316) 660-7600

Fax #: (316) 660-7510

Department Privacy Officer Sedgwick County Department on Aging 271 W. 3rd St. N., Suite 500 Wichita, KS 67202

Tel. #: (316) 660-1990 Fax #: (316) 660-1936

Department Privacy Officer Sedgwick County Office of the Medical Director 200 W. Murdock Wichita, KS 67203

Tel. #: (316) 660-9043 Fax #: (316) 660-9048