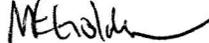


Colorado Department of Health Care Policy and Financing 1575 Sherman St., Denver, CO 80203-1714	NUMBER: HCPF 03-006
	CROSS REFERENCE:
DIVISION OR OFFICE: Division of Information Technology	DATE: April 14, 2003
SUBJECT AREA: HIPAA COMPLIANCE	
SUBJECT: Medicaid's Notice of Privacy Practices	APPROVED BY:  Marilyn Golden Director, Oper. & Finance
TYPE: A - Action	

*Medicaid Agency Letters can be accessed online at:
www.chcpf.state.co.us >> Departmental Reference Material >> Agency Letters*

Purpose:

Compliance with 45 CFR Part 164.520 requires Medicaid to issue a standard notice entitled "Notice of Privacy Practices for Protected Health Information" to all Medicaid recipients.

Background:

The Health Insurance Portability and Accountability Act or HIPAA (42 USC 1320d) added Administrative Simplification requirements to the Social Security Act. The requirements are intended to standardize various aspects of health information.

- The first rule (45 CFR 162) was issued in August 2000 and relates to transaction standards where covered entities must use HIPAA standard codes and formats to conduct certain specified transactions related to health care administration and financing.
- The second rule (45 CFR 164) as issued in December 2000 and amended in May 2002 relates to privacy of patient health data and how covered agencies must act to protect this information.

Procedure or Information:

Medicaid has issued the attached "Notice of Privacy Practices" to all Medicaid recipients. The Notice includes the uses and disclosures of protected health information that may be made by Medicaid, the recipient's rights in regards to protected health information and Medicaid's obligations in protecting the health information.

The "Notice of Privacy Practices" shall be posted in a prominent location where it is reasonable to expect individuals seeking services be able to read the notice. The notice shall remain posted until replaced or revised by Medicaid.

Effective Date:

April 14, 2003

Contact Persons:

Medicaid Privacy Officer
 (303)866-4366

Attachment: Medicaid Notice of Privacy Practices

NOTICE OF PRIVACY PRACTICES



COLORADO MEDICAID - DEPARTMENT OF HEALTH CARE POLICY AND
FINANCING

NOTICE OF PRIVACY PRACTICES. EFFECTIVE DATE APRIL 14, 2003.

**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.**

COLORADO MEDICAID'S COMMITMENT TO YOU ABOUT OUR MEDICAL FILES:

Medicaid must share information about you with health care providers. Medicaid knows the information we get from you is private. Starting on April 14, 2003, Medicaid must comply with the new Federal laws to protect your information under the Health Insurance Portability and Accountability Act (HIPAA). The information Medicaid gets and keeps private about you is called "Protected Health Information" or PHI. PHI may be your name, age, social security number, Medicaid number, or even why you are sick.

Under the new law, this Notice of Privacy Practices will tell you how Medicaid may use or share your PHI so you get health care.

Colorado Medicaid may make changes in its Privacy Practices. Medicaid reserves the right to apply any changes in its Privacy Practices to all PHI kept by Medicaid. If Medicaid changes its Privacy Practices, you will be mailed a new notice. Colorado Medicaid will also put these changes on its web site (www.chcpf.state.co.us) as well as at the places you apply for Medicaid. You may call Medicaid and request a copy of the privacy notice.

COLORADO MEDICAID MAY USE AND SHARE YOUR PHI WITHOUT YOUR AUTHORIZATION:

- **For treatment** - Medicaid may use or share your PHI with your doctor or others who give you health care. For example, Medicaid will share your PHI so that medical treatment is given to you.
- **For payment** - Medicaid may use and share your PHI to pay for the health care you got from a Medicaid doctor. For example, your doctor will send in PHI about you so that Medicaid can pay for medical services.
- **For health care operations** - Medicaid may use and share your information to make sure you receive good health care. For example, Medicaid uses other companies to review hospital and doctors' records to see if you received good health care.

YOUR
INFORMATION
IS
PRIVATE

WHO
SEES MY
INFORMATION

OTHER WAYS MEDICAID CAN USE OR SHARE YOUR PHI WITHOUT YOUR AUTHORIZATION:

- **To keep you informed** - Medicaid may use or share your PHI to mail you information about Medicaid programs and Medicaid HMO choices in your area.
- **Public health** - Medicaid may use or share your PHI with public health agencies to prevent the spread of diseases.
- **Health review reasons** - Medicaid may use and share your PHI with the federal agency who watch over the health care services Medicaid gives you.
- **Legal reasons** - Medicaid may use and share your PHI as required under law.
- **Fraud or abuse** - Medicaid may be required to use and share your PHI if needed for an investigation of fraud and/or abuse.
- **For other government programs** - Medicaid may use or disclose your PHI for benefits under other government programs, for example, to see if you can get Supplemental Security Income (SSI) benefits.
- **To avoid harm** - Medicaid may use or share your PHI with law enforcement so no harm comes to you or others (public safety).
- **For research** - Medicaid may use and share your PHI for a research project that has been approved by a review board. The project must keep your PHI private.
- **For coroners, funeral directors, medical examiners and if you are an organ donor** - Medicaid may use or share your PHI to let the above people do their job.
- **Workers compensation** - Medicaid may use and share your PHI with programs that give benefits for work related injuries.
- **Correctional institutes** - Medicaid may use or share your PHI with these places for the purposes of health and safety.

IF MEDICAID SHARES YOUR PHI IN OTHER WAYS, WE NEED YOUR WRITTEN AUTHORIZATION

- Medicaid will ask your written permission to use your PHI in other ways. If you give us your written authorization and then change your mind or decide to cancel it, you must let Medicaid know in writing.

**MAY I
SEE MY
INFORMATION**

YOUR RIGHTS TO HEALTH INFORMATION PRIVACY

You have the following rights:

- You may see and get copies of your records: You may see and get copies of your Medicaid records. Medicaid may charge you to make the copies. You must make this request in writing to Medicaid. You may not see or get copies of any notes taken by your mental health therapist or information prepared for use in a civil, criminal or administrative legal action.

- **You may change or add information** - You have the right to send in a written request to change wrong or missing PHI. You must tell Medicaid why you want to do this. Medicaid may deny your request in certain cases.
- **You may ask to whom Medicaid has sent your PHI** - You have the right to know to whom Medicaid has sent your PHI. Your request must be sent to Medicaid in writing.
- **You may ask Medicaid to communicate with you privately** - You can ask Medicaid to communicate with you in a different way or place to keep your PHI private.
- **You may ask Medicaid not to share your PHI** - You may ask Medicaid not to share your PHI (except for treatment, payment or health care operations). The law says Medicaid does not have to agree to do this.

WHAT MEDICAID MUST DO:

- Medicaid must keep your PHI private according to the privacy laws.
- Medicaid must tell you how your PHI is kept private.
- Medicaid must give you this notice.
- Medicaid must comply with the privacy law.

HOW TO FILE A PHI COMPLAINT:

- If you think you have a complaint you must write a letter to:

**State of Colorado - Medicaid Privacy Officer
1570 Grant Street
Denver, CO 80203**

- You may also file a Complaint with the Secretary of Health and Human Services by writing:

**Secretary of the U.S. Department of Health and Human Services
Office of Civil Rights
200 Independence Ave, SW
Washington, D.C. 20201**

MEDICAID CANNOT TAKE AWAY YOUR BENEFITS OR RETALIATE AGAINST YOU IF YOU FILE A COMPLAINT

Need more Information? You may contact the Colorado Medicaid Privacy Officer at phone number 303-866-4366.

If you need this letter in another language, large print or tapes please call Medicaid at 303-866-3513 or 1-800-221-3943 (outside Denver).

Si necesitas este documento en español, letras grandes, o en un cassette, por favor llame a nuestro a 303-866-3513 o 1-800-221-3943 (para no esta en Denver).

**TO
FILE A
COMPLAINT**