

Important Information on DSHS Confidentiality and HIPAA Privacy Policies and Procedures

Information about an individual with mental illness, developmental disease, or addictive disease is confidential under Texas law and federal laws. Federal laws give extra confidentiality protection to alcohol and drug abuse information. In addition, "HIPAA" (the Health Insurance Portability and Accountability Act of 1996) provides for the safeguarding of each individual's protected health information or "PHI." The federal Department of Health and Human Services' ("HHS") HIPAA "Privacy Rule" details when and how the privacy safeguards apply, and the administrative requirements that "covered entities" such as DSHS must follow, and the HIPAA "Security Rule" describes technical and physical ways in which privacy must be protected. DSHS has adopted confidentiality policies and procedures in order to comply with Texas laws, federal laws on alcohol and drug abuse information, and HIPAA. All members of DSHS's workforce will be trained on those DSHS policies and procedures. Training will be done in a manner suitable to the employee's role within the agency and the extent of the employee's involvement with confidential information and PHI. Every member of the workforce, including volunteers and trainees, should keep in mind the following key points from DSHS's policies and procedures:

- All information about an individual is confidential, whether it is written, electronic, or spoken. E-mail correspondence must comply with confidentiality policies.
- DSHS cannot confirm or deny whether an individual is receiving or has received treatment or services.
- DSHS has issued a "Notice of Privacy Practices" stating how it will use and disclose an individual's PHI. The notice is available in paper and electronic formats, and on the DSHS website. <http://www.dshs.state.tx.us/hipaa/privacynotices.shtm>
- An individual who has the mental capacity to make the decision may give written authorization to DSHS to disclose his or her PHI to others. The individual's guardian or health care agent can also authorize disclosures. Also, there are also laws and regulations that may allow DSHS to disclose PHI without the individual's authorization. Staff should consult the DSHS confidentiality policies or their supervisor for guidance on these laws and regulations.
- When PHI is used or disclosed without a written authorization (under applicable laws or regulations), the use or disclosure should be only the minimum PHI necessary to accomplish the purpose for which the use or disclosure is being made.
- An individual has the right to access the individual's own PHI; to request limitations on its use and disclosure, including restricting the persons to whom disclosure may be made; to request amendment of the individual's PHI; and to request an accounting of disclosures made without written authorization or by other legal authority. DSHS must maintain records of those disclosures and keep the records for six years.
- An individual who believes his or her rights under the Privacy Rule have been violated has a right to make a complaint to the DSHS or to the Secretary of HHS.
- DSHS has designated a Privacy Officer responsible for developing and implementing confidentiality policies and procedures, which provide for hospital and regional office Privacy Coordinators responsible for providing information, receiving complaints and responding to inquiries.
- DSHS must obtain written agreements from its contractors or "business associates" reasonably assuring that their activities will meet confidentiality and HIPAA privacy requirements.
- Both civil and criminal penalties may apply if privacy violations occur, including monetary penalties.

For the complete text of DSHS's Confidentiality and HIPAA policies and procedures, employees should speak with their hospital's Policy Manager.

Please keep a copy of this document for ready reference. Sign and date a copy below and return it to Whitestone Healthcare for inclusion in your Human Resources file. Thank you for helping DSHS achieve compliance with confidentiality laws and the HIPAA Privacy and Security Rules.

Print Name

Signature

Date