

# CATTARAUGUS COUNTY

## 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.**

Cattaraugus County uses your Protected Health Information for your treatment, to obtain payment for our services and for our operational purposes, such as improving the quality of care we provide to you. We are committed to maintaining your confidentiality and protecting your health information. We are required by law to provide you with this Notice, which describes our health information privacy practices and those of affiliated health care providers that provide care from the various Cattaraugus County Departments.

This Notice applies to all information and records related to your care that our County workforce members and Business Associates have received or created. It also applies to health care professionals, such as physicians, and organizations that provide care to you from the various Cattaraugus County Departments. It informs you about the possible uses and disclosures of your Protected Health Information and describes your rights and our obligations regarding your Protected Health Information.

We are required by law to:

- maintain the privacy of your Protected Health Information;
- provide to you this detailed Notice of our legal duties and privacy practices relating to your Protected Health Information; and
- abide by the terms of the Notice that are currently in effect. We reserve the right to change the terms of this Notice, and will notify you or your personal representative if we make any material changes to the Notice.

### **I. WITH YOUR CONSENT WE MAY USE AND DISCLOSE YOUR PROTECTED HEALTH INFORMATION FOR TREATMENT, PAYMENT AND HEALTH CARE OPERATIONS**

You are required by New York State Law to sign a Consent allowing us to use and disclose your Protected Health Information to others to provide you with treatment, obtain payment for our services, and run our health care operations. Here are examples of how we may use and disclose your health information.

**For Treatment.** Our staff and affiliated health care professionals may review and record information in your record about your treatment and care. We will use and disclose this health information to health care professionals in order to treat and care for you. For example, a physician may consult with another physician located at another location to determine how to best diagnose and treat you.

**For Payment.** The County may use and disclose your Protected Health Information to others in order for the County to bill for your health care services and receive payment. For example, we may include your health information in our claim to Blue Cross/Blue Shield or Medicare in order to receive payment for services provided to you. We may also disclose your health information to other health care providers so that they can receive payment for their services.

**For Health Care Operations.** We may use and disclose your Protected Health Information to others for the County's business operations. For example, we may use Protected Health Information to evaluate the County's services, including the performance of our staff, and to educate our staff.

## **II. WE MAY USE AND DISCLOSE YOUR PROTECTED HEALTH INFORMATION FOR OTHER SPECIFIC PURPOSES**

### **Business Associates**

We may share your Protected Health Information with our vendors and agents who help us with obtaining payment or carrying out our business functions. These are called our "Business Associates."

**Nursing Home Directory.** If you are an individual in a County Nursing Home, unless you object, we may include general information about you in our facility directory. This information may include your name, location in the facility, general condition and religious affiliation. We may release information in our directory, except for your religious affiliation, to people who ask for you by name. Your religious affiliation may be given to any member of the clergy even if they don't ask for you by name.

**Family and Friends Involved in Your Care** Unless you object, we may disclose your Protected Health information to a family member or close personal friend, including clergy, who is involved in your care or payment for that care.

**Disaster Relief.** We may disclose your Protected Health Information to an organization assisting in a disaster relief effort.

**Public Health Activities.** We may disclose your Protected Health Information for public health activities including the reporting of disease, injury, vital events, and the conduct of public health surveillance, investigation and/or intervention. We may also disclose your information to notify a person who may have been exposed to a communicable disease or may otherwise be at risk of contracting or spreading a disease or condition if a law permits us to do so.

**Health Oversight Activities.** We may disclose your Protected Health Information to health oversight agencies authorized by law to conduct audits, investigations, inspections and licensure actions or other legal proceedings. These agencies provide oversight for the Medicare and Medicaid programs, among others.

**Reporting Victims of Abuse, Neglect or Domestic Violence.** If we have reason to believe that you have been a victim of abuse, neglect or domestic violence, we may use and disclose your Protected Health Information to notify a government authority if required or authorized by law, or if you agree to the report.

**Law Enforcement.** We may disclose your Protected Health Information for certain law enforcement purposes or other specialized governmental functions.

**Judicial and Administrative Proceedings.** We may disclose your Protected Health Information in the course of certain judicial or administrative proceedings.

**Research.** We will request that you sign a written authorization before using your Protected Health Information or disclosing it to others for research purposes.

**Coroners, Medical Examiners, Funeral Directors, Organ Procurement Organizations.** We may release your health information to a coroner, medical examiner, funeral director or, if you are an organ donor, to an organization involved in the donation of organs and tissue.

**To Avert a Serious Threat to Health or Safety.** We may use and disclose your Protected Health Information when necessary to prevent a serious threat to your health or safety or the health or safety of the public or another person. However, any disclosure would be made only to someone able to help prevent the threat.

**Military and Veterans.** If you are, or were, a member of the armed forces, we may use and disclose your Protected Health Information as required by military command authorities. We may also use and disclose Protected Health Information about foreign military personnel as required by the appropriate foreign military authority.

**Workers' Compensation.** We may use or disclose your Protected Health Information to comply with laws relating to workers' compensation or similar programs.

**National Security and Intelligence Activities; Protective Services.** We may disclose Protected Health Information to authorized federal officials who are conducting national security and intelligence activities or as needed to provide protection to the President of the United States, or other important officials.

**As Required By Law.** We will disclose your Protected Health Information when required by law to do so.

### **III. YOUR AUTHORIZATION IS REQUIRED FOR OTHER USES OF YOUR PROTECTED HEALTH INFORMATION**

We will use and disclose your Protected Health Information other than as described in this Notice or required by law only with your written Authorization. You may revoke your Authorization to use or disclose Protected Health Information in writing, at any time. To revoke your Authorization, contact the appropriate County staff. If you revoke your Authorization, then we will no longer use or disclose your Protected Health Information for the purposes covered by the Authorization, except where we have already relied on the Authorization.

### **IV. YOUR RIGHTS REGARDING YOUR HEALTH INFORMATION**

You have the following rights with respect to your health information. If you wish to exercise any of these rights, you should make your request to the appropriate County staff.

**Right of Access to Protected Health Information.** You have the right to request, either orally or in writing, to inspect and obtain a copy of your Protected Health Information, subject to some limited exceptions. We must allow you to inspect your records within 24 hours of your request. If you request copies of the records, we must furnish you a copy within 2 days of that request. We may charge a reasonable fee for our costs in copying and mailing your requested information.

In certain limited circumstances, we may deny your request to inspect or receive copies. If we deny access to your Protected Health Information, we will provide you with a summary of the information, and you have a right to request review of the denial. We will provide you with information on how to request a review of our denial and how to file a complaint with us or the Secretary of the Department of Health and Human Services.

**Right to Request Restrictions.** You have the right to request restrictions on the way we use and disclose your Protected Health Information for our treatment, payment or health care operations. You also have the right to request restrictions on our disclosures of your Protected Health Information to a family member, friend or other person who is involved in your care or the payment for your care.

We are not be required to agree to your requested restriction, and in some cases, the law may not permit us to accept your restriction. However, if we do agree to accept your restriction, then we will comply with your restriction EXCEPT IF: (1) you are being transferred to another health care institution; (2) the release of records is required by law, or (3) the release of information is needed to provide you emergency treatment.

**Right to an Accounting of Disclosures.** You have the right to request an "accounting" of our disclosures of your Protected Health Information. This is a listing of certain disclosures of your Protected Health Information made by the County or by others on our behalf, but does not include disclosures made for treatment, payment and health care operations or certain other exceptions.

You must submit a request in writing, stating a time period beginning after April 13, 2003 that is within six years from the date of your request. For example, you may request a list of disclosures the County made between May 1, 2003 and May 1, 2004. You are entitled to one free accounting within one 12-month period. For additional requests, we may charge you our costs.

We will usually respond to your request within 60 days. Occasionally, we may need additional time to prepare the accounting. If so, we will notify you of our delay, the reason for the delay, and the date when you can expect the accounting.

**Right to Request Amendment.** If you think that your Protected Health Information is not accurate or complete, then you have the right to request that the County amend such information for as long as the information is kept in our records. Your request must be in writing and state the reason for the requested amendment. We will usually respond within 60 days, but will notify you within 60 days if we need additional time to respond, the reason for the delay and when you can expect our response. We may deny your request for amendment, and if we do so, we will give you a written denial including the reasons for the denial and an explanation of your right to submit a written statement disagreeing with the denial.

**Right to a Paper Copy of This Notice.** It is the County policy to provide you with a paper copy of this notice.

**Right to Request Confidential Communications.** You have the right to request that we communicate with you concerning personal health matters in a certain manner or at a certain location. For example, you can request that we speak to you only at certain private locations. We will accommodate your reasonable requests.

## **V. COMPLAINTS**

If you believe that your privacy rights have been violated, then you may file a complaint in writing with Cattaraugus County or with the Office of Civil Rights in the U.S. Department of Health and Human Services. To file a complaint with the County, contact:

Thomas Schobert, Director,  
Cattaraugus County Department of Nursing Homes,  
2245 West State Street, Olean New York 14760,  
716-373-1910 (Olean)  
716-353-8516 (Machias)

No one will retaliate or take action against you for filing a complaint.

**VI. CHANGES TO THIS NOTICE**

We will promptly revise and distribute this Notice whenever there is a material change to the uses or disclosures, your individual rights, our legal duties, or other privacy practices stated in this Notice. We reserve the right to change this Notice and to make the revised or new Notice provisions effective for all Protected Health Information already received and maintained by the County as well as for all Protected Health Information we receive in the future. We will post a copy of the current Notice in the appropriate County Departments. In addition, we will provide a copy of the revised Notice to all clients/consumers.

**VII. FOR FURTHER INFORMATION**

If you have any questions about this Notice or would like further information concerning your privacy rights, then please contact:

Thomas Schobert, Director  
Cattaraugus County Department of Nursing Homes  
2245 West State Street  
Olean, New York 14760  
(716) 373-1910 (Olean)  
(716) 353-8516 (Machias)