

**MANATEE COUNTY GOVERNMENT
NOTICE OF HIPAA PRACTICES AND
GENERAL PRIVACY NOTICE**

“We” in this document refers to Manatee County Government (MCG) staff involved in providing health care services to you, the internal or external customer.

Notice of Privacy Practices for HIPAA Compliance

This notice describes the ways we collect, store, use and protect medical information about you that may identify you (such as your name, address, social security number), as well as your symptoms, examinations, test results, diagnoses, treatment, prescriptions, and plans for future care. This medical and billing information is protected by law and is frequently referred to as “Protected Health Information,” or PHI. We may amend this policy at any time by posting a revised version on our website. The revised version will be effective at the time we post it. In addition, if the revised version includes a substantial change, we will provide you with 30 days’ prior notice by posting notice of the change on the home page of our website.

Please Review this Notice Carefully

If you have any questions about this notice, please call and ask for our Privacy Officer (listed on the last page of this Notice).

Who Will Follow This Notice?

This joint Notice describes the privacy practices of Manatee County Government and includes:

- All employees of MCG involved in health care services or claims, both those who serve external customers and internal customers
- All members of contracted staff within MCG facilities involved in health care services or claims
- Any volunteer or other person authorized to assist with your health care or claim

All MCG entities, sites and locations follow the terms of this Notice, and may share medical information with each other for treatment, payment, or health care operations as described in this Notice.

Our Pledge Regarding Medical Information

We understand that your medical information is personal. We are required by law to:

- Make sure your medical information is private and secure
- Give you this Notice of our legal duties
- Follow the terms of this Notice

This Notice of Privacy Practices will tell you about the ways in which we may use and disclose your medical information. It also describes your rights as well as certain responsibilities that we have, regarding your medical information.

How We May Use and Disclose Medical Information About You

The following categories describe different ways that we may use and disclose your medical information without your written authorization. All of the ways we are permitted to use and disclose information will fall within one of these categories:

- **For Treatment** We may use or disclose your medical information to provide you with medical treatment or services. This information may be shared with hospitals, doctors, nurses, technicians, or others who are involved in your care. For example, an EMS Paramedic treating you for an injury may disclose PHI via radio, telephone, or the written record they give a hospital about your treatment and transport to ensure they have the necessary information to treat you.
- **For Payment** We may use and disclose medical information about you so that treatment services you receive may be billed to, and payment may be collected from you, an insurance company, or a third party. For example, we may need to give your insurance company information about your injury so they will pay us or reimburse you for the treatment. Also, we may tell your insurance company about a treatment or service you are going to receive in order to determine whether your plan will cover the treatment or service.
- **For Healthcare Operations** We may use or disclose medical information about you as needed for our business activities and health care operations.

These activities include, but are not limited to, quality assessment activities, eligibility assessment activities, billing and collection activities, licensing and training programs to ensure our staff meet our standards of care and our procedures, and grievance and complaint processing.

- **Business Associates** We may share your medical information with third party "business associates" who perform various services for Manatee County Government. For example, we may send your medical information to a company that assists us in billing, or to a service that assists us in storing our medical records.

We require our business associates to appropriately safeguard your medical information.

- **Appointment Reminders** We may contact you by phone or leave a message to remind you of an appointment, or request you call the office.

- **Treatment Alternatives** We may use and disclose your medical information to tell you about or recommend treatment options or alternatives.
- **Health-Related Benefits and Services** Manatee County Government may use your medical information to contact you and offer other health-related services or medical education that may be of interest to you. For example, we may send you a newsletter by using your name and U.S. mailing address.
- **Individuals Involved In Your Care** We may disclose your medical information to a family member or other person(s) you allow being present and involved in your care, such as a friend, relative or spouse.

We will only disclose medical information relevant to that person's involvement in your care or payment for your care. In an emergency situation we may use and disclose your medical information to locate and notify a family member, a personal representative, or another person responsible for your care.

- **Use and Disclosure of PHI Without Your Consent** If you are unable to agree or object to this disclosure, we may disclose such information as we deem is in your best interest based on our professional judgment in certain situations:
 - Emergency situations
 - To a relative, friend or individual involved in your care
 - To a public health authority to report birth, death, disease, child or adult abuse, domestic violence, product defects, and exposure to communicable diseases
 - For health oversight activities including audits or government investigations
 - In judicial and administrative proceedings, as required by a court order or subpoena
 - To law enforcement in limited situations, such as when there is a warrant, or when the information is needed to locate a suspect or stop a crime
 - For military, national defense, security and other government functions
 - To avert a serious threat to the health and safety of a person or the public
 - For workers' compensation law purposes

For other uses or disclosures of your PHI, Manatee County Government must have your written authorization, identifying the information and how we seek to use or disclose it. **You may revoke your authorization at any time, in writing.**

- **Research** Under certain circumstances, we may use and disclose limited medical information about you for research or quality improvement purposes. For example, a research project may involve comparing the health and recovery of all patients with the same condition who received one medication to those who received another.
- **Any other reason** authorized by federal HIPAA regulations.

How We Protect and Store Personal Health Information (PHI)

Throughout this Notice, we use the term "personal health information" to describe information that can be associated with a specific person and can be used to identify that person. We do not consider personal health information to include information that has been "anonymized" so that it does not identify a specific user.

We store and process your personal health information on our computers in Manatee County Government, and we protect it by maintaining physical, electronic and procedural safeguards in compliance with applicable US, federal, and state regulations. We use computer safeguards such as firewalls and data encryption, we enforce physical access controls to our buildings and files, and we authorize access to personal health information only for those employees who require it to fulfill their job responsibilities.

How We Use the Personal Health Information We Collect

Our primary purpose in collecting personal information is to provide you with a safe, smooth, efficient, and customized experience. We may use your personal information to:

- provide the services and customer support you request;
- process transactions and send notices about your transactions;
- resolve disputes, collect fees, and troubleshoot problems;
- prevent potentially prohibited or illegal activities;
- customize, measure, and improve our services and the content and layout of our website;
- compare information for accuracy and verify it with third parties.

For employees, collecting PHI in connection with determining eligibility for time and attendance issues and FMLA coverage is not subject to HIPAA regulations for employment actions, however, we will ensure and safeguard employees' PHI in accordance with our standard operating procedures.

How We Share Personal Health Information With Other Users

To process your claims, or payments, we need to share some of your personal information with the person or company that you are paying or is paying you.

How We Share Personal Health Information With Other Parties

It may become necessary to share your personal health information with:

- **Members of the Manatee County Government organization** -- like Veteran's Services, Human Services, Para-Transit Operations, Employee Health Benefits, Human Resources, County Attorney/Risk Management, Emergency Medical Services, Emergency Communications Center (911 Center) and similar operations, to provide joint content and services (like registration, transactions and customer support), to help detect and prevent potentially illegal acts and violations of our policies, and to guide decisions about their services and communications.

- **Service Providers** under contract who help with parts of our business operations; (fraud prevention, bill collection, technology services). Our contracts dictate that these service providers only use your information in connection with the services they perform for us and not for their own benefit.

- **Law Enforcement**, government officials, or other third parties when we are compelled to do so by a subpoena, court order or similar legal procedure when:
 - we need to do so to comply with law
 - we believe in good faith that the disclosure of personal information is necessary to prevent physical harm or financial loss, to report suspected illegal activity, or to investigate violations of our User Agreement.
 - Other special situations as required by federal or state law, including:
 - **Military and National Security** – We may disclose your medical information to authorized Federal officials for conducting national security and intelligence activities, including the provision of protective services to the President.
 - We may also be required to disclose medical information of members of the Armed Forces:
 - For activities deemed necessary by appropriate military command authorities

- **Workers' Compensation** We may disclose your medical information to workers' compensation and other programs providing benefits for work-related injuries or illnesses.

- **Public Health** We may use or disclose medical information about you for public health activities. For example, we may use and disclose medical information about you to agencies when necessary to prevent a serious threat to your health and safety or the health and safety of others.

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 reactions to medications or problems with products
 - To notify people of recalls of products they may be using
 - To certain registries as required by law if your condition meets applicable definitions
 - 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 when required or authorized by law.
- **Health Oversight Activities** We may disclose medical information to a government health oversight agency for activities authorized by law such as audits, investigations, inspections, and licensure. Government oversight agencies include government benefit programs, government regulatory programs and civil rights laws, etc.
 - **Legal Proceedings** If you are involved in a lawsuit or a dispute, we may disclose your medical information in response to a court or administrative order. We may also disclose your medical information in response to a subpoena, discovery request, or other lawful process, but only if efforts have been made to tell you about the request or to obtain an order protecting the information requested.
 - **Law Enforcement** We may disclose your medical information if required to do so by a law enforcement official for law enforcement purposes:
 - In response to a court order, subpoena, warrant, summons, or similar process;
 - To identify or locate a suspect, fugitive, material witness, or missing person;
 - Pertaining to a victim of a crime if, under certain limited circumstances, we are unable to obtain the person's agreement;
 - About a death we believe may be the result of criminal conduct;
 - About criminal conduct at Manatee County Government offices or any of our Business Associates;
 - In emergency circumstances to report a crime; the location of the crime or victims; or the identity, description, or location of the person who committed the crime.
 - **Coroners, Medical Examiners, and Funeral Directors** We may release your medical information to a coroner or medical examiner. This may be necessary, for example, to identify a deceased person or determine the cause of death.

We may also disclose your medical information to a funeral director, as authorized by law, in order for the director to carry out assigned duties.

- **Inmates** We may release your medical information to the correctional institution or law enforcement official holding you in custody.

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.

Your Rights Regarding Your Protected Health Information

You have the following rights regarding medical information we maintain about you:

- **The Right to Access and Copy** You have the right to access and obtain a copy of your medical information that may be used to make decisions about your care. This includes medical and billing records, but may not include psychotherapy notes or other information that is subject to laws that prohibit access.

We may deny your request to access and copy in certain limited circumstances. If you are denied access to your medical information you may request that the denial be reviewed.

Another licensed healthcare professional chosen by us or one of our related health care companies will review your request and the denial. This health care professional will not be the person who denied your initial request, and we will comply with the outcome of that review.

To access and request a copy of your medical information, please contact Manatee County Government's Privacy Officer by calling the telephone number listed on the last page of this Notice. A fee may be charged for making copies.

- **The Right to Amend** If you think that the medical information we have about you is incorrect or incomplete, you may ask us to amend or correct the information. You have the right to request an amendment for as long as the information is kept by, or for, Manatee County Government or one of our Business Associates.

To request an amendment, please contact Manatee County Government's Privacy Officer by calling the telephone number listed on the last page of this Notice. You will be required to provide a reason that supports your request. Please note that we may deny your request if you ask us to amend information that:

- Was not created by us, unless the author or entity that created the information is no longer available to make the amendment;
- Is not part of the medical information kept by us or for Manatee County Government's related healthcare providers;
- Is not part of the information which you would be permitted to review and copy;
- Is accurate and complete

NOTE: Changes to non-clinical information such as changes of address, insurance information, date of birth, etc., are not amendments and may be routinely processed.

The Right to Request Restriction

You have the right to restrict or request a limit on the use and disclosure of your medical information for treatment, payment and health care operations as described previously in this Notice.

Additionally, you have the right to request restrictions on disclosure of information to individuals in your care.

We are not required to agree to your request. If we do agree, we will comply with your request unless the information is needed to provide you emergency treatment.

To request a restriction or limitation please contact Manatee County Government's Privacy Officer by calling the telephone number listed on the last page of this Notice.

Your request must specify:

- The information you want to limit;
- Whether you want to limit our use, disclosure, or both; and
- To whom you want the limits to apply, for example to your spouse.

The Right to Request Confidential Communications

You have the right to request that we communicate with you about medical matters in a certain way, at a certain time, or at a certain location. For example, you may ask that we only contact you at work or by U.S. mail.

To request confidential communications, you must make your request in writing to Manatee County Government's Privacy Officer by calling the telephone number listed on the last page of this Notice. Your request must specify how or where you wish to be contacted.

The Right to an Accounting of Disclosures

You have the right to request an "accounting of disclosures" of your medical information. This is a list of the disclosures of your medical information that we made to others. The list does not include disclosures made:

- For treatment, payment, and health care operations
- To you
- Incidental disclosure
- In accordance with an authorization
- For national security or intelligence purposes
- To correctional institutions or law enforcement officials

To request an accounting of disclosures, you must submit your request in writing to Manatee County Government's Privacy Officer by calling the telephone number listed on the last page of this Notice. Your request must state:

- A time period for which you want the accounting.
- In what form you wish to receive the accounting (for example, paper or electronically).

The first accounting you request within a 12-month period will be free. For additional accountings, a fee may be charged for providing the list. We will notify you of the fee before any costs are incurred.

The Right to a Paper Copy of This Notice

You have the right to a paper copy of this Notice and you may request a copy at any time from any member of our staff. In addition, you may obtain a copy of this Notice at any of our websites.

If you have any questions regarding these rights please contact Manatee County Government's Privacy Officer by calling the telephone number on the last page of this notice or ask any member of our staff to contact the Privacy Officer for you.

The Right to File a Complaint With the County or the HHS Secretary

If you believe your privacy rights have been violated, you may complain to Manatee County Government's Privacy Officer by telephone or email contact information on the last page of this notice. You may file a complaint with the Secretary of the US Department of Health and Human Services, Hubert H. Humphrey Building, 200 Independence Avenue SW, Washington, DC 20201. The County will not retaliate against you for filing a complaint.

Other Uses of Your Medical Information

Other uses and disclosures of medical information not covered by this Notice or the laws that apply to us will be made only with your written permission.

Manatee County Government will not sell or rent any of your personal information to third parties in the normal course of doing business and only shares your personal information with third parties as described in this Notice.

Manatee County's Duties

Manatee County Government is required by law to maintain the privacy of PHI and to provide individuals (participants and beneficiaries) with notice of its legal duties and privacy practices. This notice is effective beginning August 21, 2013 and we are required to comply with the terms of this notice. However, we reserve the right to change our privacy practices and to apply the changes to any PHI received or maintained by the Plan prior to that date. If a privacy practices is changed, a revised version of this notice will be provided (to all past and present participants and beneficiaries) for whom the county still maintains PHI. The notice will be maintained on the County's homepage of the website at: www.mymanatee.org.

Any revised version of this notice will be distributed within 60 days of the effective date of any materials change to the uses or disclosures, the individual's rights, the duties of the County or other privacy practices stated in this notice.

Minimum Necessary Standard

When using or disclosing PHI or when requesting PHI from another covered entity, the County will make reasonable efforts not to use, disclose or request more than the minimum amount of PHI necessary to accomplish the intended purpose of the use, disclosure or request, taking into consideration practical and technological limitations.

However, the minimum necessary standard will not apply in the following situations:

- Disclosures to or requests by a health care provider for treatment
- Uses or disclosures made to the individual;
- Disclosures made to the Secretary of the US Department of Health and Human Services;
- Uses or disclosures that are required by law;
- Uses or disclosures that are required for the County's compliance with legal regulations.

Employment matters, such as Workers Compensation, time and attendance, FMLA or ADA eligibility, etc., as may be permitted by applicable governing laws.

Manatee County's Duties Related to Unintended Disclosures or Breaches of PHI:

Definition of Breach

A breach is, generally, an impermissible use or disclosure under the Privacy Rule that compromises the security or privacy of the protected health information such that the use or disclosure poses a significant risk of financial, reputational, or other harm to the affected individual.

There are three exceptions to the definition of "breach." The first exception

applies to the unintentional acquisition, access, or use of protected health information by a workforce member acting under the authority of a covered entity or business associate. The second exception applies to the inadvertent disclosure of protected health information from a person authorized to access protected health information at a covered entity or business associate to another person authorized to access protected health information at the covered entity or business associate. In both cases, the information cannot be further used or disclosed in a manner not permitted by the Privacy Rule. The final exception to breach applies if the covered entity or business associate has a good faith belief that the unauthorized individual, to whom the impermissible disclosure was made, would not have been able to retain the information.

Breach Notification Requirements

Following a breach of unsecured protected health information, covered entities, including Manatee County EMS, Emergency Communications, Employee Health Benefits, Para Transit, Human Services and Veteran's Services, must provide notification of the breach to affected individuals, the Secretary, and, in certain circumstances, to the media. In addition, the County's business associates must notify the County that a breach has occurred.

Individual Notice

Manatee County's operational arms which are covered entities under HIPAA (such as EMS, Emergency Communications, Employee Health Benefits, Para Transit, Human Services and Veteran's Services) must notify affected individuals following the discovery of a breach of unsecured protected health information. County covered entities must provide this individual notice in written form by first-class mail, or alternatively, by e-mail if the affected individual has agreed to receive such notices electronically. If the County covered entity has insufficient or out-of-date contact information for 10 or more individuals, it must provide substitute individual notice by either posting the notice on the home page of its web site or by providing the notice in major print or broadcast media where the affected individuals likely reside. If the covered entity has insufficient or out-of-date contact information for fewer than 10 individuals, the County covered entity may provide substitute notice by an alternative form of written, telephone, or other means.

These individual notifications must be provided without unreasonable delay and in no case later than 60 days following the discovery of a breach and must include, to the extent possible, a description of the breach, a description of the types of information that were involved in the breach, the steps affected individuals should take to protect themselves from potential harm, a brief description of what the covered entity is doing to investigate the breach, mitigate the harm, and prevent further breaches, as well as contact information for the County covered entity. Additionally, for substitute notice provided via web posting or major print or broadcast media, the notification must include a toll-

free number for individuals to contact the County covered entity to determine if their protected health information was involved in the breach.

Media Notice

County covered entities that experience a breach affecting more than 500 residents of a State or jurisdiction are, in addition to notifying the affected individuals, required to provide notice to prominent media outlets serving the State or jurisdiction. County covered entities will likely provide this notification in the form of a press release to appropriate media outlets serving the affected area. Like individual notice, this media notification must be provided without unreasonable delay and in no case later than 60 days following the discovery of a breach and must include the same information required for the individual notice.

Notice to the Secretary

In addition to notifying affected individuals and the media (where appropriate), County covered entities must notify the HHS Secretary of breaches of unsecured protected health information. County covered entities will notify the Secretary by visiting the HHS web site and filling out and electronically submitting a breach report form. If a breach affects 500 or more individuals, County covered entities must notify the Secretary without unreasonable delay and in no case later than 60 days following a breach. If, however, a breach affects fewer than 500 individuals, the County covered entity may notify the Secretary of such breaches on an annual basis. Reports of breaches affecting fewer than 500 individuals are due to the Secretary no later than 60 days after the end of the calendar year in which the breaches occurred.

Notification by a Business Associate

If a breach of unsecured protected health information occurs at or by a business associate of a Manatee County covered entity (such as a billing agent of EMS or a TPA of Employee Health Benefits), the business associate must notify the County covered entity following the discovery of the breach. A business associate must provide notice to the County covered entity without unreasonable delay and no later than 60 days from the discovery of the breach. To the extent possible, the business associate should provide the County covered entity with the identification of each individual affected by the breach as well as any information required to be provided by the covered entity in its notification to affected individuals.

How You Can Contact Us About Privacy Questions

If you have questions or concerns regarding this policy, you should contact us by using the "Contact Us" feature on our website or by writing to us at Manatee County Government Attn: HIPAA Privacy Officer, P.O. Box 1000, Bradenton, FL 34205. We maintain offices at 1112 Manatee Avenue W, Bradenton, FL.

Telephone and E-mail Contact Information

Manatee County Govt. HIPAA Privacy Officer
Julie Bassett, HR Manager
Julie.bassett@mymanatee.org

(941) 748-4501,
ext. 3864

Conclusion

PHI use and disclosure by Manatee County Government is regulated by a federal law known as HIPAA (the Health Insurance Portability and Accountability Act). You may find these rules at 45 Code of Federal Regulations Parts 160 and 164. The regulations will superseded and discrepancy between the information in this notice and the regulations.

Updated August 21, 2013.

EXPIRATION DATE: This notice remains in effect until superseded or cancelled.