



Notice of Privacy Practices

Effective October 1, 2016

State of New Jersey Department of Human Services

This notice applies to individuals, or legal guardians or parents of minor children receiving services from the Department of Human Services. Protected health information excludes individually identifiable health information in education records covered by the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g.

THIS NOTICE DESCRIBES HOW MEDICAL INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW TO GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY

When you apply for health coverage or services from the Department of Human Services, you provide your confidential personally identifiable information. The Department of Human Services uses this information to determine your eligibility, provide you with benefits, and run its programs. Understanding what is in your record and how your health information is used helps you to: ensure its accuracy, better understand who, what, when, where and why others may access your health information, and make more informed decisions when authorizing disclosure to others.

OUR RESPONSIBILITIES:

The Department of Human Services is required by law to:

- Maintain the privacy and security of your health information, and notify you if a breach occurs that may have compromised the privacy and security of your information.
- Provide you with this notice as to our legal duties and privacy practices with respect to information we collect and maintain about you, and abide by the terms of the notice currently in effect
- Accommodate reasonable requests you may have to communicate health information by alternative means or at alternative locations
- Notify you if we are unable to agree to a requested restriction.

We reserve the right to change our practices and to make the new provisions effective for all protected health information we maintain. Should our privacy practices change, we will provide you with a revised notice.

Eligibility Process Privacy Policy:

Please see our NJ FamilyCare Privacy Policy regarding the types of information we collect in the eligibility process, how we use the information we collect, how we protect that information, how long we keep it and other related privacy information. This Policy is provided as part of the NJ FamilyCare application and is found at <https://njfc.force.com/familycare/NJPrivacyNotice>.

GENERAL PRIVACY RULE

We will not use or disclose your health information without your written authorization, except as described in this notice.

Revoking Your Authorization: If you provide us with a written authorization to release your health information, you may revoke that authorization at any time. A revocation must be in writing. A written revocation will not revoke your prior authorization if we have already released information pursuant to your prior authorization or if your insurance coverage requires your written authorization.

Separate Authorization for Psychotherapy Notes:

We will not release any psychotherapy notes about you without a separate written authorization from you. You may revoke your

specific written authorization at any time. A revocation must be in writing. A written revocation will not revoke your prior authorization if we have already released information pursuant to your prior authorization or if your insurance coverage requires your written authorization.

HOW WE MAY USE OR DISCLOSE YOUR HEALTH INFORMATION WITHOUT YOUR WRITTEN AUTHORIZATION

- 1. Treatment.** We may use your health information for your treatment. For example, information obtained by a nurse, physician, or other member of your healthcare team will be recorded in your record and may be used to determine your diagnosis or the course of treatment that should work best for you. A doctor or other health care professional may share your information with other health care professionals who are either part of the Department of Human Services or who are outside the Department of Human Services to determine how to diagnose or treat you.
- 2. Payment.** We may use your health information for payment. For example, payments made by the Department to providers for the care they provided to you will identify you and list a description of the care being paid for, including your diagnosis, procedures and supplies used.
- 3. Health Care Operations.** We may use your health information for regular health operations. For example, members of the medical staff or members of the quality improvement team may use information in your health record to assess the care and outcomes in your case and others like it.
- 4. Business Associates.** There are some services provided in our organization through contracts with business associates. Examples include our accountants, consultants and attorneys. When these services are contracted, we may disclose your health information to our business associates so that they can perform the job we've asked them to do. To protect your health information, however, we require that the business associates safeguard your information.
- 5. Facility Directory.** If you do not object, we may include your name, location and general condition in a Department facility directory while you are at the facility. This information would only be disclosed to people who ask for you by name. In addition, unless you object, we may include your religious affiliation to disclose only to clergy members at the facility and will disclose that information even if the clergy member does not ask for you by name.
- 6. Family and Friends Involved in Your Care.** If you do not object, we may share your health information with a family member, a relative or close personal friend who is involved in your care or payment related to your care. We may also notify a family member, personal representative or another person responsible for your care about your location and general condition or about the unfortunate event of your death. In some cases, we may need to share your information with a disaster relief organization that will help us to notify those persons.
- 7. Research.** We may disclose information to researchers when their research has been approved by an institutional review board that has reviewed the research proposal and established protocols to ensure the privacy of your health information.
- 8. Funeral Directors.** We may disclose health information to funeral directors, coroners or medical examiners to carry out their duties consistent with applicable law.

9. Organ, Eye or Tissue Procurement Organizations.

Consistent with applicable law, we may disclose health information to organ, eye or tissue procurement organizations or other entities engaged in the procurement, banking of organs, or transplantation of organs, or for the purpose of eye or tissue donation and transplant.

- 10. Contacts.** We may contact you to provide appointment reminders or information about treatment alternatives or other health-related benefits and services that may be of interest to you.
- 11. Food and Drug Administration (FDA).** We may disclose to the FDA health information relative to adverse events with respect to food supplements, products and product defects or post marketing surveillance information to enable product recalls, repairs or replacement.
- 12. Workers Compensation.** We may disclose health information to the extent authorized by and to the extent necessary to comply with laws relating to workers compensation or other similar programs established by law.
- 13. Public Health.** As required by law, we may disclose your health information to public health or legal authorities charged with preventing or controlling disease, injury or disability. We may also disclose your information to avert a serious threat to health or safety.
- 14. Correctional Institution.** Should you be an inmate of a correctional institution, we may disclose to the institution or agents thereof health information necessary for your health and the health and safety of other individuals.
- 15. Law Enforcement.** We may disclose health information for law enforcement purposes as required by law or in response to a valid subpoena.
- 16. Abuse, Neglect or Domestic Violence.** We may disclose your health information to the extent provided by law to an authority, social service agency or protective services agency if we reasonably believe that you have been a victim of abuse, neglect or domestic violence. We will notify you of this disclosure promptly unless it would place you at risk of serious harm.
- 17. Health Oversight Activities.** We may disclose your health information to a health oversight agency for activities authorized by law such as audits, civil, administrative or criminal investigations, inspections, licensure or disciplinary actions, or other activities necessary for oversight of the health care system, government benefit programs, government regulated programs, or compliance with civil rights laws.
- 18. Judicial and Administrative Proceedings.** We may disclose your health information in response to an order of a court or administrative tribunal, or in response to a valid subpoena if we receive satisfactory assurances from the party seeking the information that the party has made an attempt to notify you or to secure a protective order for your information.
- 19. National Security and Intelligence Activities.** We may disclose your health information to authorized federal officials for national security or military activities.

YOUR HEALTH INFORMATION RIGHTS

Although your health record is the physical property of the Department of Human Services, the information in your health record belongs to you. You have the following rights:

- You may request that we not use or disclose your health information for a particular reason related to treatment, payment, the Department's general health care operations, and/or to a particular family member, other relative or close personal friend. We ask that such requests be made in writing to the privacy officer. Although we will consider your request, please be aware that we are under no obligation to accept it or to abide by it. If you pay for a health care item out-of-pocket in full, you can ask us not to share that information for the purpose of payment or our operations with your health insurer. We will say yes unless a law requires us to share that information.
- You have the right to receive confidential communications of your health information. If you are dissatisfied with the manner in which or location where you are receiving communications from us that are related to your health information, you may request that we provide you with such information by alternative means or at alternative locations. Such a request must be made in writing, and submitted to the privacy officer. We will accommodate all reasonable requests.
- You may request to inspect and/or obtain copies of health information we have about you, which will be provided to you usually within 30 days. Such requests must be made in writing to the privacy officer. If you request to receive a copy, you may be charged a reasonable fee.
- If you believe that any health information in your record is incorrect or if you believe that important information is missing, you may request that we correct the existing information or add the missing information. You must provide a reason to support your request. We will verify information provided before making any change. Such requests must be made in writing to the privacy officer. We may say "no" to this request and tell you why.
- You may request that we provide you with a written accounting of all disclosures made by us of your health information for up to a six-year period of time including who we shared it with and why. We ask that such requests be made in writing to the privacy officer. Please note that an accounting will not include the following types of disclosures: disclosures made for treatment, payment or health care operations; disclosures made to you or your legal representative, or any other individual involved with your care; disclosures authorized by you or your legal representative; disclosures to correctional institutions or law enforcement officials or for national security purposes; disclosures made from the directory; and disclosures that are incidental to permissible uses and disclosures of your health information (for example, when information is overheard by another patient passing by). There is no charge for the first request for an accounting made in any 12 month period, but there may be a reasonable charge for additional requests in the same 12 month period.
- You have the right to obtain a paper copy of our Notice of Privacy Practices upon request.
- You may revoke any authorization to use or disclose health information, except to the extent that action has already been taken. Such a request must be made in writing to the privacy officer.

Requests related to your privacy rights may be sent to the Division of Medical Assistance and Health Services (DMAHS) Privacy Officer at: P.O. Box 712, Trenton, NJ 08625-0712, (609) 588-2102.

****Please Note: YOUR BENEFITS OR ELIGIBILITY WILL NOT BE AFFECTED BY THIS NOTICE.****

FOR MORE INFORMATION OR TO REPORT A PROBLEM

If you have questions and would like additional information, you may contact the appropriate privacy officer listed below.

If you believe that your privacy rights have been violated, you may file a complaint with us. Complaints must be filed in writing to the Department's Privacy Officer at State of New Jersey, Department of Human Services, PO Box 700, Trenton, NJ 08625 or with DMAHS's Privacy Officer at P.O. Box 712, Trenton, NJ 08625-0712 (609-588-2102).

You may also file a complaint with the Secretary of the U.S. Department of Health and Human Services, Office of Civil Rights by writing to 200 Independence Avenue SW, Washington, DC 20201. This needs to be done within 180 days of when the problem happened. You can also complain to the Office of Civil Rights by calling 877-696-6775, or by filing on-line at www.hhs.gov/hipaa/filing-a-complaint/index.html.

If you make a complaint to the Department's Privacy Officer or to the Secretary of Health and Human Services, there will be no retaliation against you and your benefits will not be affected.

DEPARTMENT OF HUMAN SERVICES PRIVACY OFFICERS

Department of Human Services

222 So. Warren Street
P.O. Box 700
Trenton, NJ 08625
(888) 347-5345

Division of Medical Assistance and Health Services (DMAHS)

P.O. Box 712, Trenton, NJ 08625-0712

Division of Aging Services (DoAS)

P.O. Box 715, Trenton, NJ 08625-0715

DMAHS and DoAS Privacy Complaints

can be made to:

- **609-588-2102** or
- MAHS.Privacy@dhs.nj.gov
(do not include confidential or personally identifiable information in an email to this email address) or
- in writing to the above addresses.