

NOTICE OF PRIVACY PRACTICES FOR THE CITY OF SAN ANTONIO

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.

The City of San Antonio is committed to protecting the privacy and security of all private health information created or received in relation to our employees and their families under our group health plans. This Notice covers the privacy practices of the following group health plans sponsored by the City of San Antonio:

- The City of San Antonio Uniformed Medical Plan;
- The City of San Antonio Non-Uniformed Medical Plan;
- The City of San Antonio Dental Insurance Plan;
- The City of San Antonio Flexible Benefits Plan;

This Notice of Privacy Practices describes how protected health information may be used or disclosed by our group health plans to carry out payment, health care operations, and for other purposes that are permitted or required by law. This Notice also sets out our legal obligations concerning your protected health information, and describes your rights to access and control your protected health information.

This Notice of Privacy Practices has been drafted to be consistent with what is known as the "HIPAA Privacy Rule," and any of the terms not defined in this Notice should have the same meaning as they have in the HIPAA Privacy Rule.

If you have any questions or want additional information about the Notice or the policies and procedures described in the Notice, please contact: The City of San Antonio, Employee Benefits Division, 111 Soledad, San Antonio, TX 78205

EFFECTIVE DATE

This Notice of Privacy Practices originally became effective on April 14, 2003. The effective date of this revised notice is March 1, 2012. This most recent revision to the notice is intended to comply with the changes made to HIPAA under the American Recovery and Reinvestment Act of 2009 and the Genetic Information Nondiscrimination Act of 2008. This revised notice supersedes all previous notices.

OUR RESPONSIBILITIES

Under the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”), group health plans must take steps to protect the privacy of your “protected health information.” Protected health information (or “PHI”) is individually identifiable health information, including demographic information, collected from you or created or received by a health care provider, a health plan, your employer (when functioning on behalf of the group health plan), or a health care clearinghouse and that relates to: (1) your past, present, or future physical or mental health or condition; (2) the provision of health care to you; or (3) the past, present, or future payment for the provision of health care to you. We are obligated to provide you with a copy of this Notice of our legal duties and of our privacy practices with respect to PHI, and we must abide by the terms of this Notice. We reserve the right to change the provisions of our Notice and make the new provisions effective for all PHI that we maintain. If we make a material change to our Notice, we will either mail a revised Notice to your address that we have on record or provide you with a copy of the revised Notice at a designated location at your workplace.

Primary Uses and Disclosures of Protected Health Information

The following is a description of how we are most likely to use and/or disclose your PHI.

- ***Treatment, Payment and Health Care Operations***

We have the right to use and disclose your PHI for all activities that are included within the definitions of “treatment,” “payment” and “health care operations” as set out in 45 C.F.R. §164.501 (this provision is a part of the HIPAA Privacy Rule). The group health plans listed above may share PHI with each other as necessary to carry out treatment, payment or health care operations relating to such group health plans.

- **Treatment**

We may use or disclose your PHI to health care providers who are responsible for your medical treatment under our group health plans. For example, we may provide your physician, upon request, with copies of various reports that should assist him/her in treating you.

- **Payment**

We may use or disclose your PHI to pay claims for services provided to you and to obtain stop-loss reimbursements or to otherwise fulfill our responsibilities for coverage and providing benefits. For example, we may disclose your PHI when a provider requests information regarding your eligibility for coverage under our health plan, or we may use your information to determine if a treatment that you received was medically necessary.

- **Health Care Operations**

We may use or disclose your PHI to support our business and administrative

functions. These functions include, but are not limited to: quality assessment and improvement, reviewing provider performance, licensing, stop-loss underwriting, business planning, and business development. For example, we may use or disclose your PHI: (1) to provide you with information about our case-management programs; (2) to respond to an inquiry from you; or (3) in connection with fraud and abuse detection and compliance programs.

- ***Business Associates***

We may contract with individuals and entities (called Business Associates) to perform various functions on our behalf or to provide certain types of services. To perform these functions or to provide the services, our Business Associates will receive, create, maintain, use, or disclose PHI, but only after we require the Business Associates to agree in writing to contract terms designed to appropriately safeguard your information. For example, we may disclose your PHI to a Business Associate to administer claims or to provide service support, utilization management, subrogation, or pharmacy benefit management. Examples of our business associates would be our Third Party Administrator, which handles many of the functions in connection with the operation of our group medical health plan.

- ***Other Covered Entities***

We may use or disclose your PHI to assist health care providers in connection with their treatment or payment activities, or to assist other covered entities in connection with payment activities and certain health care operations. For example, we may disclose your PHI to a health care provider when needed by the provider to render treatment to you, and we may disclose PHI to another covered entity to conduct health care operations in the areas of quality assurance and improvement activities, or accreditation, certification, licensing or credentialing. This also means that we may disclose or share your PHI with other insurance carriers in order to coordinate benefits if you or your family members have coverage through another carrier.

- ***Plan Sponsor***

PHI may be disclosed to the plan sponsor of the group health plans, the City of San Antonio, for purposes of plan administration or pursuant to an authorization request signed by you. The Plans may share enrollment information with the plan sponsor.

- ***Security Breaches***

We may use or disclose your PHI when determining whether a security breach has occurred for purposes of the HIPAA Breach Notification Rules as set forth in 45 C.F.R. § 164, subpart D. We may also use or disclose your PHI in responding to a breach, as required under the HIPAA Breach Notification Rules. For example, if an individual hacks into our computer network, we would investigate the incident to determine the extent of the breach and if PHI had been accessed, used or disclosed in violation of the HIPAA Privacy Rule. If a breach for purposes of HIPAA has occurred, we would notify you of the breach. We may also be required to notify the media and the U.S. Department of Health and Human Services of the breach but your PHI will not be disclosed when such entities are notified of the breach.

- **GINA**
Effective as of January 1, 2010, the City of San Antonio, as plan sponsor and plan administrator of the covered plans, will not use or disclose PHI that is genetic information for underwriting purposes, as required by the Genetic Information Nondiscrimination Act of 2008.

Potential Impact of State Law

The HIPAA Privacy Regulations generally do not “preempt” (or take precedence over) state privacy or other applicable laws that provide individuals greater privacy protections. As a result, to the extent state law applies, the privacy laws of a particular state, or other federal laws, rather than the HIPAA Privacy Regulations, might impose a privacy standard under which we will be required to operate. For example, where such laws have been enacted, we will follow more stringent state privacy laws that relate to uses and disclosures of PHI concerning HIV or AIDS, mental health, substance abuse/chemical dependency, genetic testing, reproductive rights, etc.

Other Possible Uses and Disclosures of Protected Health Information

The following is a description of other possible ways in which we may, and are permitted to, use and/or disclose your PHI.

- ***Required by Law***
We may use or disclose your PHI to the extent that other laws require the use or disclosure.
When used in this Notice, “required by law” is defined as it is in the HIPAA Privacy Rule.
For example, we may disclose your PHI when required by national security laws or public health disclosure laws.
- ***Public Health Activities***
We may use or disclose your PHI for public health activities that are permitted or required by law. For example, we may use or disclose information for the purpose of preventing or controlling disease, injury, or disability, or we may disclose such information to a public health authority authorized to receive reports of child abuse or neglect. We also may disclose PHI, if directed by a public health authority, to a foreign government agency that is collaborating with the public health authority.
- ***Health Oversight Activities***
We may disclose your PHI to a health oversight agency for activities authorized by law, such as: audits; investigations; inspections; licensure or disciplinary actions; or civil, administrative, or criminal proceedings or actions. Oversight agencies seeking this information include government agencies that oversee: (1) the health care system; (2) government benefit programs; (3) other government regulatory programs; and (4) compliance with civil rights laws.

- ***Abuse or Neglect***
We may disclose your PHI to a government authority that is authorized by law to receive reports of abuse, neglect, or domestic violence. Additionally, as required by law, we may disclose your PHI to a governmental entity authorized to receive such information if we believe that you have been a victim of abuse, neglect, or domestic violence.
- ***Legal Proceedings***
We may disclose your PHI: (1) in the course of any judicial or administrative proceeding; (2) in response to an order of a court or administrative tribunal (to the extent such disclosure is expressly authorized); and (3) in response to a subpoena, a discovery request, or other lawful process, once we have met all administrative requirements of the HIPAA Privacy Rule. For example, we may disclose your PHI in response to a court order for such information, but limited to the minimum amount of PHI necessary to comply with the terms of the order.
- ***Law Enforcement***
Under certain conditions, we also may disclose your PHI to law enforcement officials. For example, some of the reasons for such a disclosure may include: (1) it is required by law or some other legal process; (2) it is necessary to locate or identify a suspect, fugitive, material witness, or missing person; or (3) it is necessary to provide evidence of a crime that occurred on our premises.
- ***Coroners, Medical Examiners, Funeral Directors, and Organ Donation***
We may disclose PHI to a coroner or medical examiner for purposes of identifying a deceased person, determining a cause of death, or for the coroner or medical examiner to perform other duties authorized by law. We also may disclose, as authorized by law, information to funeral directors so that they may carry out their duties. Further, we may disclose PHI to organizations that handle organ, eye, or tissue donation and transplantation.
- ***Research***
We may disclose your PHI to researchers when an institutional review board or privacy board has: (1) reviewed the research proposal and established protocols to ensure the privacy of the information; and (2) approved the research.
- ***To Prevent a Serious Threat to Health or Safety***
Consistent with applicable federal and state laws, we may disclose your PHI if we believe that the disclosure is necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the public. We also may disclose PHI if it is necessary for law enforcement authorities to identify or apprehend an individual.

- ***Military Activity and National Security, Protective Services***
Under certain conditions, we may disclose your PHI if you are, or were, Armed Forces personnel for activities deemed necessary by appropriate military command authorities. If you are a member of foreign military service, we may disclose, in certain circumstances, your information to the foreign military authority. We also may disclose your PHI to authorized federal officials for conducting national security and intelligence activities, and for the protection of the President, other authorized persons, or heads of state.
- ***Workers' Compensation***
We may disclose your PHI to comply with Workers' Compensation laws and other similar programs that provide benefits for work-related injuries or illnesses.
- ***Others Involved in Your Health Care***
Using our best judgment, we may make your PHI known to a family member, other relative, close personal friend or other personal representative that you identify. Such a use will be based on how involved the person is in your care, or payment that relates to your care. We may release information to parents or guardians, if allowed by law. We also may disclose your information to an entity assisting in a disaster relief effort so that your family can be notified about your condition, status, and location.

If you are not present or able to agree to disclosures of your PHI to a family member or close friend, then, using our professional judgment, we may determine whether the disclosure is in your best interest.

Required Disclosures of Your Protected Health Information

The following is a description of disclosures that we are required by law to make.

- ***Disclosures to the Secretary of the U.S. Department of Health and Human Services***
We are required to disclose your PHI to the Secretary of the U.S. Department of Health and Human Services when the Secretary is investigating or determining our compliance with the HIPAA Privacy Rule.
- ***Disclosures to You***
We are required to disclose to you most of your PHI in a "designated record set" when you request access to this information. Generally, a "designated record set" contains medical and billing records, as well as other records that are used to make decisions about your health care benefits. We also are required to provide, upon your request, an accounting of most disclosures of your PHI that are for reasons other than treatment, payment and health care operations and are not disclosed through a signed authorization.

We will disclose your PHI to an individual who has been designated by you as your personal representative and who has qualified for such designation in accordance with relevant state law.

Even if you designate a personal representative, the HIPAA Privacy Rule permits us to elect not to treat the person as your personal representative if we have a reasonable belief that: (1) you have been, or may be, subjected to domestic violence, abuse, or neglect by such person; (2) treating such person as your personal representative could endanger you; or (3) we determine, in the exercise of our professional judgment, that it is not in your best interest to treat the person as your personal representative.

Other Uses and Disclosures of Your Protected Health Information

Other uses and disclosures of your PHI that are not described above will be made only with your written authorization. If you provide us with such an authorization, you may revoke the authorization in writing, and this revocation will be effective for future uses and disclosures of PHI. However, the revocation will not be effective for information that we already have used or disclosed, relying on the authorization.

YOUR RIGHTS

The following is a description of your rights with respect to your PHI.

- ***Right to Request a Restriction***

You have the right to request a restriction on the PHI we use or disclose about you for treatment, payment or health care operations.

We are not required to agree to any restriction that you may request. If we do agree to the restriction, we will comply with the restriction unless the information is needed to provide emergency treatment to you. Effective as of February 17, 2010, we must comply with your request to restrict a disclosure of your PHI for payment or health care operations only if you paid for health care services yourself, in full and out of pocket.

You may request a restriction by completing a form entitled "Request for Restrictions on Uses and Disclosures of Protected Health Information." This form is available in the City of San Antonio, Employee Benefits Division.

- ***Right to Request Confidential Communications***

You may request that we communicate with you regarding your information in an alternative manner or at an alternative location. For example, you may ask that we only contact you at your work address or via your work e-mail. As a condition of

granting your request, you will be required to provide us information concerning how payment will be handled.

You may request a confidential communication by completing a form entitled "Request for Confidential Communications." This form is available in the City of San Antonio, Employee Benefits Division. Prior to receiving the information necessary for this request, or during the time it takes to process it, PHI may be disclosed (such as through an EOB). Therefore, it is extremely important that you contact us at the number/address listed above as soon as you determine that you need to restrict disclosures of your PHI.

If you terminate your request for confidential communications, the restriction will be removed for all your PHI that we hold, including PHI that was previously protected.

- ***Right to Inspect and Copy***

You have the right to inspect and copy your PHI that is contained in a "designated record set." Generally, a "designated record set" contains medical and billing records, as well as other records that are used to make decisions about your health care benefits. However, you may not inspect or copy psychotherapy notes or certain other information that may be contained in a designated record set. Effective as of February 17, 2010, if the information you request is in an electronic health record, you may request that these records be transmitted electronically to yourself or a designated individual.

To inspect and copy your PHI that is contained in a designated record set, you must complete the form entitled "Request for Health Information." This form is available in the City of San Antonio, Employee Benefits Division.

We may deny your request to inspect and copy your PHI in certain limited circumstances. If you are denied access to your information, you may request that the denial be reviewed. To request a review, you must contact us at the number/address provided in this Notice. A licensed health care professional chosen by us will review your request and the denial. The person performing this review will not be the same one who denied your initial request. Under certain conditions, our denial will not be able to be reviewed. If this event occurs, we will inform you in our denial that the decision is not able to be reviewed.

- ***Right to Amend***

If you believe that your PHI is incorrect or incomplete, you may request that we amend our information. You may request that we amend your information by completing the form entitled "Health Record Correction/Amendment Form." This form is available in the City of San Antonio, Employee Benefits Division.

In certain cases, we may deny your request for an amendment. For example, we may deny your request if the information you want to amend is not maintained by us, but by another entity. If we deny your request, you have the right to file a statement

of disagreement with us. Your statement of disagreement will be linked with the disputed information and all future disclosures of the disputed information will include your statement.

- ***Right of an Accounting***

You have a right to an accounting of certain disclosures of your PHI that are for reasons other than treatment, payment, or health care operations. No accounting of disclosures is required for disclosures made pursuant to a signed authorization by you or your personal representative. You should know that most disclosures of PHI will be for purposes of payment or health care operations, and, therefore, will not be subject to your right to an accounting. There also are other exceptions to this right.

An accounting will include the date(s) of the disclosure, to whom we made the disclosure, a brief description of the information disclosed, and the purpose for the disclosure.

You may also request and receive an accounting of disclosures of electronic health records made for payment, treatment or health care operations during the prior three years for disclosures made on or after 1) January 1, 2014 for electronic health records acquired before January 1, 2009 or 2) January 1, 2011 for electronic health records acquired on or after January 1, 2009. This rule applies only to the extent the Plans maintain electronic health records.

You may request an accounting by completing the form entitled "Request for Accounting of Protected Health Information Disclosures." This form is available in the City of San Antonio, Employee Benefits Division.

Your request may be for disclosures made up to six (6) years before the date of your request, but not for disclosures made before April 14, 2003. The first list you request within a 12-month period will be free. For additional lists, we may charge you for the costs of providing the list. We will notify you of the cost involved and you may choose to withdraw or modify your request at the time before any costs are incurred.

- ***Right to a Paper Copy of This Notice***

You have the right to a paper copy of this Notice, even if you have agreed to accept this Notice electronically.

COMPLAINTS

You may complain to us if you believe that we have violated your privacy rights. You may file a complaint with us by contacting:

Employee Benefits Administrator
City of San Antonio, Employee Benefits Division
111 Soledad, 2nd Floor
San Antonio, TX 78205
210-207-4511

You also may file a complaint with the Office for Civil Rights of the U.S. Department of Health and Human Services. Complaints filed directly with the Office for Civil Rights must: (1) be in writing; (2) contain the name of the entity against which the complaint is lodged; (3) describe the relevant problems; and (4) be filed within 180 days of the time you became or should have become aware of the problem. Complaints to the Office for Civil Rights, U.S. Department of Health and Human Services, should be filed in writing to:

Office for Civil Rights, Region VI
U.S. Department of Health and Human Services
1301 Young Street - Suite 1169
Dallas, Texas 75202
(214) 767-4056; (214) 767-8940 (TDD)
(214) 767-0432 (FAX)

We will not penalize or in any other way retaliate against you for filing a complaint with the Office for Civil Rights or with us.