

DEPARTMENT OF STATE HEALTH SERVICES NOTICE OF PRIVACY PRACTICES



TEXAS
Health and Human
Services

Texas Department of State
Health Services

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.

When you receive treatment or benefits from any Texas Department of State Health Services (DSHS) facility or program, we receive, create, and maintain information about your health, treatment, and payment for services. We will not use or disclose your information without your written authorization (permission) except as described in this notice.

HOW WE MAY USE AND DISCLOSE YOUR HEALTH INFORMATION

We may use and disclose your health information without your authorization for treatment, payment, and health care operation purposes. Examples include but are not limited to:

- Using or sharing your health information with other health care providers involved in your treatment or with a pharmacy that is filling your prescription;
- Using or sharing your health information with your health plan to obtain payment for services or using your health information to determine your eligibility for government benefits in a health plan; and
- Using or sharing your health information to run our business, to evaluate provider performance, to educate health professionals, or for general administrative activities.

We may share your health information with our business associates who need the information to perform services on our behalf and agree to protect the privacy and security of your health information according to agency standards.

We may use or share your health information without your authorization as authorized by law for our patient directory, to family or friends involved in your care, or to a disaster relief agency for purposes of notifying your family or friends of your location and status in an emergency.

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We may use and disclose your health information without your authorization to contact you for the following activities, as permitted by law and agency policy: providing appointment reminders; describing or recommending treatment alternatives; providing information about health-related benefits and services that may be of interest to you; or fundraising.

We may also use and disclose your health information without your authorization for the following purposes:

- For public health activities such as reporting diseases, injuries, births or deaths to a public health authority authorized to receive this information, or to report medical device issues to the Food and Drug Administration;
- To comply with workers compensation laws and similar programs;
- To alert appropriate authorities about victims of abuse, neglect, or domestic violence; if the agency reasonably believes you are a victim of abuse, neglect, or domestic violence we will make every effort to obtain your permission, however, in some cases we may be required or authorized to alert the authorities;
- For health oversight activities such as audits, investigations, and inspections of DSHS facilities;
- For research approved by an Institutional Review Board or privacy board; for preparing for research such as writing a research proposal; or for research on decedents information;
- To create or share de-identified or partially de-identified health information (limited data sets);
- For judicial and administrative proceedings such as responding to a subpoena or other lawful order;
- For law enforcement purposes such as identifying or locating a suspect or missing person;
- To coroners, medical examiners, or funeral directors as needed for their jobs;
- To organizations that handle organ, eye or tissue donation, procurement, or transplantation;
- To avert a serious threat to health or public safety;
- For specialized government functions such as military and veteran activities, national security and intelligence activities, and for other law enforcement custodial situations;
- For incidental disclosures such as when information is overheard in a waiting room despite reasonable steps to keep information confidential; and
- As otherwise required or permitted by local, state, or federal law.

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Additional privacy protections under state or federal law apply to substance abuse information, mental health information, certain disease-related information, or genetic information. We will not use or share these types of information unless expressly authorized by law. We will not use or disclose genetic information for underwriting purposes.

We will always obtain your authorization to use or share your information for marketing purposes, to use or share your psychotherapy notes, if there is payment from a third party, or for any other disclosure not described in this notice or required by law. You have the right to cancel your authorization, except to the extent that we have taken action based on your authorization. You may cancel your authorization by writing to the DSHS Privacy Office by email at hipaa.privacy@dshs.texas.gov.

SPECIAL PROTECTIONS FOR SUBSTANCE USE DISORDER (SUD) TREATMENT RECORDS

Any records of your SUD treatment from a federally assisted program that are held by DSHS are protected by federal law under [Code of Federal Regulations, Title 42, Part 2](#), "Confidentiality of Substance Use Disorder Patient Records." These protections apply to information that could identify you as having, or having had, a substance use disorder.

The following rules apply:

- Limitations on use and disclosure: DSHS will not use or disclose your SUD treatment records, or testimony about them, in civil, criminal, administrative, or legislative proceedings against you without your written consent or a court order accompanied by a subpoena or other legal requirement;
- Redislosure warning: If DSHS discloses your SUD treatment records to an entity not covered by Health Insurance Portability and Accountability Act (HIPAA), such as a social service agency, that information may be disclosed again by the recipient and may no longer be protected by federal privacy laws; and
- Fundraising Communication: We may use limited information, including information protected under SUD confidentiality laws, to contact you about fundraising activities that support DSHS mission and services. We will only use the minimum information necessary, such as your name, contact information, dates of service, and department of service.

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You have the right to request restrictions on how your SUD treatment records are used or disclosed for treatment, payment, or health care operations. You have the right to elect not to receive fundraising communications. You may also file a complaint if you believe your privacy rights have been violated, and DSHS will not retaliate against you for doing so. Complaints about SUD records can be filed with the U.S. Department of Health and Human Services or the Substance Abuse and Mental Health Services Administration.

YOUR PRIVACY RIGHTS

Although your health record is the property of DSHS, you have the right to:

- Inspect and copy your health information, including lab reports, upon written request and subject to some exceptions. We may charge you a reasonable, cost-based fee for providing records as permitted by law;
- Receive confidential communication regarding your health information, such as requesting that we contact you at a certain address or phone number. You may be required to make the request in writing with a statement or explanation for the request;
- Request amendment of your health information in our records. All requests to amend health information must be made in writing and include a reason for the request;
- Request an accounting (a list) of certain disclosures of your health information that we make without your authorization. You have the right to receive one accounting at no cost in any twelve-month period;
- Elect not to receive fundraising communications (refer to Complaints and Option Out of Fundraising on page 5).
- Request that we restrict how we use and disclose your health information for treatment, payment, and health care operations, or to your family and friends. We are not required to agree to your request, except when you request that we not disclose information to your health plan about services for which you paid with your own money in full; and
- Obtain a paper copy of this notice upon request.

You may make any of the above requests in writing to the DSHS Privacy office or your provider's privacy office. You can reach the DSHS Privacy Office at (512) 776-6502 or by email at hipaa.privacy@dshs.texas.gov. To request results of lab tests performed by the DSHS lab, please call (512) 776-7578 or visit <https://www.dshs.texas.gov/laboratory-services/patient-results-request>.

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OUR DUTIES

We are required to provide you with notice of our legal duties and our privacy practices regarding your health information. We must maintain the privacy of information that identifies you and notify you in the event your health information is used or disclosed in a manner that compromises the privacy of your health information.

We are required to abide by the terms of this notice. We reserve the right to change the terms of this notice and to make the revised notice effective for all health information that we maintain. We will post revised notices on our public website at www.dshs.texas.gov and in waiting room areas. You may request a copy of the revised notice at the time of your next visit.

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COMPLAINTS AND OPTION OUT OF FUNDRAISING

If you feel that your rights have been violated:

- You may contact the **DSHS Privacy Office** by mail at Mail Code 4567, P.O. Box 149347, Austin, TX 78714; by telephone at (512) 776-6502; or by email hipaa.privacy@dshs.texas.gov.
- You may also file a complaint by contacting the **Office for Civil Rights, Region VI, U.S. Department of Health and Human Services**, by mail at 1301 Young St., Suite 1169, Dallas, Texas 75202; by telephone at (800) 368-1019, (214) 767-0432 (fax), or (800) 537-7697 (TDD). You can also visit <https://www.hhs.gov/hipaa/filing-a-complaint/index.html>.

For complaints about a violation of your right to confidentiality by an alcohol or drug abuse treatment program, contact the United States Attorney's Office for the judicial district in which the violation occurred. The Texas Department of State Health Services will not retaliate against you for filing a complaint.