

July 24, 2003

N.L.: 11-0703-**CORRECTED**

Supercedes N.L.: 05-0403

Index: HIPAA

**TO:** All CALIFORNIA CHILDREN'S SERVICES (CCS) COUNTY ADMINISTRATORS, CHIEF/SUPERVISING THERAPISTS, MEDICAL DIRECTORS/CONSULTANTS, STATE CHILDREN'S MEDICAL SERVICES (CMS) BRANCH AND REGIONAL OFFICE STAFF

**SUBJECT:** NOTICE OF PRIVACY PRACTICES FOR CCS CLIENTS; COMPLIANCE WITH HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT, PRIVACY RULE

## **I. BACKGROUND**

Under the administrative simplification provisions of the Health Insurance Portability and Accountability Act (HIPAA), the CCS Program is a health plan and, thus, is a HIPAA covered entity. The HIPAA Privacy Rule, which has a compliance date of April 14, 2003, requires covered entities to inform persons on whom the covered entity maintains protected health information how the covered entity will disclose their protected health information and what their rights are with regard to their protected health information. This notification is referred to as a Notice of Privacy Practices (NPP).

In order to comply with this notification requirement, the CCS Program must provide an NPP to the parents or guardians of CCS clients, or to the client, if the client is an emancipated minor or is over eighteen years of age. An NPP for the CCS Program has been developed (enclosure). The Department of Health Services Privacy Officer has determined that this NPP conforms to the requirements of the HIPAA Privacy Rule, the requirements for confidentiality of information maintained on CCS clients contained in Section 41670 of Title 22 of the California Code of Regulations, and the provisions for release of CCS case records contained in Section 1.4.2B of the CCS Procedure Manual.



Do your part to help California save energy. To learn more about saving energy, visit the following web site:  
[www.consumerenergycenter.org/flex/index.html](http://www.consumerenergycenter.org/flex/index.html)

The CCS NPP has been translated into Spanish and will soon be translated into the other threshold languages of the Medi-Cal Program: Arabic, Armenian, Cantonese, Farsi, Hmong, Khmer, Korean, Mandarin, Russian, Tagalog, and Vietnamese. The English and Spanish versions of this NPP are posted on the Children's Medical Services Branch Website, [www.dhca.gov/services/pages/cms.aspx](http://www.dhca.gov/services/pages/cms.aspx). Translations of the NPP in the other threshold languages will be posted on the website as soon as they are available.

Note: CCS clients who are Medi-Cal beneficiaries will also receive a NPP from Medi-Cal. Healthy Families (HF) subscribers will receive an NPP from their HF health plan. Clients with other health coverage will receive an NPP from their commercial insurance carrier or health plan. The CCS Medical Therapy Units (MTU) are providers and covered entities under the HIPAA Privacy Rule and will provide a unique MTU NPP to children receiving MTU services. Providers who render services to CCS clients will provide their own NPPs to these CCS clients.

## II. POLICY

- A. A CCS NPP will be distributed to all clients of the CCS Program, including clients who are eligible only for the CCS Medical Therapy Program, and without regard to the funding source for the client's services (i.e., Medi-Cal, Healthy Families, CCS-only). To the extent possible this distribution will take place prior to April 14, 2003. Acknowledgement of receipt of this initial distribution of the CCS NPP by the client or the client's parent or guardian is not required.
- B. All new applicants for CCS Program services will be provided with the CCS NPP at or prior to the time their case is moved to an "active" status. County CCS programs are required to annotate the client's file with the date that the NPP was provided.
- C. The NPP to be used for this client notification shall be:
  - 1. The enclosed NPP, or
  - 2. A CCS NPP developed by the county CCS Program and approved by the county legal counsel that conforms to:
    - a. Sections 520 et seq. , Part 164, Volume, 1, Title 45, Code of Federal Regulations,
    - b. Section 41670, Title 22, California Code of Regulations, and

c. Section 1.4.2B CCS Procedural Manual.

### **III. POLICY IMPLEMENTATION**

- A. The State CCS Program will make an initial distribution of the CCS NPP to clients with active case records in the Children's Medical Services Network (CMS Net) by mail.
- B. The State CCS Program will document this initial distribution of an NPP to these clients in their CMS Net case records.
- C. County CCS programs that do not currently participate in CMS Net (i.e., Los Angeles, San Diego, Orange, Sacramento, Alameda, and San Mateo) will make the initial distribution of the CCS NPP, prior to April 14, 2003, if possible, to clients who reside in those counties.
- D. The county CCS programs, that make the initial NPP distribution to their clients (i.e., Los Angeles, San Diego, Orange, Sacramento, Alameda, and San Mateo) will document this distribution in their clients' case records.
- E. All County CCS programs will provide a CCS NPP to all new applicants for CCS Program services at or prior to the time CCS Program changes their status to "active". County CCS programs shall annotate the applicant's CCS case record with the date that the NPP was provided to the applicant or the applicant's parent or guardian.

If you have questions about this numbered letter, please contact your CCS administrative consultant.

**Original Signed by Maridee Gregory, M.D.**

Maridee A. Gregory, M.D., Chief  
Children's Medical Services Branch

Enclosure

State of California—Health and Human Services Agency  
Department of Health Services

**A MESSAGE FROM THE CALIFORNIA CHILDRENS  
SERVICES (CCS) PROGRAM**

**NOTICE OF PRIVACY PRACTICES**

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

The CCS Program must keep information we have about the children we serve private. This includes information about eligibility for CCS and personal medical information. CCS must give this notice to you and tell you how CCS may use and give out or “disclose” information about the children we serve.

**How CCS May Use and Share Information**

The child’s name, address, personal information about the child, medical history, medical exam, and medical services provided to children served by CCS will be used and shared mainly for a reason connected with the operation of the CCS Program. These reasons include:

- Deciding eligibility for CCS benefits
- Deciding fees that you may have to pay in order to receive CCS benefits.
- Deciding if the child is eligible for Medi-Cal or Healthy Families and if you have a private health insurance plan.
  
- **For treatment:** Approving services for a child’s exam, treatment, and therapy. CCS may need to approve health care services in advance. To give approval, CCS may receive information from and share it with other people caring for the child to make sure that children get the services they need.
  
- **For payment:** CCS and the people that work with us receive, review, approve, process, and pay for health care bills from doctors or other health care providers to pay for services. CCS may share health information with these doctors and other

providers, which bill CCS. CCS may send some bills that it receives to other health plans or groups, which may need to pay for services that were given to the child.

- **For health care operations:** CCS may use facts about children's health and health care to make sure that they get high quality health care. CCS may also use this information in audits or fraud investigations of doctors and other health care providers and for planning and managing the CCS Program.

## **Other Uses of Children's Health Information**

CCS may also use or give out information about the child's eligibility for CCS and personal medical information for reasons such as:

- Calling or writing you about your child's CCS benefits.
- To people in the child's family to help in treatment or payment for services.
- For legal reasons, such as in response to a court order.
- For research studies that meet all privacy law requirements, such as research about disease prevention.
- To gather information that can no longer be traced back to the child, such as a list of how often various CCS medical problems happen for all CCS children.
- For reasons required by law, which may require sharing of the child's health information.

CCS may give out health information to organizations that help it run programs, such as companies that pay CCS bills. If CCS does this, it will make sure that these organizations protect the privacy of information we share with them.

Some state laws limit the sharing of the information listed above. For example, there are special laws that protect information about HIV/AIDS status, mental health treatment, developmental disabilities, and drug and alcohol abuse care. CCS will obey these laws.

### **NOTE**

**IF THE CHILD IS A MEDI-CAL PATIENT, THE LAW MAY NOT ALLOW SHARING SOME OF THE INFORMATION LISTED ABOVE. MEDI-CAL RULES SAY INFORMATION CAN ONLY BE USED OR SHARED FOR REASONS CONNECTED WITH THE OPERATION OF THE MEDI-CAL PROGRAM.**

## When Written Permission Is Needed

CCS must have written permission from the child's parent, guardian, or minors living on their own before sharing CCS eligibility and health information not discussed above. If you give CCS written permission to use or share your or your child's information for other reasons, you may take back your written permission at any time.

## Your Privacy Rights

By law you have the right to:

- See and get a copy of the child's personal medical information, which CCS has.
- Have the child's personal medical information changed if you believe that it is wrong or if information is missing, and CCS agrees. If CCS disagrees, you may have a letter about why you disagree added to the child's personal medical file.
- Get a listing of people who get the child's personal medical information from CCS. This listing will not show when the child's personal medical information was given to the child's parent, guardian, or to children living on their own OR when information is shared for treatment, payment, or health care operations.
- Ask CCS to contact you in a different way or in a different place, such as sending materials to you at a Post Office Box instead of your home address.
- Ask CCS to limit how the child's personal medical information is used and given out. However, CCS may not be able to agree to your request.
- You have the right to obtain a paper copy of this Notice of Privacy Practices. This Notice is also available at the CCS Website, [WWW.DHCS.CA.GOV/SERVICES/CCS](http://WWW.DHCS.CA.GOV/SERVICES/CCS).

## IMPORTANT

**CCS DOES NOT HAVE COMPLETE COPIES OF CHILDREN'S MEDICAL RECORDS. IF YOU WANT TO LOOK AT, GET A COPY OF, OR CHANGE A CHILD'S MEDICAL RECORDS, PLEASE CONTACT THE CHILD'S DOCTOR OR CLINIC. IF THE CHILD IS IN A MANAGED CARE PLAN, THAT PLAN MAY HAVE INFORMATION ABOUT BILLS PAID. CONTACT THE MANAGED CARE PLAN TO LOOK AT OR GET COPIES OF THESE BILLS.**

## How To Contact CCS To Use Your Rights

If you want to use any of the privacy rights explained in this notice, please contact the CCS Program in the county where you live. The addresses and phone numbers of county CCS Programs are listed at the end of this Notice of Privacy Practices.

## **HOW TO COMPLAIN**

If you believe that your or your child's privacy rights have been violated and wish to complain, you may file a complaint by calling or writing:

Privacy Officer  
California Department of Health Services  
P.O. Box 942732  
Sacramento, California 94234-7320  
(916) 255-5259 (Voice) or (877) 735-2929 (TTY/TDD)

Or

Secretary of the U.S. Department of Health and Human Services  
Office of Civil Rights  
Attention: Regional Manager  
50 United Nations Plaza, Room 322  
San Francisco, California 94102  
For additional information, call (800) 368-1019  
or  
U.S. Office of Civil Rights  
(866) 627-7748 (Voice) or (866) 788-4989 (TTY)

## **No Retaliation**

CCS cannot take away your child's health care benefits or do anything to hurt you in any way if you choose to file a complaint or use any of the privacy rights in this Notice.

## **Effective Date**

This Notice of Privacy Practices goes into effect on April 14, 2003.

## **Changes To This Notice**

CCS must obey the rules of this Notice. However, CCS has the right to make changes in its privacy practices. If CCS makes such changes, this Notice of Privacy Practices will be rewritten and you will be given a new Notice if you are in the CCS Program.

To get a copy of this notice in other languages, Braille, large print, audiocassette or computer disk, please call or write the Privacy Officer at the number or address above.

إذا رغبت في الحصول على معلومات بخصوص حقوقك الخصوصية طبقا لبرنامج CSS برجاء الاتصال ب  
(Arabic) (916)255 - 5259

Եթե ձեր խորհրդապահության իրավունքների մասին ըստ CSS Program  
ծրագրին՝ տեղեկություններ կցանկանաք, խնդրում է կապ հաստատել (916)  
255-5259 հեռախոսահամարով: (Armenian)

如果你需要得到 CSS 項目中有關你個人隱私權利的資訊，請致電 (916)  
255-5259。(廣東話) (Cantonese)

اگر در مورد حقوق محرمانه بودن خود تحت برنامه CSS Program سوالی داشته باشید, لطفا با شماره تلفن  
(Farsi) 255-5259 (916) تماس بگیرید.

Yog koj xav paub txog koj txoj cai hais txog yus tus kheej *privacy rights* nyob rau  
hauv CCS Program, thov hu rau (916) 255-5259. (Hmong)

ប្រសិនបើលោកអ្នកចង់ទទួលបានព័ត៌មានអំពីសិទ្ធិនៃឯកត្តភាពរបស់អ្នកចំពោះកម្មវិធី CCS, សូមមេត្តាហៅទៅលេខ  
(916) 255-5259. (Khmer/Cambodian)

CCS 프로그램에 적용되는 개인 정보 보호권에 관한 정보를 원하시면 (916)  
255-5259 로 전화 주십시오. (Korean)

要是您希望获取 CCS 項目中有关您个人隐私权利的资料，请致电 (916)  
255-5259。(Mandarin)

Если Вы хотите получить информацию о Ваших правах на  
неприкосновенность частной жизни в рамках Калифорнийской программы  
медицинской помощи детям (CCS Program), звоните по телефону (916)  
255-5259. (Russian)

Kung nais ninyo ng impormasyon tungkol sa inyong mga karapatan sa kalihiman  
alinsunod sa Programa ng CCS, mangyaring tumawag sa (916) 255-5259.  
(Tagalog)

Nếu quý vị muốn có thông tin về quyền riêng tư của mình theo Chương Trình CCS,  
xin gọi số (916) 255-5259. (Vietnamese)



The local program information originally provided in this letter is dated. Please use the following link to access the current CMS Directory.

<http://www.dhcs.ca.gov/services/ccs/Pages/CountyOffices.aspx>



DIANA M. BONTÁ, R.N., Dr. P.H.  
Director

GRAY DAVIS  
Governor

## MENSAJE DEL PROGRAMA DE SERVICIOS INFANTILES DE CALIFORNIA (CCS)

# AVISO DE LAS NORMAS DE PRIVACIDAD

**ESTE AVISO DESCRIBE CÓMO PUEDE UTILIZARSE  
Y DISTRIBUIRSE SU INFORMACIÓN,  
Y CÓMO PUEDE OBTENER USTED UNA COPIA.  
POR FAVOR, REVISE DETALLADAMENTE ESTA INFORMACIÓN.**

El programa de CCS debe mantener confidencial la información que tiene sobre los niños a los que atiende. Se trata de información sobre elegibilidad de CCS, e información médica personal. CCS tiene que darle a usted este aviso legal y decirle cómo utiliza y distribuye o “revela” la información sobre los niños que atiende.

### Cómo puede utilizar y distribuir la información CCS

La información sobre los niños a los que atiende CCS, como por ejemplo, su nombre, su dirección, datos personales, historial médico, reconocimiento y tratamiento médico que hayan recibido, se utiliza y se distribuye principalmente por motivos relacionados con el manejo del programa de CCS, como por ejemplo:

- Decisiones sobre la elegibilidad a los beneficios de CCS
- Decisiones sobre gastos que usted tenga que pagar para recibir beneficios de CCS
- Decisiones sobre los derechos del niño a recibir Medi-Cal o Healthy Families, y planes de salud privados a los que usted pertenezca.
- **Por razones de tratamiento:** Para aprobar servicios de reconocimiento médico, tratamiento y terapia de los niños. Puede que CCS tenga que aprobar los servicios de asistencia médica por adelantado. Para dar su aprobación, puede que CCS reciba o distribuya información necesaria para proporcionar al niño la atención médica que éste necesite.

- **Para hacer pagos:** CCS y las personas que colaboran con el programa reciben, revisan, aprueban, procesan y pagan las facturas de asistencia médica que nos presentan los médicos y otros proveedores por los servicios que reciben los niños. Es posible que CCS dé a conocer información sobre la salud de los niños a los médicos y proveedores que presentan las facturas. CCS a veces envía las facturas que recibe a otros planes y grupos de salud que tienen que pagar por los servicios que reciben los niños.
- **Para operaciones de asistencia sanitaria:** CCS puede utilizar información sobre la salud y la asistencia médica de los niños para asegurarse de que reciban asistencia médica de calidad. El programa también puede utilizar esta información en auditorías, en investigaciones por fraude, o en la planificación y el manejo del programa de CCS.

## Otros usos de la información sobre la salud de los niños

CCS también puede utilizar información médica personal e información sobre la elegibilidad de los niños a los servicios de CCS, por los siguientes motivos:

- Para informarle a usted por teléfono o por carta de los beneficios de CCS a los que tiene derecho su hijo.
- Para ayudar a los familiares del niño con el tratamiento o el pago de los servicios.
- Por razones legales, como por ejemplo, en respuesta a órdenes judiciales.
- Para estudios de investigación que cumplan con los requisitos legales de privacidad, como por ejemplo, estudios de investigación sobre prevención de enfermedades.
- Para reunir información que ya no se puede relacionar con el niño, como por ejemplo, una lista de la frecuencia de ciertos problemas médicos que afectan a todos los niños de CCS.
- Por razones legales en las que sea necesario informar sobre la salud de los niños.

CCS puede proporcionar información sobre la salud de los niños a organizaciones que ayudan a que el programa esté en funcionamiento, como por ejemplo, las compañías que ayudan a pagar las facturas de CCS. En ese caso, CCS se asegura de que estas organizaciones respeten la privacidad de la información.

Algunas leyes estatales limitan la distribución de esta información. Por ejemplo, hay leyes especiales que protegen la difusión de información sobre VIH/SIDA, tratamiento de salud mental, discapacidades de desarrollo y asistencia por abuso de alcohol y drogas. CCS cumple con estas leyes.

## **AVISO**

SI EL NIÑO ES PACIENTE DE MEDI-CAL, ES POSIBLE QUE LA LEY NO PERMITA LA DISTRIBUCIÓN DE PARTE DE LA INFORMACIÓN INDICADA ANTERIORMENTE. LAS LEYES DE MEDI-CAL ESTABLECEN QUE SÓLO SE PUEDE UTILIZAR O DISTRIBUIR INFORMACIÓN POR RAZONES RELACIONADAS CON EL MANEJO DEL PROGRAMA DE MEDI-CAL.

### **Cuando se necesita autorización escrita**

Antes de distribuir información sobre salud o información sobre la elegibilidad de los niños en casos distintos a los indicados anteriormente, CCS debe obtener autorización escrita de los padres o guardianes de los niños o de los menores que viven por su cuenta. Si usted da su permiso, lo puede retirar por escrito en cualquier momento.

### **Sus derechos de privacidad**

Legalmente, usted tiene derecho:

- A ver y obtener una copia de la información médica personal que tiene CCS de su hijo.
- A pedir que se cambien los datos de la información médica, si usted cree que la información es incorrecta, o si falta información y CCS está de acuerdo. Si CCS no está de acuerdo, usted puede escribir una carta indicando que no está de acuerdo con nuestra decisión, y esa carta se guardará en el historial médico del niño.
- Obtener una lista de las personas que reciben información médica del niño de parte de CCS. Esta lista no indica los casos en la que la información se dio a los padres o guardianes del niño o a los menores que viven por su cuenta, O si se dio información por razones de tratamiento, pago u operaciones de asistencia médica.
- A pedir que CCS se ponga en contacto con usted de otra manera o que mande la información a un apartado de correos en lugar de a su casa.
- A pedir a CCS que limite el uso y distribución de la información médica personal del niño. Pero es posible que CCS no pueda cumplir sus deseos en este aspecto.
- A obtener una copia impresa de este aviso de prácticas de privacidad. También puede obtener una copia de este aviso en la página de Web de CCS, en [WWW.DHCS.CA.GOV/SERVICES/CCS](http://WWW.DHCS.CA.GOV/SERVICES/CCS).

**\*\*\*IMPORTANTE\*\*\***

**CCS NO TIENE COPIA COMPLETA DE TODO EL HISTORIAL MÉDICO DEL NIÑO. SI USTED DESEA VER, OBTENER UNA COPIA O CAMBIAR LA INFORMACIÓN DE ESTOS DOCUMENTOS, POR FAVOR PÓNGASE EN CONTACTO CON EL MÉDICO O LA CLÍNICA DEL NIÑO. SI EL NIÑO PERTENECE A UN PLAN DE ASISTENCIA COORDINADA, PUEDE QUE EL PLAN TENGA INFORMACIÓN SOBRE LAS FACTURAS PAGADAS. PÓNGASE EN CONTACTO CON DICHO PLAN PARA VER U OBTENER UNA COPIA DE LAS FACTURAS.**

## **Cómo ponerse en contacto con CCS para ejercer sus derechos**

Si desea hacer uso de sus derechos de privacidad explicados en este Aviso, por favor póngase en contacto con el programa de CCS del condado donde reside. Al final de este aviso, se incluye una lista con las direcciones y los números de teléfono de los programas de CCS por condado.

## **Cómo Presentar Una Queja**

Si usted cree que no se ha protegido la privacidad de su hijo y desea presentar una queja, puede llamar o escribir a:

Privacy Officer  
California Department of Health Services  
P.O. Box 942732  
Sacramento, California 94234-7320  
(916) 255-5259 (Voz) ó (877) 735-2929 (TTY/TDD)

o

Secretary of the U.S. Department of Health and Human Services  
Office of Civil Rights  
Attention: Regional Manager  
50 United Nations Plaza, Room 322  
San Francisco, California 94102  
Para más información, llamar a (800) 368-1019  
o  
U.S Office of Civil Rights  
(866) 627-7748 (Voz) o (866) 788-4989 (TTY/TDD)

## **Sin represalias**

CCS no puede negarle beneficios de asistencia médica a su hijo ni hacer nada que pudiera perjudicarlo en alguna medida a usted, si decide presentar una queja o hacer valer alguno de los derechos de privacidad presentados en este aviso.

## **Fecha de vigencia**

Este Aviso de prácticas de privacidad entra en vigencia el 14 de abril de 2003.

## **Cambios a este Aviso**

CCS debe obedecer las normas indicadas en este Aviso, pero tiene el derecho de hacer cambios de las normas de privacidad. Si CCS hace algún cambio, volveremos a escribir este Aviso y le daremos una copia a usted si es cliente de CCS.

Para obtener una copia de este aviso en otros idiomas, en Braille, en letra grande, en audiocassette o en disquete de computadora, por favor llame o escriba al Privacy Officer, al número y la dirección indicados en la página 5.

إذا رغبت في الحصول على معلومات بخصوص حقوقك الخصوصية طبقاً لبرنامج CCS برجاء الاتصال ب  
(Arabic) (916)255 - 5259

Եթե ձեր խորհրդապահության իրավունքների մասին ըստ CCS Program ծրագրին՝ տեղեկություններ կցանկանաք, խնդրում է կապ հաստատելք (916) 255-5259 հեռախոսահամարով: (Armenian)

如果你需要得到 CCS 項目中有關你個人隱私權利的資訊，請致電 (916) 255-5259。(廣東話) (Cantonese)

اگر در مورد حقوق محرمانه بودن خود تحت برنامه CCS Program سوالی داشته باشید, لطفاً با شماره تلفن  
(Farsi) (916) 255-5259 تماس بگیرید.

Yog koj xav paub txog koj txoj cai hais txog yus tus kheej *privacy rights* nyob rau hauv CCS Program, thov hu rau (916) 255-5259. (Hmong)

ប្រសិនបើលោកអ្នកចង់ទទួលបានអំពីសិទ្ធិនៃឯកត្តភាពរបស់អ្នកចំពោះកម្មវិធី CCS, សូមមេត្តាហៅទៅលេខ  
(916) 255-5259. (Khmer/Cambodian)

CCS 프로그램에 적용되는 개인 정보 보호권에 관한 정보를 원하시면 (916) 255-5259 로 전화 주십시오. (Korean)

要是您希望获取 CCS 项目中有关您个人隐私权利的资料，请致电 (916) 255-5259。(Mandarin)

Если Вы хотите получить информацию о Ваших правах на неприкосновенность частной жизни в рамках Калифорнийской программы медицинской помощи детям (CCS Program), звоните по телефону (916) 255-5259. (Russian)

Kung nais ninyo ng impormasyon tungkol sa inyong mga karapatan sa kalihiman alinsunod sa Programa ng CCS, mangyaring tumawag sa (916) 255-5259. (Tagalog)

Nếu quý vị muốn có thông tin về quyền riêng tư của mình theo Chương Trình CCS, xin gọi số (916) 255-5259. (Vietnamese)

The local program information originally provided in this letter is dated. Please use the following link to access the current CMS Directory.

<http://www.dhcs.ca.gov/services/ccs/Pages/CountyOffices.aspx>