



# NOTICE OF PRIVACY PRACTICES

Clark County, Nevada

V3.2 Effective 11/5/08

## Purpose of This Privacy Notice

This Notice of Privacy Practices describes how we may use and disclose your protected health information to carry out treatment, initiate payment, or conduct health care operations, and for other purposes that are permitted or required by law.

**Clark County reserves the right to make changes in the Notice of Privacy Practices.** The Notice describes your rights to access and control your protected health information. "Protected Health Information" is information about you, including demographic information, that identifies you and relates to your past, present or future physical or mental health or condition and related health care services.

## Our Pledge Regarding Medical Information

We understand that your medical and health related information is personal, and we are committed to protecting it. A record of the care and services you receive at Clark County is created and maintained at Clark County. This notice applies to those records of your care received and maintained by Clark County.

We are required by law to:

- Make sure that medical information that identifies you is kept private
- Provide you this notice describing our legal duties and privacy practices regarding your medical information
- Follow the terms of the notice that is currently in effect. We may change the terms of our notice at any time without advance notice to you. The new notice will be effective for all protected health information that we maintain at that time. Upon your request, we will provide you with any revised Notice of Privacy Practices. You may obtain a copy by contacting Clark County's HIPAA Compliance Office at (702) 383-3854. The current version of the Notice may also be found on Clark County's website at: <http://www.co.clark.nv.us/>

## How We May Use And Disclose Medical Information About You:

The following categories describe ways that we use and disclose medical information. Examples of each category are included. Not every use or disclosure in each category is listed; however, all of the ways we are permitted to use and disclose information falls into one of these categories:

**For Treatment:** We may use medical information about you to provide, coordinate, or manage your medical treatment or services. We may disclose medical information about you to other physicians or health care providers who are or will be involved in taking care of you. For example, we would disclose your protected health information, as necessary, to a home health agency that provides care to you. Your protected health information may also be provided to a physician to whom you have been referred to ensure that the physician has the necessary information to provide treatment.

## Who Will Follow This Notice:

This notice describes the privacy policies of Clark County and that of:

- Any health care professional authorized to enter information into your medical record retained by Clark County
- Department of Juvenile Justice Services
- Clark County Employee Assistance Program
- Civil Division of the District Attorney's Office
- Information Technology Department
- Audit Department
- Comptroller
- Purchasing
- County Manager's Office
- Board of County Commissioners

**For Payment:** We may use and disclose medical information about you so that the treatment and services you receive at a Clark County facility may be billed to and paid by an insurance company, you, or a third party. For example, obtaining approval for a hospital stay may require that we disclose your relevant protected health information to the health plan to obtain approval for the hospital admission.

**For Healthcare Operations:** We may use or disclose your protected health information to support the business activities of Clark County. These activities include, but are not limited to, quality assessment activities, employee review activities, training of medical staff, and conducting or arranging for other business activities. For example, we may disclose your protected health information to medical school students that see patients at a Clark County facility. We may use or disclose your protected health information, as necessary, to contact you to remind you of your appointment.

We may share your protected health information with third party “business associates” that perform various activities (e.g., billing, transcription services) for Clark County. Whenever an arrangement between Clark County and a business associate involves the use or disclosure of your protected health information, we will have a written contract that contains terms to protect the privacy of your protected health information.

We may use or disclose your protected health information, as necessary, to provide you with information about treatment alternatives or other health-related benefits and services that may be of interest to you. For example, your name and address may be used to send you a newsletter about our medical facilities and the services we offer. You may contact Clark County’s HIPAA Compliance Office to request that we do not send these materials to you.

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### **Uses and Disclosures of Protected Health Information Based Upon Your Written Authorization**

Other uses and disclosures of your protected health information will be made only with your written authorization, unless otherwise permitted or required by law as described below. You may revoke this authorization, at any time, in writing, except to the extent that your physician, our medical staff, or our employees have taken action that relies on the use or disclosure indicated in the authorization.

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### **Other Permitted and Required Uses and Disclosures That May Be Made With Your Consent, Authorization or Opportunity to Object**

We may use and disclose your protected health information in the instances described below. You have the opportunity to agree or object to the use or disclosure of all or part of your protected health information. If you are not present or are not able to agree or object to the use or disclosure of the protected health information, then your physician may, using professional judgment, determine whether the disclosure is in your best interest. In this case, only the protected health information that is relevant to your health care will be disclosed.

**Others Involved in Your Healthcare:** Unless you object, we may disclose to a family member, a relative, a close friend or any other person you identify, your protected health information that directly relates to that person’s involvement in your health care. If you are unable to agree or object to such a disclosure, we may disclose such information as necessary if we determine that it is in your best interest based on our professional judgment. We may use or disclose protected health information to notify or assist in notifying a family member, personal representative or any other person that is responsible for your care, of your location, general condition or death. Finally, we may use or disclose your pro-

ected health information to an authorized public or private entity to assist in disaster relief efforts and to coordinate uses and disclosures to family or other individuals involved in your health care.

**Emergencies:** We may use or disclose your protected health information in an emergency treatment situation. If this happens, your physician shall try to obtain your acknowledgement of receipt of the Notice of Privacy Practices as soon as reasonably practicable after the delivery of treatment.

### **Other Permitted and Required Uses and Disclosures That May Be Made Without Your Consent, Authorization or Opportunity to Object**

We may use or disclose your protected health information in the certain situations without your consent or authorization. These situations include:

**Required By Law:** We may use or disclose your protected health information to the extent that law requires the use or disclosure. The use or disclosure will be made in compliance with the law and will be limited to the relevant requirements of the law. You will be notified, as required by law, of any such uses or disclosures.

**Public Health:** We may disclose your protected health information for public health activities and purposes to a public health authority that is permitted by law to collect or receive the information. The disclosure will be made for the purpose of controlling disease, injury or disability. We may also disclose your protected health information, if directed by the public health authority, to a foreign government agency that is collaborating with the public health authority.

**Communicable Diseases:** We may disclose your protected health information, if authorized by law, to a person who may have been exposed to a communicable disease or may otherwise be at risk of contracting or spreading the disease or condition.

**Health Oversight:** We may disclose protected health information to a health oversight agency for activities authorized by law, such as audits, investigations, and inspections. Oversight agencies seeking this information include government agencies that oversee the health care system, government benefit programs, other government regulatory programs and civil rights laws.

**Abuse or Neglect:** We may disclose your protected health information to a public health authority that is authorized by law to receive reports of child or elder abuse or neglect. In addition, we may disclose your protected health information if we believe that you have been a victim of abuse, neglect or domestic violence to the governmental entity or agency author-

ized to receive such information. In this case, the disclosure will be made consistent with the requirements of applicable federal and state laws.

**Food and Drug Administration:** We may disclose your protected health information to a person or company required by the Food and Drug Administration to track products and to report adverse events, product defects, product problems, and/or biologic product deviations. We may also disclose your protected health information as required by the Food and Drug Administration to enable product recalls, to make repairs or replacements, or to conduct post marketing surveillance, as required.

**Legal Proceedings:** We may disclose protected health information in the course of any judicial or administrative proceeding, in response to an order of a court or administrative tribunal (to the extent such disclosure is expressly authorized), and in certain conditions in response to a subpoena, discovery request or other lawful legal process.

**Law Enforcement:** We may disclose protected health information according to any and all applicable legal requirements for law enforcement purposes. These law enforcement purposes include (1) legal processes and disclosures otherwise required by law, (2) limited information requests for identification and location purposes, (3) information pertaining to victims of a crime, (4) suspicion that death has occurred as a result of criminal conduct, (5) criminal offenses occurring on the premises of Clark County, and (6) a medical emergency (not on the premises) when it is likely that a crime has occurred.

*Other Disclosures continued-*

**Coroners, Funeral Directors, and Organ Donation:**

We may disclose protected health information to a coroner or medical examiner for identification purposes, for use in determining cause of death, or for the coroner or medical examiner to perform other duties authorized by law. We may also disclose protected health information to a funeral director, as authorized by law, in order to permit the funeral director to carry out his/her duties. We may disclose such information in reasonable anticipation of death. Protected health information may be used and disclosed for cadaveric organ, eye or tissue donation purposes.

**Workers' Compensation:** We may disclose your protected health information as authorized to comply with workers' compensation laws and other similar legally established programs.

**Inmates:** We may use or disclose your protected health information if you are an inmate of a correctional facility and your physician created or received your protected health information in the course of providing care to you.

**Sale or Closure of the Practice:**

In the event that a Clark County medical facility is sold or acquired by another entity, your protected health information will be disclosed to that group or entity.

**Required Uses and Disclosures:**

Under the law, we must make a list of disclosures available to you upon request and to the Secretary of the Department of Health and Human Services to investigate or determine our compliance with the requirements of the Health Insurance Portability and Accountability Act of 1996.

**YOUR RIGHTS**

Following is a statement of your rights with respect to your protected health information and a brief description of how you may exercise these rights.

***You have the right to inspect and copy your protected health information.***

You may inspect and obtain a copy of your protected health information that is contained in a designated record set for as long as we maintain the protected health information. A "designated record set" contains medical and billing records and any other records that your physician and Clark County use for making decisions.

Under federal law, you may not inspect or copy the following records:

- psychotherapy notes;
- information compiled in reasonable anticipation of, or use in, a civil, criminal, or administrative action or proceeding; and
- protected health information that is subject to law that prohibits access to those records.

Depending on the circumstances, a decision to deny access may be reviewed. In some circumstances, you may have a right to appeal the decision. Please contact Clark County's HIPAA Compliance Office if you have questions about access to your medical record.

***You have the right to request a restriction of your protected health information.***

You may ask us not to use or disclose any part of your protected health information for the purposes of treatment, payment or health-care operations. You may also request that any part of your protected health information not be disclosed to family members or friends who may be involved in your care or for notification purposes as described in this Notice of Privacy Practices. Your request must state the specific restriction requested and to whom you want the restriction to apply.

Clark County is not required to agree to a restriction. If Clark County believes it is in your best interest to permit the use and disclosure of your protected health information, it will not be restricted. If Clark County does agree to the restriction request, we may not use or disclose your protected health information in violation of that restriction unless it is needed to provide emergency treatment. With this in mind, please discuss any restriction you wish to request with your caregiver. You may request a restriction by contacting and discussing the issue with Clark County's Privacy Officer.

***You have the right to request to receive confidential communications from us by alternative means or at an alternative location.***

We will attempt to accommodate reasonable requests. We may also condition this accommodation by asking you for information as to how payment will be handled or specification of an alternative address or other method of contact. We will not request an explanation from you as to the basis for the request. Please make this request in writing to Clark County's HIPAA Compliance Office.

***You may have the right to have your physician amend your protected health information.***

You may request an amendment of your protected health information in a designated record set for as long as we maintain this information. In certain cases, we may deny your request for an amendment. If we deny your request, you have the right to file a statement of disagreement with us. In this instance we may prepare a rebuttal to your statement that will be filed in your medical record along with your statement. We will also provide you with a copy of any such rebuttal. Please contact Clark County's HIPAA Compliance Office if you have questions about amending your medical record.

***You have the right to receive an accounting of certain disclosures we made, if any, of your protected health information.***

This right applies to disclosures for purposes other than treatment, payment or healthcare operations as described in this Notice of Privacy Practices. It excludes disclosures we may have made to you, in accordance with your authorization, for a facility directory, to family members or friends involved in your care, or for notification purposes. You have the right to receive specific information regarding these disclosures that occurred after April 14, 2003. You may request up to a six-year history of disclosures. The right to receive this information is subject to certain exceptions, restrictions and limitations.

You may receive a paper copy of this notice from us, upon request, even if you have agreed to accept this notice electronically.

## **COMPLAINTS**

You may complain to us or to the Secretary of Health and Human Services (HHS) if you believe your privacy rights have been violated by us.

To file a complaint with Clark County, submit the complaint in writing to:

Clark County/ UMC Privacy Officer  
1800 W. Charleston Blvd.  
Las Vegas, NV 89102

or to:

Clark County HIPAA Compliance Office  
P.O. Box 551120  
Las Vegas, NV 89155-1120

You may also call (702) 383-3854 for further information about the complaint process.

To file a complaint with HHS, send a letter to:

Office of Civil Rights  
U.S. Department of Health and Human Services  
50 United Nations Plaza - Room 322  
San Francisco, CA 94102  
(415) 437-8310; (415) 437-8311 (TDD)  
(415) 437-8329 FAX

***We will not retaliate against you for filing a complaint.***