



**California Problem Gambling Treatment Services Program
NOTICE OF PRIVACY PRACTICES & INFORMATION PRACTICES ACT
Effective September 1, 2009**



**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 PRIVACY OF HEALTH INFORMATION**

Each individual's health information is protected under a federal law called the Health Insurance Portability and Accountability Act (HIPAA) and under state laws when they are stricter than HIPAA. These laws require the Department of Alcohol and Drug Programs, Office of Problem Gambling (OPG), and UCLA Gambling Studies Program (UGSP) as OPG's designee to keep protected health information private except under certain circumstances, and to provide this Notice of our legal duties and the privacy practices we use to protect health information.

HOW HIPAA DEFINES PROTECTED HEALTH INFORMATION

The law defines protected health information as individually identifiable health information that is created, received, sent or maintained by us. It is information that identifies an individual in some way and relates to his or her past, present or future physical or mental health or condition; the provision of health care to him or her; or the past, present, or future payment for that individual's health care.

HOW WE MAY USE AND DISCLOSE INFORMATION

The law permits OPG's California Problem Gambling Treatment Services Program (CPGTSP) to use and disclose an individual's protected health information in order to see to it that he or she receives treatment, in order to pay the program's share of treatment costs, and for health care operations. The examples below show how we may use and share health information for these purposes.

- 1. For treatment:** The CPGTSP may use an individual's protected health information to ensure that an individual enrolled in the Program receives medical treatment or services. For example, a provider, such as a doctor or hospital, might check to see whether that individual is actually enrolled in the CPGTSP.
- 2. For payment:** The CPGTSP may use and disclose an individual's protected health information in connection with payments for treatment and services that those individuals receive.
- 3. For health care operations:** The CPGTSP may use and disclose protected health information for operational purposes. For example, we may share the protected health information of individuals enrolled in the CPGTSP with others who evaluate the quality of services provided by the CPGTSP. We may also use this information in connection with determining eligibility, conducting audits, for processing appeals, and for general administration of the program. The CPGTSP may use the protected health information you provide to us to contact you about health-related benefits that may be of interest to you.

OTHER USES AND DISCLOSURES WITHOUT WRITTEN PERMISSION

The CPGTSP is required to share an individual's protected health information with the United States Secretary of Health and Human Services in connection with compliance reviews and complaint investigations under HIPAA. In addition, the CPGTSP may make uses and disclosures of your protected health information without your written permission as follows:

As required or permitted by law: The CPGTSP may use and disclose information about an individual as required or permitted by law. For example, we may use and disclose information about an individual for the following purposes:

- In the course of any judicial or administrative proceeding in response to a subpoena or pursuant to an order of the court or an administrative law judge;
- To report information related to child abuse or neglect; and
- For a law enforcement purpose to a law enforcement official.

Public health: An individual's protected health information may be used or disclosed for public health activities such as assisting public health authorities or other persons to prevent or control disease or injury.

Health and Safety: An individual's protected health information may be used or disclosed to prevent a serious threat to the health or safety of a person or the public.

Individuals who have died: Protected health information about individuals who have died may be disclosed to funeral directors or coroners to enable them to carry out their duties.

Health Oversight: The CPGTSP may disclose protected health information to a health oversight agency for oversight activities authorized by law such as determining compliance with program standards.

Specialized Government Functions: The CPGTSP may disclose protected health information for specialized government functions. For example, OPG or UGSP may disclose an individual's protected health information to a correctional institution having lawful custody of that individual if the correctional institution represents that such protected health information is necessary for the provision of health care to the individual.

Research: The CPGTSP may use or disclose an individual's health information for research purposes when an institutional review board or privacy board has reviewed the research proposal and established procedures to ensure the privacy of health information and has approved the research.

Benefit Programs for Work-Related Injuries: The CPGTSP may disclose protected health information to the extent necessary to comply with laws relating to workers' compensation or other similar programs that provide benefits for work-related injuries or illness without regard to fault.

OTHER DISCLOSURES MAY BE MADE WITH WRITTEN PERMISSION

The CPGTSP will not make any other disclosures of your protected health information unless you have given written permission. You have the right to take back your permission in writing at a later time in order to stop any future disclosures.

YOUR PRIVACY RIGHTS

- **Right to Request Restrictions on Disclosures:** You have the right to request restrictions on certain uses and disclosures of protected health information; however the CPGTSP is not required to agree to those requested restrictions. These requests may have to do with the use or disclosure of protected health information to carry out treatment, payment or health care operations, or to the disclosure of the information to a family member, other relative, or close personal friend when it is important to that person's involvement with your care or payment related to that care.
- **Right to Request Confidential Communications:** You have the right to request that the CPGTSP make contact with you only in writing or at a different address, post office box, or telephone number. We will honor reasonable requests if you say it is necessary to protect your safety.
- **Right of Access to Protected Health Information:** You have the right to look at and get a copy of information which the CPGTSP has about you. We may charge you a small amount for copies to cover our costs. We may deny your request for reasons allowed by law, but if we do, our denial may be reviewed under certain circumstances.
- **Right to Request that Protected Health Information be Corrected:** You have the right to ask that information in our records be changed if it is not correct or complete. We may refuse this request if the information was not created by OPG or if we believe that the information is correct and complete. You may request a review of our refusal and you may send in a statement disagreeing with our decision. The CPGTSP will keep this statement with your records.
- **Right to Receive Information about our Disclosures:** When we share protected health information about you for reasons other than treatment, payment, or health care operations (and certain other reasons stated in the law), you have the right to request a list of the persons we shared the information with, and to ask when, for what reasons, and what information was shared.

- **Right to Receive a Paper Copy of this Notice on Request:** You have a right to receive a paper copy of our Notice of Privacy Practices at any time upon request.

The CPGTSP must obey the terms of this Notice of Privacy Practices. However, we have the right to make a change in our privacy practices and apply it to all the records in our possession. If we do make changes, we will revise this Notice and send it promptly to persons who are then in the CPGTSP.

HOW TO EXERCISE YOUR PRIVACY RIGHTS

If you would like more information about how to exercise the privacy rights explained in this Notice, or have questions about this Notice and want further information, please call or write us at:

**ADP Privacy Officer
Gayle Hirahara
Department of Alcohol and Drug Programs
1700 K Street
Sacramento, CA 95811
Telephone: 916-323-1865
ghirahara@adp.ca.gov**

PLEASE NOTE:

The CPGTSP does not have complete copies of your medical records. If you want to look at, get a copy of, or change your medical records, please contact your doctor, provider, or health plan.

HOW TO FILE A COMPLAINT

If you believe that your privacy rights are violated after September 1, 2009 and you wish to complain, you may file a complaint in writing with our Privacy Officer at the address above

Or

by contacting the Secretary of the United States Department of Health and Human Services at the address and phone numbers below:

**Secretary of the U.S. Department of Health and Human Services
Office for Civil Rights
Attention: Regional Manager
50 United Nations Plaza, Room 322
San Francisco, CA 94102
For additional Information, call:
(800) 368-1019**

or

U.S. Office for Civil Rights at (866) OCR-PRIV (866-627-7748)

or

(866) 788-4989 TTY

NO RETALIATION

The CPGTSP will not take away your treatment service benefits or retaliate against you in any way if you choose to file a complaint or use any of the privacy rights in this Notice.

INFORMATION PRACTICES ACT

The CPGTSP must adhere to the Information Practices Act, Section 1798.14 – 1798.23 of the California Civil Code. Pertinent information from sections 1798.16 and 1798.17 are listed below.

1798.16. (a) Whenever an agency collects personal information, the agency shall maintain the source or sources of the information, unless the source is the data subject or he or she has received a copy of the source document, including, but not limited to, the name of any source who is an individual acting in his or her own private or individual capacity. If the source is an agency, governmental entity or other organization, such as a corporation or association, this requirement can be met by maintaining the name of the agency, governmental entity, or organization, as long as the smallest reasonably identifiable unit of that agency, governmental entity, or organization is named.

(b) On or after July 1, 2001, unless otherwise authorized by the Department of Information Technology pursuant to Executive Order D-3-99, whenever an agency electronically collects personal information, as defined by Section 11015.5 of the Government **Code**, the agency shall retain the source or sources or any intermediate form of the information, if either are created or possessed by the agency, unless the source is the data subject that has requested that the information be discarded or the data subject has received a copy of the source document.

(c) The agency shall maintain the source or sources of the information in a readily accessible form so as to be able to provide it to the data subject when they inspect any record pursuant to Section **1798.34**. This section shall not apply if the source or sources are exempt from disclosure under the provisions of this chapter.

1798.17. Each agency shall provide on or with any form used to collect personal information from individuals the notice specified in this section. When contact with the individual is of a regularly recurring nature, an initial notice followed by a periodic notice of not more than one-year intervals shall satisfy this requirement. This

requirement is also satisfied by notification to individuals of the availability of the notice in annual tax-related pamphlets or booklets provided for them. The notice shall include all of the following:

(a) The name of the agency and the division within the agency that is requesting the information.

(b) The title, business address, and telephone number of the agency official who is responsible for the system of records and who shall, upon request, inform an individual regarding the location of his or her records and the categories of any persons who use the information in those records.

(c) The authority, whether granted by statute, regulation, or executive order which authorizes the maintenance of the information.

(d) With respect to each item of information, whether submission of such information is mandatory or voluntary.

(e) The consequences, if any, of not providing all or any part of the requested information.

(f) The principal purpose or purposes within the agency for which the information is to be used.

(g) Any known or foreseeable disclosures which may be made of the information pursuant to subdivision (e) or (f) of Section **1798.24**.

(h) The individual's right of access to records containing personal information which are maintained by the agency.

This section does not apply to any enforcement document issued by an employee of a law enforcement agency in the performance of his or her duties wherein the violator is provided an exact copy of the document, or to accident reports whereby the parties of interest may obtain a copy of the report pursuant to Section 20012 of the **Vehicle Code**.

The notice required by this section does not apply to agency requirements for an individual to provide his or her name, identifying number, photograph, address, or similar identifying information, if this information is used only for the purpose of identification and communication with the individual by the agency, except that requirements for an individual's social security number shall conform with the provisions of the Federal Privacy Act of 1974 (Public Law 93-579).