



Notice of Privacy Practices

Health Insurance Portability and Accountability Act of 1996 (HIPAA)

This notice describes how health information about you may be used and disclosed and how you can get access to this information. It describes your rights related to your health information and how to file a complaint if you think your privacy or security rights were violated. StarCare is a Health Insurance Portability and Accountability Act (HIPAA) covered entity which means we create, receive or maintain health information including records about substance use disorder (SUD) treatment that are protected by federal law under 42 CFR Part 2 (Part 2 Records). This notice explains how we use and share your health information, including special rules for your Part 2 records.

Your Rights: When it comes to your health information, you have certain rights.

- In most situations you have the right to look at or get a copy of the health information that StarCare Specialty Health System ("StarCare") has about you.
 - If you believe the information maintained by StarCare is incomplete or incorrect, you have the right to ask StarCare staff to put corrected information into your chart. StarCare cannot destroy or change its records, but StarCare will add the corrected information to your chart and make a note that you have provided that information. The request to make a correction must be in writing and you must explain why you believe the correction should be made.
 - You have a right to know when and to whom StarCare has released information about you for reasons other than treatment, payment, and healthcare operations as well as other reasons as provided by law, except when you have authorized StarCare to disclose that information. The request for this information must be in writing to StarCare's Release of Information Clerk.
 - You have a right to request that StarCare communicates with you about your health information at an alternative location or in a different manner. You can communicate your updated preferences to your case manager, service coordinator, or service provider at any time.
 - You have the right to receive a copy of the Notice of Privacy Practices any time you ask for it.
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StarCare's Responsibilities: StarCare is required by law to protect your health information and maintain the privacy of your records. This means StarCare will not use or disclose your health information without your permission, with some exceptions as outlined in this notice. All health information about you will be kept private and secure no matter when you receive services.

- If StarCare receives a legally authorized directive to disclose your health information, StarCare will only disclose the information necessary to meet the request and where possible StarCare will de-identify your protected health information prior to release.
- StarCare will ask for your written permission to use or disclose your health information unless StarCare is permitted to use or disclose your health information without your permission as outlined in this notice.
- If you gave StarCare permission to use or disclose your health information and you want to revoke that permission, you may do so at any time by contacting your service coordinator, case manager, service

provider or the Release of Information Specialist at (806) 740-1505. However, you cannot hold StarCare liable for any use or disclosure of health information prior to the revocation.

- StarCare is required to give you this notice outlining StarCare's duties and privacy practices. StarCare will abide by the terms of this notice and reserves the right to change the terms of this notice, making it effective for all records that it created, received and maintains. The revised notice will be available at all facilities and on the website. If there is a breach of your records, StarCare will evaluate the risk and send required notices.
- As a condition of employment, StarCare employees must be educated on privacy practices and must protect the privacy of your health information. StarCare staff will share information about you on a "need to know" basis in compliance with this notification.
- If you are receiving substance use disorder services (drug/alcohol) your records are protected by federal law (Code of Federal Regulations, Title 42, Part 2). Violations of those laws are a crime, and suspected violations may be reported to appropriate authorities. Federal law does not protect any information about a crime which a person may have committed against an employee of StarCare or a threat made against an employee of StarCare. Federal laws also do not protect any information about suspected child abuse or neglect which has been reported under State law to appropriate State or local authorities.

Treatment, Payment, and Healthcare Operations: StarCare can use your health information to provide treatment to you, to obtain payment for services provided to you, and for StarCare's own healthcare operations, as allowed by law.

Health information about you may be exchanged, without your consent, between StarCare and other Health and Human Services Commission (HHSC) facilities such as State Supported Living Centers and State Psychiatric Hospitals, other Community Centers, other designated healthcare providers, and subcontractors for mental health or intellectual and developmental disability services, for the purpose of treatment, payment, or healthcare operations.

- **Treatment:** StarCare can use your health information to provide, coordinate or manage healthcare or related services. This includes providing care to you, consulting with another healthcare provider about you, and referring you to another provider.
- **Payment:** StarCare can use your health information to seek payment for providing healthcare to you or to provide benefits to you under a health plan such as the Medicaid program.
- **Healthcare Operations:** StarCare can use your health information for its healthcare operations. This includes: activities to improve the quality of healthcare; evaluating StarCare programs; developing procedures; case management; case coordination; reviewing the competence, qualifications and performance of healthcare professionals and others; conducting training programs in areas related to healthcare; conducting accreditation, certification, licensing or credentialing activities; providing medical review, legal services, or auditing functions; resolution of internal grievances; and engaging in business planning and management or the general administrative activities of StarCare.

Privacy Practices Relating to Substance Use Disorders (SUD): If you are receiving treatment for a substance use disorder, StarCare will not disclose information related to your treatment to anyone without your written authorization. However, StarCare can use that information to provide services to you. StarCare will not disclose health information about you pertaining to HIV (Human Immunodeficiency Virus) or AIDS (Acquired Immunodeficiency Syndrome) without your specific authorization.

If you are receiving treatment for a substance use disorder, you may provide a single written consent for all future uses or disclosures of SUD records for treatment, payment and healthcare operations purposes. This authorization will remain valid until you revoke it.

Records that are disclosed to a Part 2 program, covered entity, or business associate with your written consent for treatment, payment and healthcare operations may be further disclosed by the Part 2 program, covered entity or business associate without your written consent to the extent HIPAA regulations permit.

StarCare may not communicate to any person outside of StarCare that you have been admitted to a treatment facility or that you are receiving treatment or services for substance abuse and may not disclose any information identifying you as a person with a substance use disorder. StarCare may only disclose information about your substance use disorder treatment without your authorization in the following circumstances:

- Pursuant to a special court order that complies with 42 Code of Federal Regulations, Part 2, Subpart E;
- To medical personnel in a medical emergency;
- To qualified personnel for research, audit, or program evaluation; or
- To report suspected child abuse or neglect.

StarCare will not disclose Part 2 records or testimony in any civil, administrative, criminal or legislative proceedings against you without your written consent or court order. Records will only be used or disclosed after you have been given notice and an opportunity to be heard, and the order is accompanied by a subpoena or similar legal mandate.

Disclosures Without Authorization: Unless you receive treatment for a substance use disorder, StarCare is permitted to use or disclose your health information without your authorization for the following purposes:

- When required by certain judicial and administrative proceedings.
 - **In a license revocation proceeding.** StarCare may disclose your health information if you have filed a complaint against a doctor or other mental health or intellectual developmental disabilities professional and the information is needed in a license revocation proceeding.
 - **In a proceeding to collect payment.** StarCare may disclose your health information to a court or administrative judge to collect payment for StarCare services provided to you.
 - **For court-ordered examinations.** StarCare may disclose your health information if a court orders that you be examined for a mental health or an intellectual developmental disability or disorder.
 - **In a criminal proceeding.** StarCare may release your health information in a criminal proceeding if a court has ordered or subpoenaed the information to be produced.
 - **In a proceeding regarding abuse or neglect.** StarCare may disclose your health information to a court or administrative judge in a proceeding regarding abuse or neglect of a consumer.
 - **In a commitment proceeding.** StarCare may disclose your health information in an involuntary commitment proceeding for court-ordered treatment of services.
 - **In other judicial and administrative proceedings.** StarCare may disclose your health information in response to an order or subpoena issued by a court or administrative judge.
- For other purposes:
 - **When required by law.** StarCare can use or disclose your health information when state or federal law requires the use or disclosure.
 - **To address a serious threat to health or safety.** StarCare may use or disclose your health information to medical or law enforcement personnel if StarCare staff determines that there is a probability of immediate physical harm to you or others and the information is necessary to prevent it.
 - **For audits and evaluations.** StarCare may disclose your health information to qualified personnel for management audits, financial audits, program evaluations, but the people who receive the information cannot disclose your identity.
 - **For payment of services by a professional.** StarCare may disclose certain parts of your health information to people, corporations, or government agencies to pay for mental health condition, intellectual developmental disability or other disorder provided by a doctor or other person licensed to provide these services.
 - **To doctors and other medical personnel.** StarCare may disclose your health information to a doctor or other person licensed to provide services for a mental condition or to personnel under their direction.

- **In an emergency.** StarCare may disclose specific health information to medical personnel so they can provide emergency service to you in a safe manner.
- **For research.** StarCare may use or disclose your health information if a special board approved the use of confidential information for a research project, providing that the information is kept in strict confidence, or if information identifying you is removed from the health information.
- **To a government authority if StarCare thinks that you are the victim of abuse.** StarCare may disclose your health information to agencies legally authorized to investigate a report that you may have been abused, neglected, exploited or have been denied your rights.
- **To Disability Rights, Texas.** In accordance with federal laws StarCare may disclose your health information to Disability Rights, Texas (formerly Advocacy, Inc.) to investigate a complaint by you or on your behalf.
- **To comply with legal requirements.** StarCare may disclose your health information to an employee or agent of a doctor or other professional who is treating you, to comply with statutory, licensing, or accreditation requirements, as long as the professional does not disclose your information for any other reason and takes steps to protect your information.
- **For purposes relating to death.** If you die, StarCare may disclose health information about you to your personal representative and to coroners or medical examiners for the purpose of identifying you or determining the cause of death.
- **To a correctional institution.** If you are in custody of a correctional institution, StarCare may disclose your health information to the institution to provide healthcare to you.
- **For medical insurance claims.** If you die, or if a court finds that you are incompetent, StarCare may disclose your health information in order for your health insurance to pay for your healthcare.
- **Within the HHSC service delivery system.** StarCare may disclose your health information to HHSC facilities, such as State Supported Living Centers or State Hospitals, to local mental health authorities and local intellectual and developmental disability authorities, to other Community Centers, and other providers of mental health or intellectual and developmental disabilities services for the purpose of treatment, payment, and certain healthcare operations.
- **For continuity of care for Special Needs Offenders.** If you have been convicted of a crime and are in the custody or under any form of criminal justice supervision, or if criminal charges are pending against you, StarCare may disclose your health information to agencies or persons who are involved in your treatment or supervision for the purpose of treatment, payment, or certain healthcare operations. *This does not include information about chemical dependency treatment.
- **To locate you if you are missing from a mental health facility.** If you have been committed by a court to a mental health facility, and are missing from that facility, StarCare may disclose certain information about you to law enforcement personnel in order to return you to the mental health facility.
- **For government benefits programs.** StarCare may use or disclose your health information as needed for the administration of a governmental benefit program, such as Medicaid.
- **To the Secretary of Health and Human Services.** StarCare must disclose your health information to the Secretary of the United States Department of Health and Human Services when requested to enforce the privacy laws.

Complaint Process

You will not be retaliated against if you file a complaint.

If you believe StarCare violated your privacy rights, you have the right to file a complaint. You may file a complaint by contacting any of the entities listed below. If you need assistance with filing a complaint, please contact StarCare's Human Rights Officer noted below.

StarCare Specialty Health System

Human Rights Officer
P.O. Box 2828
Lubbock, TX 79408-2828
(806) 766-0332
(806) 789-2546

Texas Health and Human Services Privacy Division

P.O. Box 149030

Mail Code 1355

Austin, TX 78714

(877) 541-7905

Email: privacy@hhsc.state.tx.us

Secretary of U.S. Health and Human Services

Hubert H. Humphrey Building,

200 Independence Ave., S.W.

Washington, D.C. 20201

(877) 696-6775

Texas Attorney General

Consumer Protection Division

P.O. Box 12548

Austin, TX 78711-2548

(800) 621-0508

U.S. Department of Health and Human Services

Office of Civil Rights Centralized

Case Management Operations

200 Independence Ave, S.W. Suite 515F, HHH Building

Washington, D.C. 20201

(800) 537-7697

Email: ocrmail@hhs.gov