

5. University of Texas System Notice of Privacy Practices

Revised Effective August 1, 2018

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.

I. PURPOSE OF THIS NOTICE

This Notice of Privacy Practices (this "Notice") describes the privacy practices of the UT SELECT, UT CONNECT, UT SELECT Dental and Dental Plus and UT FLEX Self-funded Group Health Plans ("the Plans") which are funded by The University of Texas System and administered by the Office of the Employee Benefits (OEB) within the University of Texas System Administration (System). Federal law requires System to make sure that any medical information that it collects, creates or holds on behalf of the Plans that identifies you remains private. Federal law also requires System to maintain this Notice of System's legal duties and privacy practices with respect to your medical information. Specifically, this Notice describes how System may use or

disclose your medical information (see Section II), your rights concerning your medical information (see Section III), how you may contact System regarding System's privacy policies (see Section VI), and System's right to revise this Notice (see Section VII). System will abide by the terms of this Notice as long as it is in effect. This Notice applies to any use or disclosure of your medical information occurring on or after the effective date written at the top of this page, even if System created or received the information before the effective date. This Notice will no longer apply once a revised version of this Notice becomes effective.

II. HOW SYSTEM MAY USE OR DISCLOSE YOUR MEDICAL INFORMATION

System may use or disclose your medical information only as described in this Section II.

- A. Treatment.** System may disclose your medical information to a health care provider for your medical treatment.
- B. Payment.** System may use or disclose your medical information in order to determine premiums, determine whether System is responsible for payment of your health care, and make payments for your health care. For example, before paying a doctor's bill, System may use your medical information to determine whether the terms of your Plan cover the medical care you received. System may also disclose your medical information to a health care provider or other person as needed for that person's payment activities.
- C. Health Care Operations.** System may use or disclose your medical information in order to conduct "health care operations." Health care operations are activities that federal law considers important to System's successful operation. As examples, System may use your medical information complying with contracts and applicable laws. In addition, System may contact you to give you information about treatment alternatives or other health-related services that may interest you. System may also disclose your medical information to a health care provider or other health plan that is involved with your health care, as needed for that person's quality-related medical information to evaluate the performance of participating providers in the Plans' networks, and System may disclose your medical information to an auditor who will make sure that a third party administrator of a Plan is complying with contracts and applicable laws.
- D. Required by Law.** System will use or disclose your medical information if a federal, state, or local law requires it to do so.
- E. Required by Military Authority.** If you are a member of the Armed Forces or a foreign military, System may use or disclose your medical information if the appropriate military authorities require it to do so.
- F. Serious Threat to Health or Safety.** System may use or disclose your medical information if necessary because of a serious threat to someone's health or safety.
- G. Limited Data Set.** System may use or disclose your medical information for purposes of health care operations, research, or public health activities if the information is stripped of direct identifiers and the recipient agrees to keep the information confidential.
- H. Disclosure to You.** System may disclose your medical information to you or to a third party to whom you request us in writing to disclose your medical information.
- I. Disclosures to Individuals Involved with Your Health Care.** System may use or disclose your medical information in order to tell someone responsible for your care about your location or condition. System may disclose your medical

information to your relative, friend, or other person you identify, if the information relates to that person's involvement with your health care or payment for your health care.

J. Disclosures to Business Associates. System may contract or otherwise arrange with other entities or System offices to perform services on behalf of the Plans. System may then disclose your medical information to these "Business Associates," and these Business Associates will use or disclose your medical information only to the extent System would be able to do so under the terms of this Section II. These Business Associates are also required to comply with federal law that regulates your medical information privacy. To the extent that System offices serve as Business Associates to other institutions within The University of Texas System that are Covered Entities, those offices will comply with those institutions' Privacy Policies and Notices of Privacy Policies as to those institutions' Protected Health Information (PHI) they maintain, access or use as their Business Associates.

K. Other Disclosures. System may also disclose your medical information to:

- Authorized federal officials for intelligence, counterintelligence, and other national security activities authorized by law;
- Law enforcement officials if they need the information to investigate a crime or to identify or locate a suspect, fugitive, material witness, or missing person;
- Health oversight agencies, if authorized by law, in order to monitor the health care system, government benefit programs, or compliance with civil rights laws;
- Persons authorized by law to receive public health information, including reports of disease, injury, birth, death, child abuse or neglect, food problems, or product defects;

- Persons authorized by law to receive the information under a court order, subpoena, discovery request, warrant, summons, or similar process;
- Persons who need the information to comply with workers' compensation laws or similar programs providing benefits for work-related injuries or illnesses;
- Governmental agencies authorized to receive reports of abuse if you are a victim of abuse, neglect, or domestic violence;
- Coroners or medical examiners, after your death, to identify you, to determine your cause of death, or as otherwise authorized by law;
- Funeral directors, after your death, who need the information;
- The Secretary of Health and Human Services, a federal agency that investigates compliance with federal privacy law.

L. Incidental Uses and Disclosures. Uses and disclosures that occur incidentally with a use or disclosure described in this Section II are acceptable if they occur notwithstanding System's reasonable safeguards to limit such incidental uses and disclosures.

M. Written Authorization. System may use or disclose your medical information under circumstances that are not described above only if you provide permission by "written authorization." After you provide written authorization, you may revoke that authorization, in writing, at any time by sending notice of the revocation to the Privacy Officer identified in Section VI of this Notice. If you revoke an authorization, System will no longer use or disclose your medical information under the circumstances permitted by that authorization. However, System cannot take back any disclosures already made under that authorization.

III. RESTRICTIONS

- A.** System will not use your medical information for fundraising purposes.
- B.** System will never use your genetic medical information about you for underwriting purposes. Using or disclosing your genetic information is prohibited by federal law.
- C.** System does not use your medical information for marketing purposes. "Marketing" does not include face to face communications with you, or any communications for which the Plan receives no remuneration such as refill

reminders, treatment plans, alternatives to treatment, case management, value added services provided in connection with a Plan, and other purposes related to treatment and health care operations. "Marketing" also excludes promotional gifts of nominal value provided by the Plan.

D. System does not sell your medical information.

IV. YOUR RIGHTS CONCERNING YOUR MEDICAL INFORMATION

You have the following rights associated with your medical information:

- A. Right To Request Restrictions.** Although System is generally permitted to use or disclose your medical information for treatment, payment, health care operations, and notification to individuals involved with your health care, you have the right to request that System limit those uses and disclosures of medical information. You must make your request in writing to the Privacy Officer. Your request must state (1) the information you want to limit, (2) to whom you want the limit to apply, (3) the special circumstances that support your request for a restriction on Plan disclosures, and (4) if your request would impact payment, how payment will be handled. System will consider your request but does not have to agree to it. If System does agree, System will comply with your request (unless the disclosure is for your emergency treatment or is required by law) until you or System cancels the restriction. There is a form you can use to make this request which is available on the System website or by contacting the Privacy Officer or the Benefits Office at The University of Texas System institution that you contact for assistance with your System insurance benefits.
- B. Right To Confidential Communications.** You have the right to request that System communicate your medical information to you by a certain method (for example, by e-mail) or at a certain location (for example, at a post office box). You must make your request in writing to the Privacy Officer. Your request must include the method or location desired. If your request would impact payment, you must describe how payment will be handled. Your request must indicate why disclosure of your medical information by another method or to another location could endanger you.
- C. Right To Inspect and Copy.** You have the right, in most cases, to inspect and copy your medical information maintained by or for System. You must make your request in writing to the Privacy Officer. If System denies your request, you may have the right to have the denial reviewed by a licensed health care professional selected by System. If System (or a licensed health care professional performing the review on behalf of System) grants your request System will provide you with the requested access. You may request copies of such information but System may charge you a reasonable fee.
- D. Right to Amend.** If you feel that medical information System has about you is incorrect or incomplete, you may ask System to amend the information. You have the right to request an amendment for as long as the information is kept by or for System. You must make your request in writing to the Privacy Officer, and you must give a reason that supports your request. If System denies your request for an amendment, System will explain to you its reasons for denial and your appeal rights following denial.
- E. Right to an Accounting of Disclosures.** You have the right to request a list of disclosures of your medical information that have been made by System and its Business Associates. OEB does not have to list the following disclosures:
- Disclosures for treatment;
 - Disclosures for payment;
 - Disclosures for health care operations;
 - Disclosures of a limited data set for health care operations, research, or public health activities;
 - Disclosures to you;
 - Disclosures to individuals involved with your health care;
 - Disclosures to authorized federal officials for national security activities;
 - Disclosures that occur incidentally with other permissible uses and disclosures;
 - Disclosures made under your written authorization; and
 - In certain circumstances, disclosures to law enforcement officials or health oversight agencies. You must make your request in writing to the Privacy Officer. Your request must state the time period during which the disclosures were made, which may not include dates more than six years prior to the request. System may charge you a fee for the list of disclosures if you request more than one list within 12 months.
- F. Right to Make a Complaint.** If you believe your privacy rights have been violated, you may file a written complaint with System's Privacy Officer or with the federal government's Department of Health and Human Services. System will not penalize you or retaliate against you in any way if you file a complaint.
- G. Right to a Paper Copy of This Notice.** You have the right to request a paper copy of this Notice, even if you have received this Notice electronically. You may make your request to the Privacy Officer.

V. BREACH NOTIFICATIONS

System makes every effort to secure your health information, including the use of encryption whenever possible. In the event that any of your medical information that has not been encrypted is the subject of a breach, System will provide you with a written or electronic notification about the breach as required by federal law.

VI. WHOM TO CONTACT REGARDING SYSTEM'S PRIVACY POLICIES

- a. **System's Privacy Officer.** To obtain a copy of the most current Notice, to exercise any of your rights described in this Notice, or to receive further information about the privacy of your medical information, you may contact System's Privacy Officer at:
Privacy Officer c/o
Systemwide Compliance Office
The University of Texas System
210 West 7th Street
Austin, Texas 78701-2902
(512) 852-3264
Email: Privacyofficer@utsystem.edu
- b. **Department of Health and Human Services.** To obtain further information about the federal privacy rules or to submit a complaint to the Department of Health and Human Services, you may contact the Department by telephone at 1 800 368 1019, by electronic mail at (ocrmail@hhs.gov), or by regular mail addressed to:
Regional Manager
Office of Civil Rights
US Department of Health and Human Services
1301 Young Street
Dallas, TX 75202
(800) 368-1019
TDD (800) 537-7697
- c. **Electronic Copy of This Notice.** You may obtain an electronic copy of the most current version of this Notice at the following website: <https://www.utsystem.edu/documents/docs/hipaa/hipaa-notice-privacy-practices>.

VII. SYSTEM'S RIGHT TO REVISE THIS NOTICE

System reserves the right to change the terms of this Notice at any time. System also reserves the right to make the revised notice effective for medical information System already has about you as well as any information OEB receives while such notice is in effect. Within 60 days of a material revision to this Notice, System will provide the revised notice to all individuals then covered by a Plan. If you want to make sure that you have the latest version of this Notice, you may contact the Privacy Officer.