



Privacy and Confidentiality

What is protected health information?

Protected Health Information (PHI) is any information created or received by a health care provider, health plan, or employer that identifies who you are, and provides information about your past, present or future health care, health condition, or payment for health care. PHI could include your name, address, your doctor's name, or the date of an appointment you had with your physician, or many other pieces of information..

What PHI can be shared?

Federal and state laws allow Western Health Advantage (WHA), physicians, medical groups, pharmacy programs, and others who provide services to WHA members to use and share PHI without the member's consent for the purposes of providing diagnosis or treatment, to pay for health care services members have received, and to carry out health care business operations. WHA may also disclose PHI to business associates who assist WHA with administrative, legal, accounting, data analysis and similar functions, or to comply with legal requirements. WHA has written contracts with these parties that state they will keep your PHI confidential. The information WHA uses and shares in these approved situations includes, but is not limited to, your name, address, personal information, medical care provided, and medical history.

In addition, WHA uses claims and medical encounter data to measure the quality of medical services provided to its members. This is an approved use of PHI without a member's consent. WHA's disease management programs also use claims information to identify members with chronic conditions who might benefit from such programs.

How does WHA protect my privacy?

WHA understands the importance of keeping your PHI confidential and has taken actions to ensure privacy regulations are met. WHA employees receive formal training in their legal and ethical obligation to protect the privacy of member information and prevent its unauthorized use or disclosure. Employees are also required to sign a confidentiality agreement as a condition of employment. Access to your PHI is given only to those employees who need that information to carry out their job responsibilities. WHA's electronic databases are password protected, the process for exchanging information between WHA and providers has security measures in place, and your WHA identification (ID) number is system generated (rather than a social security number) to protect your privacy.

Public document: This fact sheet is a general guide only. Consult your Evidence of Coverage (EOC) booklet for a detailed description of benefits and limitations.

What are my rights regarding my PHI?

- To access your own PHI;
- To receive a copy of WHA's Notice of Privacy Practices (available at www.westernhealth.com or by calling Member Services);
- To request amendments to your PHI and to request an accounting of WHA's disclosures of your PHI;
- To request an alternative form of communication of your PHI;
- To request restrictions be placed on disclosure of your PHI; and
- To complain to WHA or to the federal government about WHA's handling of your PHI.

Can PHI be shared with my employer?

Employers may receive PHI for limited purposes related to developing and managing health benefits programs. Employers are prohibited from using PHI to make any employment-related decisions about you.

How do I access my clinical medical records?

Your clinical medical record is not available at WHA. Clinical medical records reside with your physician or other provider from whom you have received healthcare related services. You must contact that person's office to receive a copy of those records. Each provider has procedures for requesting and obtaining medical records which you will need to follow. Adult members also have the right to inspect their clinical medical records and submit a request to their physician or provider to amend their PHI when they feel an item or statement in the record is incomplete or incorrect.

Can I have access to my member information at WHA?

You or your representatives have a limited right to obtain information created by and in WHA's possession. Copies of such information can be released after WHA receives specific written authorization from you or your legal representative for the release of your records.

Are there other situations that might require special consent?

California state law requires special consents in certain situations. Special consents provide a member the opportunity to approve or deny the release of their information in areas that fall outside the limits of the privacy regulations. Special consents are required for the disclosure of:

- HIV test results
- Alcohol and substance abuse data
- Information regarding inpatient and outpatient mental health services
- Genetic characteristics testing
- Exchange of behavioral health information between a behavioral health provider and a PCP
- Requests for information related to workers' compensation or auto insurance claims
- Prior to participation in a research study

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- Situations where a release of information might result in the member being contacted by an organization for marketing purposes

What if I am not able to give consent?

When consent is required and you are unable to give consent for release of records, medical information will be released by WHA only when a specific written authorization is received from your legal representative or as otherwise permitted by law.

How do I file a complaint about WHA's Privacy Practices?

If you feel your privacy rights have been violated or you disagree with WHA's decision regarding your privacy rights you may contact WHA or the Department of Health and Human Services (DHHS) Office of Civil Rights to make a complaint. Filing a complaint does not affect your WHA or Medicare benefits.

Where can I find more information?

You can view our website for additional information regarding HIPAA privacy regulations and member information or other services at www.westernhealth.com. For more information on HIPAA, visit the website of the U.S. Department of Health and Human Services at www.hhs.gov/ocr/hipaa/. Members can also view WHA's policies and procedures regarding the collection, use, disclosure of or access to medical information or members' consent related to the use of such information on our website. A hard copy of this information may be requested by calling WHA's Member Services Department listed below.

An Authorization for Release of Records form can also be obtained by contacting the **WHA Member Services Department**, Monday-Friday, 8am to 5pm at (916) 563-2250 or (888) 563-2250 toll-free.

TDD/TTY service is available for the hearing or speech-impaired, Monday through Friday, 8:00 am to 5:00 pm in either English or Spanish, by calling: (888) 877-5378, or you can dial 711. Should you have need for a translator face-to-face or over the phone, contact the **WHA Member Services Department**, Monday through Friday, 8:00 am to 5:00 pm at (916) 563-2250 or (888) 563-2250 toll free.

WHA tiene representantes que hablan español para ayudarle. Para información o asistencia en español, llame por favor al (888) 563-2250.

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