



**NOTICE OF PRIVACY PRACTICES REGARDING YOUR PROTECTED HEALTH INFORMATION  
AND SUBSTANCE USE DISORDER INFORMATION**

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.

Your health information is private. The Missouri Department of Social Services (DSS) understands that the information it collects about you and your health is personal. DSS is required by state and federal law to protect your health information from being improperly used or released. This notice tells you what DSS may legally do with your Personal Health Information (PHI). It also tells you about your rights regarding such information maintained by DSS.

DSS is required by law to provide you this notice regarding your PHI. DSS will follow the requirements described in this notice. DSS reserves the right to change this notice. All changes to this notice will apply to all of your PHI. If this notice is changed, the new notice will be available on the DSS' website, in your local DSS office, or it will be mailed to you upon request.

**Information Handling**

In our normal business operations, DSS may receive PHI, which is information identifying you and which includes some indication of your medical condition. This information may be about you or your family members and law requires that it be protected. DSS is allowed to use and share PHI with others for purposes of treatment, payment, or health care operations. Examples of this include the following:

- to medical professionals and health information networks about Medicaid eligibility as part of health care operations;
- to insurance companies and health care providers about paying claims; and
- to hospitals, medical professionals, and health information networks for your treatment.

A health information network is a group of hospitals and caregivers who share health information. DSS is part of this network.

DSS follows laws that tell us when we *must* share PHI and when we can share PHI, without your permission. DSS will share PHI:

- as required by law, subject to limited restrictions
- to public health authorities to report such things as contagious diseases and for birth, death and immunizations records
- to the police or military as required by law
- for court and administrative proceedings
- to health oversight authorities to see that government programs are being run properly
- to the federal government to protect the country, the president, government workers, and for other government programs
- to funeral directors or coroners
- for organ donation purposes or research involving a DSS program
- to family, relatives or others who help in your care

Health information privacy is governed by both state and federal laws, with the more restrictive rule applying to ensure maximum protection. If either state or federal law prohibits disclosure, the information will not be released, even if the other law allows it.

Other than the examples listed in this Notice, DSS may not share your PHI without your written permission. You can authorize DSS to share as much of your PHI as you wish. You can also cancel your permission for DSS to share such information. PHI that is disclosed pursuant to this Notice may be subject to redisclosure by the recipient and no longer protected by the Health Insurance Portability and Accountability Act (HIPAA), or other applicable law.

## **Substance Use Disorder (SUD) Records**

Some of the records maintained by DSS may include SUD records. SUD records are protected by law, including 45 CFR Part 2 which restricts the use and disclosure of SUD records beyond those that cover other PHI. If a record is considered both PHI and a SUD record, the more restrictive rule applies. SUD records disclosed pursuant to this Notice may be subject to redisclosure by the recipient and no longer protected by HIPAA or other applicable law.

If DSS obtains SUD records from an entity covered by 42 CFR Part 2, based on consent that you gave the entity to disclose such information for treatment, payment, or healthcare operations, DSS may redisclose that information for its own treatment, payment, or healthcare operations, as permitted under HIPAA, without obtaining additional consent from you. DSS may also, to the extent permitted by HIPAA, redisclose SUD records without obtaining additional consent from you for the purposes of:

- assisting you in a medical emergency;
- compliance with legally required audits and evaluations by oversight or regulatory agencies; and
- research, if the information is de-identified as required by applicable law.

DSS may be required to disclose SUD records in civil, criminal, administrative, or legislative proceedings. If SUD records are potentially going to be used against you in such proceedings, DSS will only disclose records upon receiving a valid court order and after a chance to object to the disclosure has been provided to either you or DSS. If DSS is disclosing SUD records as part of a court order, the order must be accompanied by a subpoena or other legal instrument requiring DSS to disclose such records.

## **Your Rights**

1. You have the right to request that DSS limit the information it shares about you, but DSS does not have to agree to such requests. You have the right to receive your information from DSS privately. DSS will provide it to an address you choose and in the form you choose. DSS will charge for providing a copy of your records unless it is being sent to an exempt organization or an organization that does not charge DSS for records. No charge will be imposed on requests by foster children for a copy of their foster care records.
2. You have the right to inspect and copy your information maintained by DSS. This right may be limited if the information contains notes taken by a mental health provider during treatment sessions.
3. You have the right to request the information maintained by DSS be changed; however, there are limits regarding what may be changed.
4. You have the right to receive a list of the parties outside DSS that have received your information.
5. If an unauthorized disclosure of DSS records containing your PHI occurs and it is deemed a breach because there is a possibility the disclosure may lead to harm, you have the right to be notified by DSS and be informed of what happened and how best to protect yourself.
6. You have the right to request this notice on paper, electronically, or both.

These protections and rights became effective April 14, 2003. Electronic copies of this notice are available at <http://www.dss.mo.gov/hipaa/hprivacy.pdf>. If you have questions or complaints, or want to make a request, contact:

DSS Privacy Officer  
Division of Legal Services  
PO Box 1527  
Jefferson City, MO 65102  
Phone: (573) 751-3229  
Voice: (800) 473-0302  
TDD: (800) 735-2966

Centralized Case Management Operations  
U.S. Department of Health and Human Services  
200 Independence Avenue, S.W.  
Room 515F, HHH Building  
Washington, D.C. 20201  
Customer Response Center: (800) 368-1019  
Fax: (202) 619-3818  
TDD: (800) 537-7697

Your health care services will not be affected by any complaint made to DSS or the offices listed above.