

# Notice of Privacy Practices

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The City of McKinney is required by law to maintain the privacy of your protected health information and to provide you with notice of its legal duties and privacy practices with regard to your protected health information. As your group health plan, the City of McKinney must use and disclose protected health information in order to pay benefits to you and your health care providers. The City of McKinney uses physical, electronic, and procedural safeguards to protect your personal information from being used or disclosed inappropriately. This notice describes how medical information about you may be used, disclosed and how you can get access to this information. Please review it carefully.

## Frequently Asked Questions

- 1. What is protected health information?** – Protected health information is individually identifiable health information that is transmitted or maintained in writing, electronically, orally, or by any other means. It includes information created or received by the City of McKinney that identifies a person and relates to the person's participation in the plan, the person's physical or mental health, the provision of health care services to that person, or the payment of health care services received by the person.
- 2. How does the City of McKinney use and disclose protected health information?** – The most common use of protected health information by the City of McKinney is for treatment, payment, and health care operations. The City of McKinney also may disclose protected health information to health care providers, other health plans, and health care clearinghouses for treatment, payment, and health care operations. (Health care clearinghouses are organizations that assist in electronic claims transactions.) The City of McKinney may also disclose protected health information to a business associate if the business associate needs the information to perform treatment, payment, or health care operations on the City of McKinney's behalf. Health care providers, other health plans, health care clearinghouses, and the City of McKinney's business associates are all required to maintain the privacy and confidentiality of the protected health information they receive from the City of McKinney. All uses and disclosures of protected health information made by the City of McKinney for treatment, payment, and health care operations are kept to the minimum necessary to accomplish the intended purpose.
- 3. What are treatment, payment, and health care operations?** – Treatment is the provision, coordination, or management of health care and related services. An example of a disclosure of protected health information for treatment is when your family doctor refers you to a specialist.

Payment includes City of McKinney activities such as billing, claims management, subrogation, plan reimbursement, reviews for medical necessity and appropriateness of care, utilization review, and pre-certification of health care services. For example, the City of McKinney may tell a doctor whether you are eligible for coverage and what percentage of the bill the City of McKinney will pay.

Health care operations include quality assessment and improvement, reviewing competence or qualifications of health care professionals, underwriting, and other activities necessary to create or renew health plans. It also includes disease management, case management, conducting or arranging for medical review, legal services, auditing functions including fraud and abuse compliance programs, business planning and development, business management and general administrative activities. For example, the City of McKinney may use information from your claims to contact you about treatment alternatives or other health-related benefits and services that may be of interest to you.

4. **How else does the City of McKinney use and disclose protected health information?** – The City of McKinney may use or disclose protected health information, when permitted or required by law, as follows:
- Directly to you or your personal representative. A personal representative is a person who has legal authority to make health care decisions on your behalf. In the case of a child under 18 years of age, a personal representative may be a person who has durable power of attorney to make health care decisions in the event you are incapacitated.
  - To the Secretary of the U.S. Department of Health and Human Services to investigate or determine the City of McKinney's compliance with privacy regulations.
  - To your family member, other relative, close personal friend, or other person identified by you that is directly involved in your care. Such disclosures will be limited to information relevant to the person's involvement in your care and, except in the case of an emergency or your incapacity, you will be given an opportunity to agree or object to the disclosure.
  - For public health activities.
  - To report suspected abuse, neglect, or domestic violence to public authorities.
  - To a public oversight agency.
  - When required for judicial or administrative proceedings.
  - When required for law enforcement purposes.
  - To organ procurement organizations or other organizations to facilitate organ, eye, or tissue donation or transplantation.
  - To a coroner or medical examiner for the purpose of identifying a deceased person, determining a cause of death, or other duties required by law.
  - To a funeral director when permitted by law and when necessary for the funeral director to carry out his/her duties with respect to the deceased person.
  - To avert serious threat to health or safety.
  - For specialized governmental functions, as required by law.
  - When otherwise required by law.
  - Information that has been de-identified. This means that all individual identifiers have been removed and it is reasonable to believe that the organization receiving the information will not be able to identify the person to whom the information belongs.
5. **Can I keep the City of McKinney from using or disclosing my protected health information for any of these purposes?** – You have the right to make a written

request that the City of McKinney not use or disclose your protected health information for certain purposes, unless the use or disclosure is required by law. However, since most of the uses and disclosures made by the City of McKinney are necessary to administer your health plan, the City of McKinney does not have to agree to your request.

6. **Are there any other circumstances when the City of McKinney may use or disclose protected health information?** – The City of McKinney may not use or disclose your protected health information for any purpose not included in this notice, unless the City of McKinney first receives your written authorization. To be valid, an authorization must include: the name of the person or organization making the disclosure, the name of the person or organization receiving the disclosure, specifics on the information that may be disclosed, the purpose of the disclosure, and an end date or end event. You may revoke any authorization that you make. A revocation must be made in writing and will not apply to any information disclosed before the City of McKinney was acting as your group health plan.
7. **Will Allegiance (a Cigna company) disclose my protected health information to my employer?** – The City of McKinney health plan is administered by Allegiance (a Cigna company). However, the City of McKinney is prohibited from using or disclosing any protected health information for employment-related activities, if the protected health information was received or created while the City of McKinney was acting as your group health plan.
8. **Can I find out if my protected health information has been disclosed to anyone?** – You may make a written request to the City of McKinney’s Privacy Officer for an accounting of any disclosures of your protected health information made during the six years prior to receipt of your request. The accounting will not include any disclosures made for treatment, payment, or health care operations; any disclosures made directly to you; any disclosures made based upon your written authorization; or any disclosures reported on a previous accounting.

Generally, the accounting will be provided within 60 days of the date the City of McKinney receives your written request. However, the City of McKinney is allowed an additional 30 days if the City of McKinney notifies you, in writing, of the reason for the delay and notifies you of the date by which you can expect the accounting.

If you request more than one accounting in a 12-month period, the City of McKinney may charge a reasonable, cost-based fee for each additional accounting.

The City of McKinney will inform you promptly if a breach occurs that may have compromised the privacy or security of your information.

9. **Can I review my protected health information maintained by the City of McKinney?** – You may make a written request to inspect, at the City of McKinney offices, your enrollment, payment, billing, claims, and case or medical management records maintained by the City of McKinney. You also may request paper copies of your records.

If you request paper copies, the City of McKinney may charge a reasonable, cost-based fee for the copies. Requests to view your protected health information should be made in writing to:

**City of McKinney  
Benefits Administrator  
P.O. Box 517  
McKinney, TX 75070**

10. **If I review my protected health information and find errors, how do I get my records corrected?** – You may request that the City of McKinney amend any of your protected health information that the City of McKinney maintains. All requests for amendment must be made to the City of McKinney’s Privacy Officer, must be in writing, and must include a reason for the amendment. Please be aware that the City of McKinney can amend only the information that it creates. If your request is to amend information that the City of McKinney did not create, the City of McKinney will need a statement from the individual or organization that created the information explaining an error was made. For example, if you requested a claim be amended because the diagnosis was incorrect, the City of McKinney will amend the claim if the City of McKinney made an error in the data entry of the diagnosis. However, if your health care provider submitted the wrong diagnosis to the City of McKinney, the City of McKinney cannot amend the claim without a statement from your health care provider that the diagnosis is incorrect.

The City of McKinney has 60 days after it receives your request to respond. If the City of McKinney is not able to respond, it is allowed one 30-day extension. If the City of McKinney denies your request, either in part or in whole, the City of McKinney will send you a written explanation for the denial. You may then submit a written statement disagreeing with the City of McKinney’s denial and have that statement included in any further disclosures.

11. **I’m covered as a dependent and do not want anything that includes my protected health information mailed to the covered person’s address. Will you do that?** – If mailing communications to the covered employee’s address could place you in danger, the City of McKinney will accommodate your request to receive communications of protected health information by alternative means or at alternative locations. Your request must be reasonable, must be in writing, must specify an alternative address or other method of contact, and must include a statement that sending communications to the covered employee’s address could place you in danger.

12. **If I believe my privacy rights have been violated, how do I make a complaint?** – If you believe your privacy rights have been violated, you may make a complaint to the City of McKinney at:

In writing:

**City of McKinney**

**Benefits Administrator  
P.O. Box 517  
McKinney, TX 75070**

Or call: **(972) 547-7560**

Also, you may file a complaint with the U.S. Department of Health and Human Services at:

**U.S. Department of Health and Human Services  
Hubert H. Humphrey Building  
200 Independence Avenue, S.W.  
Washington, D.C. 20201**

The City of McKinney will not retaliate against you for filing a complaint.

13. **When are the privacy practices described in this notice effective?** – This privacy notice has an effective date of January 1, 2016.
14. **Can the City of McKinney change its privacy practices?** – The City of McKinney is required by law to abide by the terms of the privacy notice currently in effect. The City of McKinney reserves the right to change its privacy practices and to apply the changes to any protected health information the City of McKinney received or maintained prior to the effective date of the change. The City of McKinney will distribute any revised notice of privacy practices. The City of McKinney will distribute the notice to covered employees before the effective date of any changes. Also, the City of McKinney will maintain its current privacy notice on its website at: [www.mckinneytexas.org](http://www.mckinneytexas.org) and [www.thecityinsider.org](http://www.thecityinsider.org).
15. **What happens to my protected health information when I leave the plan?** – The City of McKinney is required to maintain your records for at least six years after you leave the City of McKinney's group health plan. However, the City of McKinney will continue to maintain the privacy and confidentiality of your protected health information even after you leave the plan.
16. **How can I get a paper copy of this notice?** – To request that the City of McKinney mail you a paper copy of this notice, call (972) 547-7560.
17. **Who can I contact for more information on my privacy rights?** – Write to:

**City of McKinney  
Benefits Administrator  
P.O. Box 517  
McKinney, TX 75070**

Or call: **(972) 547-7560**