



Lori A. Weaver
Commissioner

STATE OF NEW HAMPSHIRE
DEPARTMENT OF HEALTH AND HUMAN SERVICES

NOTICE OF PRIVACY PRACTICES

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.

The Purpose of this Notice

The New Hampshire Department of Health and Human Services (DHHS) is required by law to maintain the privacy of your personal health information. We are required by the federal Health Insurance Portability and Accountability Act (HIPAA), Public Law 104-191, and HIPAA regulations (45 CFR Parts 160 and 164) to provide you with this Notice of our privacy practices, our legal duties, and your rights concerning your health information. **This Notice will take effect on February 22, 2023 and will remain in effect until it is replaced.** DHHS must abide by all terms of this Notice as long as it is in effect. DHHS reserves the right to review or change this Notice at any time. Any such revision will affect information we already have about you and any information we receive in the future. **If there is any significant change in our privacy practices, this Notice will be changed and the new Notice will be mailed to you and posted on the DHHS website (below).** You do not have to call or do anything in response to this Notice. If you do have any questions about this Notice, please direct your questions to:

DHHS Privacy Officer
NH Dept. of Health & Human Services
129 Pleasant Street
Concord, NH 03301

<https://www.dhhs.nh.gov/doing-business-dhhs/legal-services/hipaaprivacy-officer>

How DHHS Will Use or Disclose Your Information

DHHS uses and discloses your health information for the following purposes:

Treatment: We may use or disclose your health information to provide, coordinate, or manage your health care treatment between health care providers. For example, this may include the coordination of treatment by your health care provider with a third party, consultation between health care providers relating to you, or referral of your health care from one health care provider to another.

Payment: We may use or disclose your health information to determine and remit proper payment for health care treatment or services you receive, or to receive payment for health care treatment provided to you at a facility contracted with DHHS. For example, your health information may be used to determine eligibility for coverage, billing, claims management, and collection activities.

Health Care Operations: We may use or disclose health information about you for operational purposes. For example, your health information may be used when DHHS conducts quality assessment and improvement activities, fraud and abuse detection programs, and business planning and development. It may also be used for professional review of health care professionals, auditing services, claims adjudication, underwriting, and general administrative activities of DHHS and the programs acting on behalf of DHHS for treatment, payment, or health care operations.

Other Possible Uses and Disclosures

Disclosures Required by Law: DHHS may use or disclose information about you when required to do so by law. These disclosures include, but are not limited to, disclosing your health information to comply with a court order, an administrative order, subpoena, discovery request or other lawful process, to provide information related to victims of abuse or neglect, or to make a report to a law enforcement official for a law enforcement purpose.

Public Health: Your health information may be used or disclosed for public health activities such as assisting public health authorities or other legal authorities prevent or control disease, injury, or disability.

Health Oversight Activities: DHHS may use or disclose your health information for oversight activities as authorized by law, including audits, civil, administrative, or criminal investigations, or other activities necessary for appropriate oversight.

Direct Contact: DHHS may contact you to provide appointment reminders or information about treatment alternatives or other health-related benefits and services that may be of interest to you.

Research: DHHS may use or disclose your personal health information for research purposes when an institutional review board or privacy board that has reviewed the research proposal, established protocols to ensure the protection of your health information, and approved the research.

Health and Safety: Your health information may be disclosed to avert a serious threat to the health or safety of you or any other person pursuant to applicable law.

Government Functions: Your health information may be used or disclosed to carry out specialized government functions, such as protection of public officials, for national security, to correctional institutions, or to another agency administering a public benefits program.

Worker's Compensation: Your health information may be used or disclosed in order to comply with the laws and regulations related to Worker's Compensation.

Decedents: Your health information may be disclosed to funeral directors or coroners to enable them to carry out their lawful duties.

Any Other Use and Disclosure: Uses or disclosures of your personal health information other than those referenced above, including sensitive information such as psychotherapy notes, mental health records, HIV or genetic testing records, and substance use disorder records will require DHHS to obtain your written authorization.

Substance use disorder diagnosis or treatment records may require additional authorization and notices. You have the right to revoke any such authorization at any time.

Your Health Information Rights

You have the following rights regarding the medical information we maintain about you:

Right to Inspect and Copy: You have the right to inspect and copy medical information DHHS maintains about you. To inspect and copy your medical information, please submit your request in writing to the DHHS Privacy Officer at the address given above. If you request a copy of this information, paper or electronic, we may charge a fee for

copying, mailing, or other supplies associated with your request. We may deny your request to inspect and copy in certain limited circumstances.

Right to Amend: If you feel that the health information we maintain about you is incorrect or incomplete, you may ask us to amend the information. You have the right to request an amendment for as long as the information is kept by DHHS. Your request for an amendment must be submitted in writing to the DHHS Privacy Officer at the address listed above.

We may deny your request for an amendment if it is not in writing or does not include a reason to support the request. In addition, we may deny your request if you ask us to amend information that:

- Was not created by us, unless the person or entity that created the information is no longer available to make the amendment;
- Is not part of the medical information kept by DHHS;
- Is not part of the information you would be permitted to inspect or copy; or
- Is accurate and complete.

Right to an Accounting of Disclosures: You have the right to request an "accounting of disclosures" if any such disclosure was made for any purpose other than treatment, payment, healthcare operations, or certain other authorized disclosures.

To request an accounting of disclosures, you must submit your request in writing to the DHHS Privacy Officer at the address listed above. Your request must state a time period, which may not be longer than six years and may not include dates before April 14, 2003.

Right to Request Restrictions: You have the right to request a restriction or limitation on the medical information we use or disclose about you for treatment, payment, or health care operations. You also have the right to request a limit on the medical information we disclose about you to someone who is involved in your care or the payment for your care, such as a family member or friend. *We are not required to agree to your request for restrictions.* To request restrictions, you must submit your request in writing to the DHHS Privacy Officer at the address listed above. In your request, you must tell us: (1) what information you want to limit; (2) whether you want to limit our use, disclosure, or both; and (3) to whom you want the limited to apply. For example, disclosures to your spouse.

Right to Request Confidential Communications: You have the right to request that we communicate with you about medical matters in a certain way or at a certain location. For example, you can ask that we contact you only at your home,

at work, or by mail. To request confidential communications, you must submit your request in writing to the DHHS Privacy Officer at the address listed above. Where possible, we will accommodate all reasonable requests.

Right to be Notified of a Breach of Your Information: You have the right to be notified following a breach of unsecured Protected Health Information that affects you.

Right to a Paper or Electronic Copy of This Notice: You have the right to a paper or electronic copy of this Notice even if you have agreed to receive this Notice electronically. You may obtain a copy of this Notice on our website at <https://www.dhhs.nh.gov/doing-business-dhhs/legal-services/hipaaprivacy-officer>

How to File a Complaint

If you believe your privacy rights have been violated by DHHS or one of its contractors, you may write to the DHHS Privacy Officer at 129 Pleasant Street, Concord, NH 03301 or DHHSPrivacyOfficer@dhhs.nh.gov.

You may also write to the federal government by contacting the Office for Civil Rights at the John F. Kennedy Building, Room 1875, Boston, MA 02203 or ocrmail@hhs.gov. You will not be penalized or retaliated against for filing a complaint.

All notices and authorization forms can be found online at

<https://www.dhhs.nh.gov/doing-business-dhhs/legal-services/hipaaprivacy-officer>

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