

## NOTICE OF PRIVACY AND DATA PRACTICES

### NORTH DAKOTA HEALTH INFORMATION NETWORK (NDHIN)

"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."

#### **Purpose of NDHIN and who has access to health information**

NDHIN is a system created to securely allow your health information to be shared electronically with all of your health care providers that participate in the NDHIN.

NDHIN established systems and procedures that seek to assure your information is consistently and accurately matched to you.

Information is encrypted when sent through NDHIN, which means it cannot be read by unauthorized persons even if received or accessed by an unauthorized person.

Your health information may be used, consistent with state and federal law, for the following purposes:

- **Treatment Purposes:** Each treating physician will be able to access another treating physician's electronic records to better treat you.
- **Payment Purposes:** Information may be accessed by health plans/payers for reducing administrative tasks such as faxing and phone calls, eligibility determinations and payment of treatment you receive.
- **Public Health Purposes:** Information may also be sent to the Health Department if required by law, such as immunization information for children.

A health care provider and other entities, such as health plans/payers, may participate in the NDHIN after completing an agreement and assuring compliance with all laws pertaining to confidentiality of health information and with NDHIN policies. Their employees are restricted as to what information they may have access to depending on their need for the information. For example, the receptionist is only allowed to see your demographic information such as your name, address, the name of your insurance company. A physician or other health care professionals, such as nurses, may be able to view most of your health information if necessary for your treatment.

## **NDHIN Protects Health Information**

NDHIN complies with patient privacy rights in accordance with state law and the Privacy and Security Regulations enacted under the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

If substance abuse and addiction treatment information is protected by federal law under 42 CFR Part 2 it is not available to any other health care provider unless you have given written consent for them to access the information or in the case of a medical emergency.

### **Opt-Out**

You have the right to opt out of participation in the NDHIN. Opt out means your written decision that your Protected Health Information (PHI) cannot be searched for through the North Dakota Health Information Network by a health care provider except as required by law or as authorized by you in the case of an emergency.

Even if you opt out, a health care provider may elect to receive through the NDHIN your lab results, radiology reports, and other data sent directly to them that the provider may have previously received by fax, mail, or other electronic communications from a laboratory, radiology facility, etc. providing services to that provider.

### **Care and Benefits**

A health care provider, health insurer or government health plan may not withhold coverage or care nor may a health insurer deny a health insurance benefit based solely on your choice to opt out of the NDHIN.

### **Requesting Restrictions on Certain Uses and Disclosures**

You have the right to object to, and ask for restrictions on, how your health information is used or to whom the information is disclosed.

You have the right to restrict disclosures of your health information to health plans for products or services paid for in full out of pocket.

### **Sale of Protected Health Information**

**Your health information** may not be sold without your consent and NDHIN will not sell your health information to any third party.

### **Marketing and Fundraising**

NDHIN must have your written authorization before sending marketing communications to you. You have the right to opt out of receiving future fundraising communications.

### **Requesting Amendments to Health Information**

You have the right to request an amendment of incorrect Individually Identifiable Health Information available through the NDHIN.

### **Receiving an Accounting of Disclosures of Health Information**

You have the right to request an accounting of disclosures as defined by the Health Insurance Portability Accountability Act Privacy Rules.

### **Access, Inspection and Copying of Health Information**

You or your designee have the right to request an electronic copy of your Individually Identifiable Health Information that is available through the NDHIN. The NDHIN may provide the health information directly to you or may require health care providers participating in the NDHIN to provide access or an electronic copy to you.

### **Notification of a Breach**

You have the right to be notified, pursuant to Title 45, Code of Federal Regulations, part 164, subpart D, of a breach that affects your Individually Identifiable Health Information.

### **Complaints**

You have the right to file a complaint as defined in the NDHIN policies and procedures. The complaint must be in writing and may be filed with a Participant or directly with the NDHIN.

### **Availability of NDHIN's Notice of Data Practices**

You have the right to receive the notice of privacy and data practices in a timely manner. Upon request, you may at any time receive a paper copy of the notice, even if you earlier agreed to receive the notice electronically.

### **Summary of Rights**

1. Right to receive Notice of Privacy and Data Practices.
2. Right to opt-out.
3. Right to care and benefits.
4. Right to request restrictions on certain uses and disclosures of PHI.
5. Right to amend PHI.
6. Right to receive an accounting of disclosures of PHI.
7. Right to access, inspect and copy PHI.

8. Right to request restrictions on marketing and fundraising.
9. Right to receive notification of a breach.
10. Right to file a complaint.

## **CONTACT INFORMATION**

For additional information, copies of forms, copy of this notice or if you have questions, please contact NDHIN at:

Phone: (701) 328-1983 or toll free (855) 761-0534  
Website: [www.ndhin.org](http://www.ndhin.org)

Address:

4201 Normandy Street  
Bismarck, ND 58503-1324