

Notice of Privacy Practices

NY State of Health

Effective 10/1/2013

NOTICE OF PRIVACY PRACTICES

THIS NOTICE DESCRIBES HOW HEALTH INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY.

Effective April 14, 2003, federal privacy law requires the NY State of Health or “Marketplace” of the New York State Department of Health (formerly known as the New York Health Benefit Exchange) to tell you how we use and share your health information. We also must tell you about your rights concerning this information.

The Marketplace is part of the New York State Department of Health (the “Department”). It is an organized marketplace that allows individuals to shop for and enroll in health insurance plans called Qualified Health Plans, which have been reviewed and approved by the Marketplace. It also allows individuals to check their eligibility for health care programs like Medicaid and Child Health Plus and insurance affordability programs such as premium tax credits and to enroll in these programs through the Marketplace if they are eligible.

The Small Business Marketplace allows small businesses and their employees to shop for and enroll in Qualified Health Plans.

The Department has issued a separate privacy notice for the Medicaid and Child Health Plus programs. Please consult the Medicaid and Child Health Plus Privacy Notice for information on these programs.

Your Health Information is Private.

The Marketplace is required to keep your information private, share your information only when we need to and follow the privacy practices in this notice.

What Kinds of Health Information Does the Marketplace Have?

The Marketplace currently does not directly receive or maintain information about your medical treatment or payment of claims.

The Marketplace receives personal information about you such as your address and social security number, which is necessary for you to enroll in a Qualified Health Plan, or to check your eligibility for and allow you to enroll in health care programs and insurance affordability programs for which you are eligible.

The Department will receive certain information from Qualified Health Plans regarding enrollee visits with health care providers, which will allow the Marketplace to monitor quality issues. The Department does not disclose the information received.

How Does the Marketplace Use and Share Your Health Information?

For Payment: The Marketplace does not pay claims for services rendered.

For Program Health Care Operations: The Marketplace forwards your enrollment information to the Qualified Health Plan that you selected and the Plan acknowledges receipt of this enrollment information. If you are eligible for Medicaid or Child Health Plus, the Marketplace forwards your enrollment information to the Medicaid or Child Health Plus plan and the plan acknowledges receipt of this enrollment information.

In certain other situations, the Department can use and disclose information without your authorization:

For Health Oversight and Public Health Reasons: Information may be disclosed when required to monitor the level and quality of care you receive.

As Required by Law: For example, to federal officials to ensure compliance with the privacy regulations.

Your Health Information Rights:

The Marketplace must maintain any information we have confidentially. We must follow this notice. If we change our practices regarding the health information we keep, we must provide you with a new notice. This notice will be posted on the Marketplace website: <http://www.nystateofhealth.ny.gov/> and on the Department website: <http://www.health.ny.gov/regulations/hipaa/notices/> and in our office. You, or a person legally authorized to act for you (e.g., parents of a minor who does not consent for their own care, a guardian, a health care proxy), have a right to:

- get a paper copy of this notice of privacy practices upon request;
- see or get a copy of your health information for a reasonable fee; if denied, you have the right to seek a review of the denial;
- request amendments to your health information;
- request limits on certain uses and disclosures of your information;
- get a list of disclosures of your health information;
- request communications of your health information by alternative means or at alternative locations;
- revoke any special authorizations to use or disclose health information, except to the extent that disclosure has already been taken.

What Are Our Responsibilities to You?

The Marketplace forwards your personal information to the Qualified Health Plan or health program for which you have been determined eligible, as previously discussed. Consequently, although you could seek to exercise the rights stated under federal privacy law, we cannot fulfill many of these requests because of the limited information we have. You may wish to approach your Qualified Health Plan or Health Care Provider regarding health information and rights under the federal privacy law since providers maintain your medical record and your Qualified Health Plan processes claims for services rendered. If you are enrolled in Medicaid or Child Health Plus you may wish to review the Notices of Privacy Practices for those programs, which are available at:

<http://www.health.ny.gov/regulations/hipaa/notices/>

For More Information or to Report a Problem:

If you have privacy questions, need more information or believe your privacy rights have been violated and you wish to complain, you may contact:

Privacy Contact
NYSDOH
Corning Tower ESP
Albany, NY 12237

Phone: 1-855-355-5777

e-mail: privacy@health.state.ny.us

You may also report a complaint to: Department of Health and Human Services, Jacob Javits Federal Building, 26 Federal Plaza, Suite 3312, New York, New York 10278, telephone number (212) 264-3313, fax number (212) 264-3039, TDD (212) 264-2355.

You will not be penalized for filing a complaint.