

## TennCare Notice of Privacy Practices

This notice describes how Personal Information about you may be collected, used and disclosed. It also tells you how you can get access to and correct this information.

This notice tells you how we keep your Personal Information private. Federal laws and regulations require us to give you this notice to inform you of the following:

- The kinds of information we have,
- Why we collect it,
- How we collect it,
- How we share it,
- Who we share it with,
- How long we keep it,
- What to do if you don't want your information shared with certain people,
- Your rights about your information.

### The kinds of Personal Information we have:

When you apply for TennCare benefits you tell us certain facts about you like your family members' names, where you live, and how much money you make. We may also receive information from other federal or state agencies to help with your application and to provide you services. We may get other health facts like:

- A list of the health services and treatments you get,
- Notes or records from your doctor, drug store, hospital, or other health care providers,
- Lists of the medicine you take now or have taken before,
- Results from x-rays and lab tests,
- Genetic information ("genetics" are family traits like hair color or eye color. It can also be health conditions that you have in common with your blood relatives.)

### Why we collect your Personal Information:

As the Tennessee Medicaid agency, federal and state laws allow us to collect, keep and use this information to provide you services. This includes determining your eligibility for our programs, working with our partners to provide you services, and working to improve the services we provide you. Federal and state laws say we must follow privacy rules and keep your Personal Information private. Everyone who works with us and for us must also follow these privacy rules.

### How we collect, use or share your Personal Information:

In order to run the Medicaid program, we may collect information about you and your household members through applications for services or from our partners. These may include:

- Federal agencies such as the Social Security Administration or the Internal Revenue Service.
- State departments such as the Tennessee Departments of Human Services, Labor or Health.
- TennCare partners such as the Managed Care Organizations and providers.

We can only use or share your Personal Information as the law lets us. The privacy rules let us use or share Personal Information without asking for your permission to:

- Show you have TennCare and to help you get the health care you need.
- Pay your health plan and health care providers.
- Improve the program and services we provide you.

- Check how TennCare benefits are being used and to check for insurance fraud.

### **Who can we share your Personal Information with and not get your permission?**

- With you. We can help you schedule checkups and send you news about health services.
- Other people involved in your care, like family members or caregivers. You can also ask us not to share your Personal Information with certain people.

We can share your Personal Information with people who work with TennCare like:

- Health providers like doctors, nurses, hospitals, and clinics.
- Your health plan or other companies that have contracts with TennCare.
- People helping with appeals if you file a TennCare appeal. Your appeal may be in person or over the phone. Sometimes other people may be with you in your appeal hearing.
- Federal, state, or local government agencies providing or checking on health care.

In some situations, the law also allows us to share your Personal Information with:

- Coroners, funeral homes, or providers who work with services like organ transplants.
- Medical researchers. They must keep your Personal Information private.
- Public health agencies to update their records for births, deaths, or to track diseases.
- The court when the law says we must or when we are ordered to.
- The police or for other legal reasons. We can report abuse or neglect.
- Other agencies – like for military or veterans’ activities, national security, jails.

We can also share it if we take out the information that tells who you are. **But, we can’t share your Personal Information with just anyone. And even when we do share it, we can only share the information the person needs to actually do their job.** And we can’t share your genetic information to make decisions about your eligibility for TennCare.

**Sometimes we’ll need your OK** in writing before we can share your Personal Information. We’ll ask you to sign a paper giving us your OK if we need to use or share (disclose) any of the following information:

- To use or share notes a therapist takes during therapy sessions (these are called psychotherapy notes);
- To use or share Personal Information with companies who will use the information to try to get other people’s business (for marketing purposes); and
- Sharing (disclosures) Personal Information with someone else for money.

**Can you take back your OK?** Yes. You can take back your OK anytime, but you must tell us in writing. We can’t take back the Personal Information we have already shared.

### **How long do we keep your Personal Information?**

TennCare will keep your Personal Information as long as it is needed to provide you services and run the Medicaid program. We dispose of information as required by state and federal laws and regulations.

### **What if you don’t want all of your Personal Information shared?**

You must ask us in writing if you don’t want us to share your Personal Information. You must tell us the Personal Information you don’t want shared and who you don’t want us to share it with. For example, you can ask us not to share your Personal Information if:

- You paid for your care out of your own pocket **and**
- You asked your doctor not to share your Personal Information for that care.

There are other times when we won't share your Personal Information if you ask us. We'll say OK if we can. But we might not say OK if you are a minor child or if we're allowed to share the Personal Information by law. If we can't say OK, we will send you a letter that says why. What if you don't ask us to not share your Personal Information? We may use and share it only as explained in this notice.

### **Your health information Rights:**

- You can see and get copies of your records. You must ask in writing to do so. You may have to pay money for the cost of copying and mailing your copies. If we can't give you the Personal Information you want, we'll send you a letter that says why.
- You can ask us in writing not to share certain facts about your health.
- You can ask us to not show your Personal Information in certain records.
- You can ask us not to send you letters about fundraising.
- You can ask us to change Personal Information that's wrong. You must ask in writing and tell us why we need to change it. If we can't make the change, we'll send a letter that says why.
- You can ask us in writing to contact you in a different way or in a different place. If writing or talking to you puts you in danger, tell us.
- You can ask us in writing for a list of who we've shared your Personal Information within the six (6) years before the date of your request. But it won't list the times we've shared when you've given us your OK or other times when the law says we didn't need to get your permission. For example, when we use Personal Information
  - to help you get or pay for health care, or
  - to run our program, or
  - to give information to law enforcement if we're required to do so

### **TennCare's Responsibility to You**

TennCare must keep your Personal Information safe. We protect its privacy, security and confidentiality. If your Personal Information gets out, we may have to tell you and federal authorities. We have to tell you:

- If the kind of Personal Information that got out would identify who you are (like your Social Security Number or your date of birth) or your treatment records, and
- If anyone actually used or saw your Personal Information, and
- Depending on who the person was that used or saw your Personal Information, and
- What we did to lower the risk that your Personal Information was used by whoever got it.

### **Communications to you**

In compliance with the federal Telephone Consumer Protection Act, we and/or our partners such as the health plans or providers, may call or text you using an automatic telephone dialing system to inform you of treatment options or other health-related benefits and services. Please inform the caller if you do not wish to be contacted by phone. You may also call 1-888-382-1222 or your health plan to add your phone number to the Do Not Call list.

### **Requests – Ask us in Writing**

Your requests must be in writing. Be sure you tell us what you're asking us to do. Write your name, date of birth and TennCare ID number or just the last four digits of your Social Security Number on your letter.

Send your letter to:

TennCare Privacy Officer  
Bureau of TennCare  
310 Great Circle Road  
Nashville, TN 37243

Keep a copy of the letter for your records. Do you have questions? Do you need help making your request? Call TennCare Connect at **1-855-259-0701** for free.

**Changes to this Notice**

TennCare’s policies and procedures about requests may change without notice. We’ll use the policies and procedures we have in place when you make your request.

Federal privacy rules and TennCare privacy practices may also change. If important changes are made, we or your health plan may send you these changes in writing. We have the right to make the changes to all the health facts we have or only to new health facts we get.

This notice was updated in January 2019 and applies to all health facts we have. If you need a new copy or want to check for changes, go to <http://www.tn.gov/tenncare/> The latest version of this notice is found under “Notice of Privacy Practices.”

**Questions or Complaints**

We do not allow unfair treatment in TennCare. No one is treated in a different way because of race, color, birthplace, language, sex, age, or disability. You will not be punished if you complain or ask for help. Do you have questions? Do you think your privacy rights have been violated? Do you think you have been treated unfairly? Call the TennCare Connect at **1-855-259-0701** for free. Or you can write to:

Bureau of TennCare Attn: Privacy Office 310 Great Circle Road Nashville, TN 37243  Phone: 1-615-507-6820 Fax: 1-615-734-5289	U.S. Dept. of Health and Human Services Region IV, Office of Civil Rights Medical Privacy Complaint Division Atlanta Federal Center Suite 3B70 61 Forsyth Street, SW Atlanta, GA 30303-8931  Phone: 1-866-627-7748 TDD: 1- 404-562-7884
Email: Privacy.TennCare@tn.gov	Website: www.hhs.gov/ocr