

NY State of Health

Notice of Privacy Practices

Effective 10/1/2013

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

Privacy law requires NY State of Health or the “Marketplace” to tell you how we use, share and protect 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 allows individuals to shop for and enroll in health insurance plans that have been reviewed and approved by the Marketplace. It also allows individuals to check their eligibility for health insurance programs like Medicaid, Child Health Plus, the Essential Plan, and for premium tax credits and to enroll in these programs through the Marketplace if they are eligible.

The Small Business Marketplace allows small businesses to see if they qualify for the Small Business Health Care Tax Credit, shop for Marketplace certified health and dental plans, and enroll in coverage directly with an insurer or Marketplace-certified broker.

The Department has issued separate privacy notices for the Essential Plan and the Medicaid Program, which includes regular Medicaid, Medicaid Managed Care, and Child Health Plus. Please consult the Essential Plan or Medicaid 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. We are required to notify you should a breach of your information occur.

What Health Information Does the Marketplace Have?

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

also receives your health plan selection and forwards your enrollment information to the particular health plan that you selected and the plan acknowledges receipt of this enrollment information.

We Must Share Your Health Information When:

- You or your representative requests your health information.
- Government agencies request the information as allowed by law such as audits.
- The law requires us to share your information.

In your Marketplace application, you gave the Marketplace the right to use and share your information to determine if you and/or the family members listed on the Marketplace application qualify for health coverage or help paying for coverage.

We May Review Your Health Information:

- To make sure you are enrolled in the right health program.
- Make sure you receive quality health care and that all the rules and laws have been followed.

We may also use and share your health information under limited circumstances to:

- Study health care: We may look at the health information of many consumers to find ways to provide better health care.

We must have your written permission to use or share your health information for any purpose not mentioned in this notice.

What Are Your Rights?

You or your representative have the right to:

- get a paper copy of this notice.
- see or get a copy of your health information. If the request is 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.
- ask us to contact you regarding your health information in different ways (for example, you can ask us to send your mail to a different address).
- ask for special forms that you sign permitting us to share your health information with whomever you choose. You may take back your permission at any time, as long as the information has not already been shared.

- get a list of those who received your health information. This information will not include health information requested by you or your representative, information used to operate the Marketplace or information given out for law enforcement purposes.

For More Information or to Report a Problem:

If you are enrolled in Medicaid, Child Health Plus or the Essential Plan, you may wish to review the Notice of Privacy Practices for those programs, which is available at:

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

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, Empire State Plaza
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.

If we change the information in this notice, we will send you a new notice and post a new notice on the Marketplace website.