



Policy: HH.3000  
Title: **Notice of Privacy Practices**  
Department: Office of Compliance  
Section: Privacy

*CEO Approval: /s/ Michael Hunn 11/19/2024*

Effective Date: 04/01/2003

Revised Date: 11/07/2024

Applicable to: ☒ Medi-Cal  
☒ OneCare  
☒ PACE  
☐ Administrative

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## I. PURPOSE

This policy identifies the required content of CalOptima Health's Notice of Privacy Practices (NPP) and the process by which the NPP is distributed to CalOptima Health Members. It outlines the controls for physical and electronic access to Member data which includes Protected Health Information (PHI) and Personally Identifiable Information (PII). The NPP also outlines the impermissible and permissible uses of Member data, including PHI/PII.

## II. POLICY

- A. CalOptima Health Members have the right to adequate notice of the Uses and Disclosures of Protected Health Information (PHI) and Personally Identifiable Information (PII) data, that may be made by CalOptima Health and of the Members' rights and CalOptima Health's legal duties with respect to PHI/PII data.
- B. CalOptima Health shall provide information that directs Members on the process to file complaints with CalOptima Health and its regulators and will not retaliate against Members who file complaints when the Member believes their privacy rights have been violated, in accordance with CalOptima Health Policy HH.3012: Non-Retaliation for Reporting Violations.
- C. CalOptima Health shall provide the NPP to Members and former Members as required by law and accreditation standards, including providing the NPP upon enrollment and providing notice upon material revisions of the NPP in an easily accessible location on CalOptima Health's public website.
- D. The CalOptima Health NPP shall describe steps Members may consider taking to help protect the privacy and security of their PHI/PII.

## III. PROCEDURE

- A. The content of the NPP shall be written in plain language and contain the following elements:
  - 1. Mandated header;
  - 2. Description and one (1) example each, of the types of Use and Disclosures that CalOptima Health is permitted under state and federal regulations for the purposes of Treatment, Payment, and Health Care Operations. If a Use or Disclosure for any purpose described at 45 CFR Section 164.520(b)(1)(ii)(A) or (B) is prohibited or materially limited by other applicable law,

for example 42 CFR Part 2, the description of such Use or Disclosure must reflect the more stringent law as defined in 45 CFR Section 160.202;

3. A description of each of the types of Uses or Disclosures, other than for purposes of Treatment, Payment, and Health Care Operations, that CalOptima Health is permitted or required by 45 CFR Part 164, Subpart E, to make without the Member's written consent.
4. A description of the types of Uses and Disclosures that require an authorization under 45 CFR Section 164.508(a)(2)-(a)(4), and Title 42 Code of Federal Regulations Part 2, a statement that other Uses and Disclosures not described in the NPP will be made only with the Member's written authorization, and a statement that the Member may revoke such authorization as provided by 45 CFR Section 164.508(b)(5);
5. A description and one (1) example each of the types of Uses and Disclosures of PHI related to lawful Reproductive Health Care for the following prohibited purposes under 45 CFR Section 164.502(a)(5)(iii): (i) conducting a criminal, civil, or administrative investigation into any person for the mere act of seeking, obtaining, providing, or facilitating Reproductive Health Care; (ii) imposing criminal, civil, or administrative liability on any person for the mere act of seeking, obtaining, providing, or facilitating Reproductive Health Care; (iii) or to identify any person for any purpose previously described
6. A description and one (1) example each of the following the Uses and Disclosures for which an attestation is required under 45 CFR Section 164.509: (i) health oversight activities under 45 CFR Section 164.512(d); (ii) judicial or administrative proceedings under 45 CFR Section 164.512(e); (iii) disclosures for law enforcement purposes under 45 CFR Section 164.512(f); and (iv) disclosures about decedents to coroners and medical examiners under 45 CFR Section 164.512(g)(1);
7. A statement adequate to put the Member on notice of the potential for information disclosed by CalOptima Health pursuant to the NPP to be subject to redisclosure by the recipient and no longer protected by applicable privacy laws;
8. Statement to describe the Member's rights concerning his or her PHI/PII, how to exercise these rights, and restrictions on such rights, which shall include information on:
  - a. Right to request restrictions on certain Uses and Disclosures of PHI/PII, and provision that CalOptima Health is not required to agree to those restrictions, except in case of a Disclosure restricted under 45 CFR Section 164.522(a)(1)(iv) and in accordance with CalOptima Health Policy HH.3007: Member Rights to Request Restrictions on Use and Disclosure of Protected Health Information;
  - b. Right to receive confidential communications of PHI/PII, in accordance with CalOptima Health Policy HH.3008: Member Right to Request Confidential Communications;
  - c. Right to inspect and copy PHI/PII , in accordance with CalOptima Health Policy HH.3001: Member Access to Designated Record Set;
  - d. Right to request amendment to PHI/PII, in accordance with CalOptima Health Policy HH.3004: Member Request to Amend Records;
  - e. Right to receive accounting of Disclosures, with certain exceptions, in accordance with CalOptima Health Policy HH.3005: Member Request for Accounting of Disclosures; and
  - f. Right to receive a paper copy of the NPP, in accordance with this Policy.

9. Statement specifically describing CalOptima Health's duties and rights under the privacy rule, including:
- a. A statement that CalOptima Health is required by law to maintain the privacy of the Member's PHI, to provide individuals with notice of its legal duties and privacy practices with respect to PHI/PII, and to notify affected Members following a breach of unsecured PHI/PII, and in accordance with CalOptima Health policies, which shall include processes to ensure internal protection of verbal (i.e., when talking to individuals on the telephone or in person about a Member), and written information, in accordance with CalOptima Health Policies HH.3003: Verification of Identity for Disclosures of Protected Health Information (PHI), HH.3009: Access by Member's Personal Representative, HH.3016: Guidelines for Handling Protected Health Information (PHI) Off-site, and HH.3019: De-identification of Protected Health Information (PHI).
  - b. The responsibility to abide by the terms of the NPP currently in effect;
  - c. CalOptima Health's right to make changes to the terms of the NPP when it makes changes to its privacy practices; and
  - d. A description of how CalOptima Health provides Members with a revised NPP.
10. Statement that the Member may file a complaint as part of their privacy rights, and without retaliation, to CalOptima Health's Customer Service Department or Privacy Officer, the California Department of Health Care Services (DHCS), and/or the United States Department of Health and Human Services (HHS), if the Member believes his or her privacy rights have been violated, and include contact title and telephone number for filing the complaint with CalOptima Health, or to get further information concerning the notice. The contact information should include:
- a. **CalOptima Health**  
Privacy Officer  
CalOptima Health  
505 City Parkway West  
Orange CA 92868  
  
Or call:  
  
CalOptima Health Customer Service Department  
Telephone: 1-714-246-8500  
Toll-free: 1-888-587-8088  
TTY: 711
  - b. **Department of Health Care Services**  
Privacy Officer  
Office of HIPAA Compliance  
PO Box 997413 MS 4722  
Sacramento CA 95899-7413  
  
Email: [privacyofficer@dhcs.ca.gov](mailto:privacyofficer@dhcs.ca.gov)  
Telephone: 1-916-445-4646  
Fax: 1-916-440-7680

**c. U.S. Department of Health and Human Services**

Regional Manager  
Office for Civil Rights  
90 7th Street Suite 4-100  
San Francisco CA 94103

Phone: 1-800-368-1019  
Fax: 1-415-437-8329  
TDD: 1-800-537-7697  
Email: [OCRComplaint@hhs.gov](mailto:OCRComplaint@hhs.gov)

11. Effective date of the notice.

B. The NPP shall be made available to anyone, upon request, by calling or writing to the CalOptima Health Customer Service Department. CalOptima Health's Customer Service Department shall make the NPP available in Threshold Languages to anyone by mail, in person, or through the CalOptima Health website. CalOptima Health shall distribute the NPP by:

1. Including copies in all new enrollment packets.
2. Posting a copy in the Customer Service Department lobby in Threshold Languages.
3. Posting the NPP on the CalOptima Health website.
  - a. Upon a material change to the NPP, CalOptima Health shall prominently post the change, or the revised NPP, on the CalOptima Health website by the effective date of the material change to the notice.
4. Providing a revised NPP, or information about the material change and how to obtain the revised NPP, in the next annual mailing to Members.
5. Notifying all Members at least once every three (3) years that a copy of the NPP is available upon request or may be obtained on the CalOptima Health website at [www.CalOptimaHealth.org](http://www.CalOptimaHealth.org).
6. Ensuring all mailings of the NPP comply with CalOptima Health's Cultural and Linguistic Services guidelines, in accordance with CalOptima Health Policies DD.2002: Cultural and Linguistic Services.
7. PACE Member materials shall include a statement of non-discrimination acknowledging that CalOptima Health complies with applicable Federal civil rights laws and does not discriminate on the basis of race, color, national origin, age, disability, or sex and taglines informing members of the availability of language assistance services.

C. Documentation and Retention:

1. CalOptima Health shall document compliance with this Policy and retain copies of the notices issued for a period of ten (10) years from the effective date of the notice.

**IV. ATTACHMENT(S)**

A. Notice of Privacy Practices (NPP)

## V. REFERENCE(S)

- A. CalOptima Health Compliance Plan
- B. CalOptima Health Contract with the Centers for Medicare & Medicaid Services (CMS) for Medicare Advantage
- C. CalOptima Health Contract with the Department of Health Care Services (DHCS) for Medi-Cal
- D. CalOptima Health PACE Program Agreement
- E. CalOptima Health Policy DD.2002: Cultural and Linguistic Services
- F. CalOptima Health Policy HH.3001: Member Access to Designated Record Set
- G. CalOptima Health Policy HH.3003: Verification of Identity for Disclosures of Protected Health Information (PHI)
- H. CalOptima Health Policy HH.3004: Member Request to Amend Records
- I. CalOptima Health Policy HH.3005: Member Request for Accounting of Disclosures
- J. CalOptima Health Policy HH.3007: Member Rights to Request Restrictions on Use and Disclosure of Protected Health Information (PHI)
- K. CalOptima Health Policy HH.3008: Member Right to Request Confidential Communications
- L. CalOptima Health Policy HH.3009: Access by Member's Personal Representative
- M. CalOptima Health Policy HH.3012: Non-Retaliation for Reporting Violations
- N. CalOptima Health Policy HH.3014: Use of Electronic Mail with Protected Health Information
- O. CalOptima Health Policy HH.3016: Guidelines for Handling Protected Health Information (PHI) Off-site
- P. CalOptima Health Policy HH.3019: De-identification of Protected Health Information (PHI)
- Q. Department of Health Care Services (DHCS) All Plan Letter (APL) 06-001: Notice of Privacy Practices and Notification of Breaches
- R. Department of Health Care Services (DHCS) All Plan Letter (APL) 22-026: Inoperability and Patient Access Final Rule
- S. NCQA Standard MED5 Privacy and Confidentiality: Element A: Adopting Written Policies, Factor 1-2017
- T. Patient Protection and Affordable Care Act §1557
- U. 45 CFR Part 2
- V. 45CFR §160.202
- W. 45 CFR §164.105(c)(2)
- X. 45 CFR §164.504(a)(2)-(a)(4)
- Y. 45 CFR §164.508(b)(5)
- Z. 45 CFR §164.520(b)(1)(ii)(A) or (B)
- AA. 45 CFR §164.530(g)

## VI. REGULATORY AGENCY APPROVAL(S)

Date	Regulatory Agency	Response
01/19/2022	Department of Health Care Services (DHCS)	Approved as Submitted
05/02/2023	Department of Health Care Services (DHCS)	Approved as Submitted

## VII. BOARD ACTION(S)

Date	Meeting
12/01/2016	Regular Meeting of the CalOptima Board of Directors
12/07/2017	Regular Meeting of the CalOptima Board of Directors
12/06/2018	Regular Meeting of the CalOptima Board of Directors
12/05/2019	Regular Meeting of the CalOptima Board of Directors
12/03/2020	Regular Meeting of the CalOptima Board of Directors
12/20/2021	Special Meeting of the CalOptima Board of Directors

<b>Date</b>	<b>Meeting</b>
11/07/2024	Regular Meeting of the CalOptima Health Board of Directors

## VIII. REVISION HISTORY

<b>Action</b>	<b>Date</b>	<b>Policy</b>	<b>Policy Title</b>	<b>Program(s)</b>
Effective	04/01/2003	HH.3000	Notice of Privacy Practices	Medi-Cal
Revised	07/01/2007	HH.3000	Notice of Privacy Practices	Medi-Cal
Revised	04/01/2009	HH.3000	Notice of Privacy Practices	Medi-Cal
Revised	01/01/2011	HH.3000	Notice of Privacy Practices	Medi-Cal
Revised	01/01/2013	HH.3000	Notice of Privacy Practices	Medi-Cal OneCare
Revised	01/01/2014	HH.3000	Notice of Privacy Practices	Medi-Cal
Revised	09/01/2015	HH.3000	Notice of Privacy Practices	Medi-Cal
Revised	12/01/2016	HH.3000	Notice of Privacy Practices	Medi-Cal OneCare OneCare Connect PACE
Reviewed	03/01/2017	HH.3000	Notice of Privacy Practices	Medi-Cal OneCare OneCare Connect PACE
Revised	12/07/2017	HH.3000	Notice of Privacy Practices	Medi-Cal OneCare OneCare Connect PACE
Revised	12/06/2018	HH.3000	Notice of Privacy Practices	Medi-Cal OneCare OneCare Connect PACE
Revised	12/05/2019	HH.3000	Notice of Privacy Practices	Medi-Cal OneCare OneCare Connect PACE
Revised	12/03/2020	HH.3000	Notice of Privacy Practices	Medi-Cal OneCare OneCare Connect PACE
Revised	12/20/2021	HH.3000	Notice of Privacy Practices	Medi-Cal OneCare OneCare Connect PACE
Revised	12/31/2022	HH.3000	Notice of Privacy Practices	Medi-Cal OneCare PACE
Revised	03/01/2023	HH.3000	Notice of Privacy Practices	Medi-Cal OneCare PACE
Revised	11/07/2024	HH.3000	Notice of Privacy Practices	Medi-Cal OneCare PACE

## IX. GLOSSARY

Term	Definition
CFR	Means the Code of Federal Regulations.
Disclosure	Has the meaning in 45 CFR Section 160.103, including the following: the release, transfer, provision of access to, or divulging in any manner of information outside of the entity holding the information.
Health Care Operations	Has the meaning given such term in 45 CFR Section 164.501, including activities including quality assessment and improvement activities, care management, professional review, compliance and audits, health insurance underwriting, premium rating and other activities related to a contract and health benefits, management and administration activities, customer services, resolution of internal grievances, business planning, and development and activities related to compliance with the privacy rule.
Member	A beneficiary enrolled in a CalOptima Health program.
Notice of Privacy Practices (NPP)	Notice provided to a Member that describes Cal Optima's practices in the Use and Disclosure of Protected Health Information, Member rights, and CalOptima Health legal duties with respect to Protected Health Information.
Payment	Has the meaning in 45 CFR Section 164.501, including: activities carried out by CalOptima Health including: <ol style="list-style-type: none"> <li>1. Determination of eligibility, risk adjustments based on Member health status and demographics, billing claims management, and collection activities;</li> <li>2. Review of health care services regarding medical necessity, coverage under a health plan, appropriateness of care, or justification of charges; and,</li> <li>3. Utilization review activities including pre-certification, preauthorization, concurrent, or retrospective review of services.</li> </ol>
Personally Identifiable Information (PII)	PII is —any information about an individual maintained by an agency, including (1) any information that can be Used to distinguish or trace an individual's identity, such as name, social security number, date and place of birth, mother's maiden name, biometric records, race, ethnicity, language (REL), sexual orientation and gender identity (SOGI); and (2) any other information that is linked or linkable to an individual, such as medical, educational, financial, and employment information.
Protected Health Information (PHI)	Has the meaning in 45 CFR Section 160.103, including the following: individually identifiable health information transmitted by electronic media, maintained in electronic media, or transmitted or maintained in any other form or medium. <p>This information identifies the individual or there is reasonable basis to believe the information can be Used to identify the individual. The information was created or received by CalOptima Health or Business Associates and relates to:</p> <ol style="list-style-type: none"> <li>1. The past, present, or future physical or mental health or condition of a Member;</li> <li>2. The provision of health care to a Member; or</li> <li>3. Past, present, or future Payment for the provision of health care to a Member.</li> </ol>

<b>Term</b>	<b>Definition</b>
Reproductive Health Care	Means health care, as defined at 45 CFR § 160.103, that affects the health of a Member in all matters relating to the reproductive system and to its functions and processes.
Threshold Languages	<p><u>Medi-Cal</u>: The non-English threshold and concentration standard languages in which Contractor is required to provide written translations of Member Information, as determined by DHCS.</p> <p><u>OneCare</u>: A threshold language is defined by CMS as the native language of a group who comprises five percent (5%) or more of the people served by the CMS Program.</p>
Treatment	Has the meaning in 45 CFR Section 164.501, including: activities undertaken on behalf of a Member including the provision, coordination, or management of health care and related services; the referral to, and consultation between, health care providers; and coordination with third parties for services related to the management of the Member's health care benefits.
Use	Has the meaning in 45 CFR Section 160.103, including the following: the sharing, employment, application, utilization, examination, or analysis of the PHI within an entity that maintains such information.