



## Plan Member Information

### INTEROPERABILITY

Tulare County Behavioral Health (TCBH) Plan members now have more ways to see health information in one place.

If you choose to, you can use a digital application (“app”) from another organization (a “third party”) to see your health care information. Here are some things you should think about before using an app to get your health care data.

You can visit your app store to download an app if you choose to use it. By law, TCBH cannot recommend or offer an opinion on any third-party applications. If you choose to allow a third-party app to use your personal TCBH health information, you'll acknowledge that you understand and agree to a disclaimer and the information sharing as part of the process

#### **Important Things to Consider**

It's important for you to take an active role in protecting your health information. Before you use an app, look for an easy-to-read privacy policy that clearly explains how the app will use your data. We do not have a recommendation for any particular app.

If an app does not have a privacy policy, we advise that you do not use it.

When considering an app, think about these questions:

- What health data will this app collect? Will this app collect non-health data from my device, such as my location?
- Will my data be stored in a de-identified or anonymized form?
- How will this app use my data?
- Will this app disclose my data to third parties?
  - Will this app sell my data for any reason, such as advertising or research?
  - Will this app share my data for any reason? If so, with whom? For what purpose?
- How can I limit this app's use and disclosure of my data?
- What security measures does this app use to protect my data?
- What impact could sharing my data with this app have on others, such as my family members?
- How can I access my data and correct inaccuracies in data retrieved by this app?
- Does this app have a process for collecting and responding to user complaints?
- If I no longer want to use this app, or if I no longer want this app to have access to my health information, how do I terminate the app's access to my data?



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- What is the app's policy for deleting my data once I terminate access? Do I have to do more than just delete the app from my device?

If the app's privacy policy does not clearly answer these questions, you should reconsider using the app to access your health information. Health information is very sensitive. You should be careful to choose apps with strong privacy and security standards to protect it.

### **Your Rights under HIPAA**

You have rights under the Health Insurance Portability and Accountability Act (HIPAA). The U.S. Department of Health and Human Services Office for Civil Rights enforces them with the HIPAA Privacy, Security and Breach Notification Rules, and the Patient Safety Act and Rule. TCBH is subject to HIPAA, as are most health care providers.

### **Most apps are not covered by HIPAA.**

They are instead covered by the Federal Trade Commission (FTC) and the protections provided by the FTC Act. The FTC Act protects against deceptive acts. For example, if an app shares personal information without permission, even though its privacy policy says it will not do so.

- The FTC has information about mobile app privacy and security for consumers on the FTC website here: <https://www.consumer.ftc.gov/articles/0018-understanding-mobile-apps>
- For apps subject to HIPAA, visit the HHS.gov website. It has information about HIPAA patient rights and who must follow HIPAA here: <https://www.hhs.gov/hipaa/for-individuals/guidance-materials-for-consumers/index.html>
- You can also find HIPAA FAQs for individuals here: <https://www.hhs.gov/hipaa/for-individuals/faq/index.html>

### **Filing a Complaint**

If you believe an app inappropriately used, disclosed, or sold your information, you have the right to file a complaint with enforcement agencies including the Office for Civil Rights (OCR) and the Federal Trade Commission (FTC).

- Information about filing a HIPAA Complaint: <https://www.hhs.gov/hipaa/filing-a-complaint/index.html>
- To file a complaint with OCR using the OCR portal: <https://ocrportal.hhs.gov/ocr/smartscreen/main.jsf>
- To file a complaint with the FTC: <https://reportfraud.ftc.gov/#/>



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You can also file a complaint with TCBH.

- By phone: Contact the Problem Resolution Coordinator 24 hours a day, 7 days a week by calling 1-800-500-4465 (TTY: 711).
- In writing: Fill out a complaint form or write a letter and send it to:  
Tulare County Behavioral Health  
Quality Management Department  
5957 S. Mooney Blvd.  
Visalia, CA 93277
- In person: Visit your care provider's office or Tulare County Behavioral Health (TCBH) and say you want to file a grievance.
- Electronically: Visit TCBH's website at [https:// www.tchhsa.org](https://www.tchhsa.org).