

This notice describes how medical information about you may be used and disclosed and how you can get access to this information.

Please review it carefully.

Federal law requires the Teacher Retirement System of Texas (TRS) to protect the privacy of your health information. Your protected health information is information that:

- **Identifies you; and**
- **TRS created or received about:**
 - Your past, present or future health condition;
 - The health care you receive; or
 - The payment for this health care.

The effective date of this notice is April 14, 2003. Texas law already makes your member information, including your protected health information, confidential. Therefore, TRS is not changing the way that it protects your information.

On April 14, 2003, the new rights and other terms in this notice will automatically apply. **You do not need to do anything to get privacy protection for your health information.**

Federal law requires that TRS provide you with this notice about its privacy practices and its legal duties regarding your protected health information. This notice explains how, when, and why TRS uses and discloses your protected health information. By law, TRS must follow the privacy practices that are described in the most current privacy notice.

TRS reserves the right to change its privacy practices and the terms of this notice at any time. Changes will be effective for all of your protected health information that TRS maintains. If TRS makes an important change that affects what is in this notice, TRS will mail you a new notice within 60 days of the change. This notice is on the TRS Web site, and TRS will post any new notice on its Web site at www.trs.state.tx.us.

How TRS May Use and Disclose Your Protected Health Information

Certain Uses and Disclosures Do Not Require Your Written Permission

TRS may use and disclose your protected health information **without** your written permission (an authorization) for the following reasons:

- **For treatment.** TRS does not directly participate in decisions about what kind of health treatment you should receive. TRS also does not maintain your current medical records. However, TRS may disclose your protected health information for treatment purposes. For example, TRS may disclose your protected health information if your doctor asks that TRS disclose the information to another doctor to help in your treatment.
- **For payment.** Here are two examples of how TRS might use or disclose your protected health information for payment. TRS or one of its business associates, who are discussed below, may use or disclose your information to prepare a bill for medical services to you or another person or company responsible for paying the bill. The bill may include information that identifies you, the health services you received, and why you received those services. The second example is that TRS or its business associates could use or disclose your protected health information to collect your premium payments.
- **For health care operations.** TRS may provide your protected health information to its accountants, attorneys, consultants, and others in order to make sure TRS is complying with the laws that affect it. For example, your protected health information may be given to people looking at the quality of the health care you received. Another example of health care operations is TRS using and sharing this information to manage its business and perform its administrative activities.
- **To you or your personal representative.** TRS may provide your protected health information to you, a person representing or authorized by you, or any person that you tell TRS in writing is acting on your behalf. For this purpose, a person acts on your behalf by being involved in your health care or in the payment for your health care.

- **When federal, state or local law, judicial or administrative proceedings, or law enforcement requires a disclosure.** For example, TRS may disclose your protected health information:
 - To a federal or state criminal law enforcement agency that asks for the information for a law enforcement purpose;
 - To the Texas Attorney General to collect child support or to ensure health care coverage for your child;
 - In response to a subpoena if the TRS Executive Director determines that you will have a reasonable opportunity to contest the subpoena;
 - To a governmental entity, an employer, or a person acting on behalf of the employer, to the extent that TRS needs to share the information to perform its business; and
 - If required by other federal, state, or local law.
- **For specific government functions.** TRS may disclose protected health information of military personnel and veterans in certain situations. TRS may also disclose protected health information for national security purposes, such as protecting the President of the United States or conducting intelligence operations.
- **Business associates.** TRS has contracts with companies (business associates) that help TRS in its business of providing health care coverage. For example, several companies assist TRS with the TRS-Care and TRS-ActiveCare programs: Aetna, Blue Cross and Blue Shield of Texas, Medco Health Solutions, Inc. and Gabriel, Roeder, Smith and Company. TRS may disclose your protected health information to its business associates so that they can perform the services that TRS has asked them to do. To protect your health information, however, TRS requires that these companies follow the same rules that are set out in this notice.
- **Executor or administrator.** TRS may disclose your protected health information to the executor or administrator of your estate.
- **Health-related benefits.** TRS or one of its business associates may contact you to

provide appointment reminders. They may also contact you to give you information about treatment alternatives or other health benefits or services that may be of interest to you.

All Other Uses And Disclosures Require Your Prior Written Authorization

For any other use or disclosure of your protected health information, TRS must have your written permission (an authorization). You may cancel (revoke) your written permission at any time. Revoking your written permission will not affect a use or disclosure of your protected health information that TRS already made based on your written permission.

Your Rights

- **The Right to Request Limits on Uses and Disclosures of Your Protected Health Information**

You can ask that TRS limit how it uses and discloses your protected health information. TRS will consider your request but is not required to agree to it. If TRS agrees to your request, TRS will put the agreement in writing and will follow the agreement unless you need emergency treatment, and the information that you asked be limited is needed for your emergency treatment. You cannot limit the uses and disclosures that TRS is legally required to make.

- **The Right to Choose How TRS Sends Protected Health Information to You**

You can ask that TRS send information to you to an alternate address (for example, sending information to your work address rather than your home address) or by alternate means (for example, courier service instead of U.S. mail) only if not changing the address or the way TRS communicates with you could put you in physical danger. You must make this request in writing. You must be specific about where and how to contact you. TRS must agree to your request **only** if:

- You clearly tell TRS that sending the information to your usual address or in the usual way could put you in physical danger; **and**
- You tell TRS a specific alternative address or specific alternative means of sending protected health information to you.

- **The Right to See and Get Copies of Your Protected Health Information**

You can look at or get copies of your protected health information that TRS has or that a business associate maintains on TRS' behalf. You must make this request in writing. If your protected health information is not on file at TRS and TRS knows where the information is maintained, TRS will tell you where you can ask to see and get copies of your information.

If you request copies of your protected health information, TRS can charge you a fee for each page copied, for the labor involved in copying the information, and for postage if you request that the copies be mailed to you. Instead of providing the protected health information you request, TRS may provide you with a summary or explanation of the information, but only if you agree in advance to:

- Receive a summary or explanation instead of the detailed protected health information; **and**
- Pay the cost of preparing the summary or explanation.

The fee for the summary or explanation will be in addition to any copying, labor, and postage fees that TRS may require. If the total fees will exceed \$40, TRS will tell you in advance. You can withdraw or change your request at any time.

- **The Right to Get a List of s Uses and Disclosures of Your Protected Health Information**

You have the right to get a list of s uses and disclosures of your protected health information. By law, TRS is not required to create a list that includes any uses or disclosures:

- To carry out treatment, payment, or healthcare operations;
- To you or your personal representative;
- Because you gave your permission;
- For national security or intelligence purposes;
- To corrections or law enforcement personnel; or
- Before April 14, 2003.

TRS will respond to your request within 60 days of receiving it. TRS can extend this deadline one time by an additional 30 days. If TRS extends its response time, TRS will tell you in writing the reasons for the delay and the date by which TRS will provide the list. The list will include:

- The date of the disclosure or use;
- The person or entity that received the protected health information;
- A description of the information disclosed; and
- Why TRS disclosed or used the information.

If TRS disclosed your protected health information because you gave TRS written permission to disclose the information, instead of telling you why TRS disclosed the information, TRS will give you a copy of your written permission.

You can get a list of disclosures for free every 12 months. If you request more than one list during a 12-month period, TRS can charge you for preparing the list, including charges for copying, labor, and postage to process and mail each additional list. These fees will be the same as the fees allowed under the Texas Public Information Act. TRS will tell you in advance of the fees it will charge. You can withdraw or change your request at any time.

- **The Right to Correct or Update Your Protected Health Information**

If you believe that there is a mistake in your protected health information or that a piece of important health information is missing, you can ask TRS to correct or add the information. You must request the correction or addition in writing. Your letter must tell TRS what you think is wrong and why you think it is wrong. TRS will respond to your request within 60 days of receiving it. TRS can extend this deadline one time by an additional 30 days. If TRS extends its response time, it must tell you in writing the reasons for the delay and the date by which TRS will respond.

Because of the technology used to store information and laws requiring TRS to retain information in its original text, TRS may not be able to change or delete information, even if it is incorrect. If TRS decides that it should correct or add information, it will add the correct or additional information to your records and note that the new information takes the place of the old information. The old information may remain in your record. TRS will tell you that the information has been added or corrected. TRS will also tell its business associates that need to know about the change to your protected health information.

TRS will deny your request if your request is not in writing or does not have a reason why the information is wrong or incomplete. TRS will also deny your request if the protected health information is:

- Correct and complete;
- Not created by TRS; or
- Not part of s records.

TRS will send you the denial in writing. The denial will say why your request was denied and explain your right to send TRS a written statement of why you disagree with s denial. TRS' denial will also tell you how to complain to TRS or the Secretary of the Department of Health and Human Services. If you send TRS a written statement of why you disagree with the denial, TRS can file a written reply to your statement. TRS will give you a copy of any reply.

If you file a written statement disagreeing with the denial, TRS must include your request for an amendment, your written statement of disagreement, and any reply when TRS discloses the protected health information that you asked to be changed. Or TRS can choose to give out a summary of that information with a disclosure of the protected health information that you asked to be changed. Even if you do not send TRS a written statement explaining why you disagree with the denial, you can ask that your request and s denial be attached to all future disclosures of the protected health information that you wanted changed.

- **The Right to Get This Notice**

You can get a paper copy of this notice on request.

- **The Right to File a Complaint**

If you think that TRS has violated your privacy rights concerning your protected health information, you can file a written complaint with the TRS Privacy Officer by mailing your complaint to:

**Privacy Officer
Teacher Retirement System of Texas
1000 Red River Street
Austin, Texas 78701.**

All complaints must be in writing.

You can also send a written complaint to the Office for Civil Rights, U.S. Department of Health and Human Services: Region VI, Office for Civil Rights, U.S. Department of Health and Human Services, 1301 Young Street, Suite 1169, Dallas, Texas 75202, FAX (214) 767-0432, and e-mail at CRComplaint@hhs.gov. Finally, you can send a written complaint to the Texas Office of the Attorney General by mail at P.O. Box 12548, Austin, Texas, 78711-2548, or by telephone at (800) 806-2092. TRS will not retaliate against you if you file a complaint.

More Information

If you want more information about this notice, how to exercise your rights, or how to file a complaint, please contact the TRS Telephone Counseling Center at 1-800-223-8778. TDD users should call 1-800-841-4497. Additional information is also available on the TRS Web site at www.trs.state.tx.us.