

Privacy Guidance for Members When Selecting Third-Party Applications to View Their Historical Health Information

CHRISTUS Health Plan (CHP) is required to provide you with access to detailed information about your health history through a “Patient Access API.” You may access this information by downloading a third-party application on your smartphone, tablet, computer, or other similar electronic device. The information available through the Patient Access API includes information we collect about you while you have been enrolled in our health insurance. The records we maintain include the following information:

- Claims and “encounter” data concerning your interactions with health care providers;
 - Some providers send us encounter data about your health care, such as information about your office visits, in cases where they do not send us a claim. This may include historical health information from previous providers.
- Clinical data that we collect in the process of providing case management, care coordination, or other services to you.
- **The records we maintain may also include information about treatment for substance use disorders, mental health treatment, HIV status, or other sensitive information.**

CHRISTUS Health Plan wants you to know the application you choose will have access to **all** of your information. Additionally, you should know that these applications are **not** subject to the Federal Patient Privacy Rules also known as the “HIPAA Rules”, which generally protect the privacy and confidentiality of your health information. Instead, the application’s privacy policy describes self-imposed limitations on how the application will use, disclose, and (possibly) sell information about you. It is important for you to know once you request that we send your data to the application, that we no longer control how the application uses or shares your information. If you decide to access your information through the Patient Access API, you should carefully review the privacy policy of any application you are considering to use to ensure you are comfortable with what the application will do with your information. We do not review or evaluate third-party apps or their privacy or security practices for your health data.

It is important for you to take an active role in protecting your own health data, the following factors should be considered when deciding to use a third-party app:

- If you direct us to share your health data with a third-party app, CHRISTUS Health Plan will have no control over how the third-party application will use or share your health data.
- Some third-party apps may share your health data with other third parties.
- Health data can be very sensitive, and you should be careful to choose apps with strong privacy and security standards to protect it.
- Any application you choose to receive your health data should have an easy-to-read privacy policy that clearly explains how the application will use your data. If an

application does not have a privacy policy, you should consider not using the application.

Before you direct us to share your health data with an application, you should read carefully the application's terms of use (sometimes this information is contained in the application's "end user license agreement") and privacy policy to understand how the application will use and share your health data. Below are factors to consider when selecting an application to receive your health data. If an application's privacy policy does not clearly answer these questions, you should reconsider allowing the application to access your health data.

Things you may wish to consider when selecting an app:

- Will this application **sell** my data for any reason?
- Will this application **disclose** my data to third parties for purposes such as research or advertising?
- How will this application **use** my data? For what purposes?
- Will the application allow me to limit how it uses, discloses, or sells my data?
- If I no longer want to use this app, or if I no longer want this application to have access to my health information, can I terminate the application's access to my data? If so, how difficult will it be to terminate access?
- What is the application's policy for **deleting** my data once I terminate access? Do I have to do more than just delete the application from my device?
- How does this application inform users of changes in its privacy practices?
- Will the application collect non-health data from my device, such as my location?
- What security measures does this application use to protect my data?
- What impact could sharing my data with this application have on others, such as my family members?
- Will the application permit me to access my data and correct inaccuracies? (Note that correcting inaccuracies in data collected by the application will not affect inaccuracies in the source of the data.)
- Does the application have a process for collecting and responding to user complaints?

If the application's privacy policy does not satisfactorily answer these questions, you may wish to reconsider using the application to access your health information. Your health information may include very sensitive information. You should therefore be careful to choose an application with strong privacy and security standards to protect it. If the application does not have a privacy policy, you may want to consider not using the application.

Covered entities and HIPAA enforcement

The U.S. Department of Health and Human Services' Office for Civil Rights (OCR) enforces the HIPAA Privacy, Security, and Breach Notification Rules. We are subject to HIPAA as are most health care providers, such as hospitals, doctors, clinics, and dentists. You can find more information about your rights under HIPAA and who is obligated to follow HIPAA here: <https://www.hhs.gov/hipaa/for-individuals/index.html>. To learn more about filing a complaint with OCR related to HIPAA requirements, visit: <https://www.hhs.gov/hipaa/filing-a-complaint/index.html>. You may also file a complaint with us by contacting the Member Services phone number on your member ID card.

Apps and privacy enforcement

An application generally **will not** be subject to HIPAA. An application that publishes a privacy notice is required to comply with the terms of its notice, but generally is not subject to other privacy laws. The Federal Trade Commission Act protects against deceptive acts (such as an application that discloses personal data in violation of its privacy notice). An application that violates the terms of its privacy notice is subject to the jurisdiction of the Federal Trade Commission (FTC). The FTC provides information about mobile application privacy and security for consumers here: <https://www.consumer.ftc.gov/articles/0018-understanding-mobile-apps>. If you believe an application inappropriately used, disclosed, or sold your information, you should contact the FTC. You may file a complaint with the FTC using the FTC complaint assistant: <https://www.ftccomplaintassistant.gov/#crnt&panel1-1>. You may also wish to consider deleting the application.

It is important we treat you fairly

That is why we follow federal civil rights laws in our health programs and activities. We don't discriminate, exclude people, or treat them differently on the basis of race, color, national origin, sex, age or disability. For people with disabilities, we offer free aids and services. For people whose primary language isn't English, we offer free language assistance services through interpreters and other written languages.

Interested in these services?

Call the Member Services number on your ID card for help (TTY/TTS/TDD: 711). If you think we failed to offer these services or discriminated based on race, color, national origin, age, disability, or sex, you can file a complaint, also known as a grievance. You can file a complaint with our Director of Compliance in writing to:

CHRISTUS Health Plans
ATTN: Health Plan Compliance
919 Hidden Ridge
Irving, TX 75038

Or you can file a complaint with the U.S. Department of Health and Human Services, Office for Civil Rights at 200 Independence Ave. SW; Room 509F, HHH Building; Washington, DC 20201 or by calling 800-368-1019 (TDD: 800-537-7697) or online at <https://ocrportal.hhs.gov/ocr/portal/lobby.jsf>. Complaint forms are available at <http://www.hhs.gov/ocr/office/file/index.html>.