

**Florida Birth-Related Neurological Injury Compensation Association  
(NICA)**

**Notice of Privacy Practices**

**THIS NOTICE DESCRIBES HOW MEDICAL INFORMATION ABOUT YOU AND YOUR CHILD IN THE NICA PLAN MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY.**

**Why you are receiving this notice:** The Florida Birth-Related Neurological Injury Compensation Association (NICA) is committed to protecting you and your child's (your) protected health information ("PHI"). This notice explains the NICA privacy practices, describes how NICA may disclose and use your PHI, and how you may access your health information. Federal and State Law require NICA to protect the privacy of certain PHI. NICA processes and maintains your PHI for two main purposes:

- To determine potential eligibility for NICA.
- To administer the NICA Plan.

**Who receives this notice:** At least once every three years, NICA will provide this notice to every family that has submitted a Petition for NICA Benefits.

**What is PHI:** In general, PHI is identifiable information about you which concerns your child's past, present or future eligibility for benefits under the NICA Plan and any medical treatment or payment.

**How NICA uses and discloses PHI:** NICA and its business associates use your PHI for treatment, payment, or health care operations. These activities include reviewing Petitions and records to determine eligibility, administering the NICA Plan, paying for required health care, and conducting research on child health issues.

**Examples of how NICA uses your PHI**

- We use your Petition and records to determine medical eligibility.
- We may share your PHI with the Division of Administrative Hearings (DOAH) your insurer, Medicaid or Children's Medical Services Network (CMS) so that we may accurately determine what services or equipment may be eligible for payment.
- We may share your PHI to review the quality of care provided.
- We may send you reminders and provide information to a company or provider to call and let you know how to access equipment or services.
- We may use your PHI to process grievances or complaints.
- We may review health insurance enrollment and coverage information from other sources, providers or other insurers to confirm your child's eligibility for a specific benefit, and for coordination purposes.
- We may share your PHI to gather statistics and data for use in shaping public policy and improving program functions (such as benefit determinations).
- We may share PHI with our Board of Directors, the Department of Financial Services, the Health Department and associated third parties relative to dispute resolutions, complaints and actuarial analysis.
- We may share PHI with partners or providers to determine "medical necessity" and reasonableness of a specific benefit request.

Each company and agency that reviews PHI is also required by law to keep it private.

**NICA may also use and disclose PHI as permitted by law, which may include the following**

**disclosures:**

- To Medicaid, Children's Medical Services, the Department of Health, the Department of Financial Services, the Division of Administrative Hearings or other government agencies that provide public benefits or may help determine eligibility and compliance.
- For health oversight such as inspections, audits, reviews, investigations and reporting in order to ensure compliance with federal, state and local law.
- For public health, such as medical safety, disease control, or disaster relief.
- When a law requires that we report information about suspected abuse, neglect or domestic violence.
- To avert a serious threat to the health or safety of an individual or the public.
- Where disclosure is required by federal, state or local law, or judicial proceedings. For example, in response to a court order, subpoena, or other legal process, or in relation to a fraud investigation.
- To conduct research of services and reporting for the enhancement of the NICA Plan.
- To the federal government for national security, protective services, military, or veterans activities.
- To coroners, medical examiners, and funeral directors; and for organ donations.
- To your family or other persons who are involved in your child's medical care. (You have the right to object to disclosing this information.)

**Disclosure of NICA PHI to other parties or for other reasons:** As a general rule, disclosure of PHI other than for treatment, payment, or operational uses described above require your written consent. To authorize NICA to provide this disclosure, contact the NICA Privacy Contact, Kathe Alexander, by calling toll-free 1-800-398-2129, and ask for an authorization form to release PHI. We will assist you with the information needed to authorize disclosure. If you cannot give your authorization due to an emergency, we may release your PHI if it appears to be in your best interest. You may cancel your authorization at any time by writing to our Privacy Contact at the address listed below.

The technology security official who is responsible for the development and implementation of the technological policies and procedures for NICA is Tim Daughtry.

**Your rights regarding your PHI: You and your child have the following rights with respect to your PHI:**

- To inspect or obtain a copy of your PHI maintained by NICA. Please note that NICA may not be able to provide the PHI that is part of ongoing litigation, includes psychotherapy notes, or is otherwise excluded from disclosure by law. NICA may charge a processing fee. You also have the right to obtain a copy of your child's health records from your child's medical providers (primary care doctor, dentist, pharmacy, etc.).
- To request that NICA amend PHI that is wrong or incomplete.
- To change your address or phone number if contacting you at your present address or phone number would endanger you or your child.
- To request another copy of this notice. (This notice is posted on the NICA website at [www.nica.com](http://www.nica.com).)
- To request we limit the use and disclosure of your PHI. (Based on statutory guidelines, NICA may not be required to agree with your request.)
- To request a record of where NICA has disclosed your PHI. This record may not include disclosure for treatment, payment and health care operations; disclosures that you authorized; or other disclosures if permitted by law. There is no fee for one such request per year. There may be a charge for more frequent requests. Your request may include disclosures going back as far as six years (or to April 1, 2004, whichever is later).

**How to exercise your rights regarding your PHI disclosures:** If you have questions, or wish to make a request regarding the PHI that NICA currently maintains on your child, or would like another copy of this notice, please call the NICA Privacy Contact, Kathe Alexander, toll free at 1-800-398-2129. NICA may

ask you to send your request in writing to the address below.

**How to file a complaint:** If you believe your privacy rights have been violated, you may send your written complaint to the Privacy Contact located at: NICA, Attention Kathe Alexander, P.O. Box 14567, Tallahassee, FL 32317; telephone toll-free 1-800-398-2129. No retaliatory conduct will result from any complaint.

You may also file a complaint with the Secretary of the Department of Health and Human Services located at 200 Independence Avenue, SW, Washington, D.C., 20201, telephone toll-free-1-800-386-1019.

**Our privacy policies are subject to change:** Federal law also requires NICA to provide you, as head of household, with this notice, and for NICA to abide by the terms of this notice. This notice is effective on April 1, 2004. NICA has the right to change the terms of this notice and our privacy policies and practices at any time. Any changes to our policies and procedures will apply to all PHI that NICA possesses at the time of the change. If NICA makes a material change to our privacy policies and practices, NICA will send a revised copy of the notice to you within 60 days of the change. NICA will also post a new notice on our website at [www.nica.com](http://www.nica.com).