



## **CCSE Bulletin 21-04**

**Date:** October 18, 2021

**To:** Eligibility Services Supervisors and Staff  
Program Managers  
Regional Directors  
Regional Attorneys  
Hearings Officers

**From:** Access and Eligibility Services Program Policy  
State Office 2115

**Subject: Health Insurance Portability and Accountability Act (HIPPA) –  
Notice of Privacy Practices**

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The information in this bulletin will be included in a future handbook revision. Until the handbook is updated, staff must use the information in this bulletin. If you have any questions regarding the policy information in this bulletin, follow regional procedures.

Active bulletins are posted on the following websites:

- Community Care Services Eligibility Handbook (CCSEH) at <https://hhs.texas.gov/laws-regulations/handbooks/case-worker-community-care-aged-disabled-handbook>.

## Health Insurance Portability and Accountability Act (HIPPA)– Notice of Privacy Practices

### Background

The HIPAA privacy rule requires HHSC to protect the privacy of a person's health information and limit the use and disclosure of that information without the person's permission.

HHSC is required to provide a notice that describes how a person's medical information may be used and disclosed and how the person can access their medical information.

The Notice of Privacy Practices explains the following:

- the person's privacy rights;
- the duties of HHSC to protect health information; and
- how HHSC may use or disclose health information without authorization. For example, HHSC may share a person's health information with their provider to arrange for Medical services or with other government entities to report suspected abuse or neglect.

### Current Policy

#### [CCSE](#)

Staff must send the HHS Notice of Privacy Practices to each person upon certification for Title XX and Title XIX programs. ([CCSE 1147](#), Privacy Notice)

### New Policy

#### [Title XX](#)

Staff must provide the Notice of Privacy Practices to each person upon certification and recertification for Title XX services.

Provide [Form 0401](#), Notice of Privacy Practices (English), or [Form 0401S](#), Aviso de Normas Sobre la Privacidad (Spanish), as appropriate, to each Title XX applicant:

- at initial certification; and
- at recertification after a break in service of 181 days or more.

Provide [Form 0403](#), Explanation of Health Information Privacy Rights, in person during the home visit or by mail to each Title XX recipient:

- at each annual recertification;
- after a break in services of at least 30 days but not more than 180 days; or
- when a new person is added to a case.

The Form 0403 provides a reminder of privacy practices and explains how to get a copy of the Form 0401.

**Note:** A person certified for Title XIX Medicaid services receives the Notice of Privacy Practices along with their initial notice of eligibility and at each recertification. Staff action is not required when the forms are generated by TIERS.

**Automation**

Changes to TIERS were implemented for Title XIX programs with Release 110.1 on September 13, 2021.

**Correspondence**

Form 0401 and Form 0403 are maintained by the HHS Privacy Division. Correspondence changes are not required.

**Handbook**

The CCSEH is currently scheduled to be updated in the December 2021 revision.

**Training**

Training is not required.

**Effective Date**

This policy effective immediately.