



COUNTY OF SAN LUIS OBISPO HEALTH AGENCY
BEHAVIORAL HEALTH DEPARTMENT

Nicholas Drews, *Health Agency Director*

Star Graber, *Behavioral Health Director*

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SmartCare Electronic Health Record (EHR) Client Access to Health Records

With the introduction to Connex, you have the right to access your health information via a third-party application (“app”) of your choosing. While San Luis Obispo County Behavioral Health (“SLOBH”) cannot recommend or provide specific app options to you, we can offer specific guidance on things to keep in mind while choosing an app that best suits your needs. If you choose to utilize an app to access your personal health information, you acknowledge that you understand and agree to the app accessing your health information.

Important things to consider:

- You should take an active role in protecting your health information. Don’t assume an app has your privacy and security as utmost importance. The best way to ensure your information is secure is to protect who has access to it.
- Not all apps will be covered by Health Insurance Portability and Accountability Act (HIPAA). Make sure the application you choose to use is covered by HIPAA and will protect your health information.
- Read the chosen app’s privacy policy and make sure you understand how it will use your data and information.

The Health Agency complies with Federal civil rights laws and does not discriminate on the basis of race, color, national origin, age, disability, sex or any other protected class

County of San Luis Obispo Health Agency

2180 Johnson Avenue | San Luis Obispo, CA 93401 | (P) 805-781-4719 | (F) 805-781-1273
slobehavioralhealth.org



Questions to consider when making a choice

These are questions you should keep in mind when deciding on which app to use to access your health information:

- 1) What health-related data will this app collect? What non-health-related data will it collect?
- 2) Will my data be stored in a de-identified manner that does not connect it to me?
- 3) How will my data be used? Will it or can it be sold for monetary gain?
- 4) Can I limit the app's use and disclosure of my data? Can I limit the access the app has of my data?
- 5) Is the app secure? Have there been any complaints of security issues?
- 6) If my data was shared, what would be the impact on my family?
- 7) Can I control the information collected through the app?
- 8) Does this app have a process for receiving and responding to complaints?
- 9) If I decide I don't want to use this app anymore, how do I terminate the app's access to my data?
- 10) What's the app's policy for deleting my data once I terminate access? Are there additional steps I need to take beyond deleting the app from my device?
- 11) Is the app authorized to access CalMHSA Connex? Verify with the app developer.

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Your Rights to Protection of Information

San Luis Obispo County Health Agency ('Health Agency') is what is considered a Hybrid Entity under HIPAA. There are specific departments and divisions within the Health Agency that are covered by HIPAA and others that are not. The portions of the Health Agency that are covered under HIPAA are the following:

- All of Health Agency Administration
- All of Mental Health Division
- All of Drug and Alcohol Division
- Select Divisions of Public Health including:
 - Family Health Services
 - Health Care Services
 - Public Health Laboratory
 - Oral Health Program

Similar to the Health Agency, certain apps may or may not be covered under HIPAA as a covered entity. Non-covered apps do not have to maintain privacy and security under HIPAA that covered apps do. It is important to make sure the app you use is covered under HIPAA.

Despite not being covered under HIPAA, most apps are covered by the Federal Trade Commission (FTC). The FTC provides consumer protection against deceptive acts, such as an app sharing personal data. While this is not the same protection as HIPAA for health information, it is general protection consumers have against false pretenses. An app does not have to be covered by HIPAA to guarantee that it protects health information.

If the app is covered under HIPAA, the Office of Civil Rights (OCR), a division of Health and Human Services (HHS), enforces your rights

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under HIPAA. Please refer to our Notice of Privacy Practices for additional information on those specific rights. You can also find out more by going to HHS.gov.

The FTC has information regarding mobile app privacy and security for consumers on their website (<https://consumer.ftc.gov/articles/how-websites-and-apps-collect-and-use-your-information>).

If an app is subject to HIPAA, you can visit HHS.gov to view information about client rights and determine if the app is violating those rights (<https://www.hhs.gov/hipaa/for-individuals/guidance-materials-for-consumers/index.html>).

HHS also has an FAQ available for consumers (<https://www.hhs.gov/hipaa/for-individuals/faq/index.html>)

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Filing a Complaint

If you believe an app violated your rights, you can file a complaint with the FTC or the OCR.

To file a complaint with HHS: <https://www.hhs.gov/hipaa/filing-a-complaint/index.html>

To file a complaint with OCR:

<https://ocrportal.hhs.gov/ocr/smartscreen/main.jsf>

To file a complaint with FTC: <https://reportfraud.ftc.gov/>

You may also file a complaint with County of San Luis Obispo Health Agency:

Scott Gill, Privacy & Compliance Officer
Gary Harper, Privacy & Compliance ASO
2180 Johnson Ave
San Luis Obispo, CA 93401
Phone: 805-781-4788
Email: HA.Compliance@co.slo.ca.us
Calling our Hotline: 855-326-9623

You may also file a complaint with us by using our Complaint form found on our website titled, “Health Information Privacy and Security Complaint form” [Health Agency HIPAA Support Forms \(ca.gov\)](https://www.co.slo.ca.gov/health-agency-hipaa-support-forms)

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