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Governor

OFFICE OF AIDS (OA)  
AIDS Drug Assistance Program (ADAP)

Management Memorandum  
Memorandum Number: 2019-16

DATE: SEPTEMBER 3, 2019  
TO: ADAP ENROLLMENT WORKERS  
SUBJECT: UPDATES TO THE NOTICES OF PRIVACY PRACTICES

The purpose of this memo is to inform enrollment workers that OA has updated the ADAP Notice of Privacy Practices with added data sharing disclosures regarding federal requirements to be payer of last resort, and has created a separate Notice of Privacy Practices for the Pre-Exposure Prophylaxis Assistance Program (PrEP-AP).

Effective September 1, 2019, versions of the ADAP Notice of Privacy Practices dated prior to May 30, 2019, will not be accepted, and the PrEP-AP Notice of Privacy Practices dated June 18, 2019, must be used for PrEP-AP purposes.

### Revisions

As a condition for funding, the federal Health Resources & Services Administration requires OA to ensure that all other potential payer sources are identified for individuals applying for and receiving program services, and that those payers are billed for services prior to OA. OA fulfills this mandate by coordinating eligibility screening with other health care payers (e.g. Medi-Cal, Medicare, public and private health plans, employer-sponsored insurance) and by recouping through backbilling any OA funds used to pay for a client service for which the other payer is liable.

Through the eligibility screening process (including annual and semi-annual recertifications), it may be determined by OA's Pharmacy Benefits Manager (PBM) that a client has active health insurance benefits, either as the primary policyholder or as a dependent on someone else's policy. Enrollment workers should advise clients that in this event, OA's PBM will automatically backbill the insurer for paid claims.

**NOTE:** Payment of claims may generate a notice from the insurer to the policyholder over which OA has no control.

Both the English and Spanish ADAP and PrEP-AP Notices of Privacy Practices now include language that advises clients of said backbilling authority:

*SOME OTHER WAYS [ADAP/PrEP-AP] MAY SHARE YOUR INFORMATION*

*The law also allows [ADAP/PrEP-AP] to use or disclose information [ADAP/PrEP-AP] has about you for the following reasons:*

- To Federal, State, or private entities for purposes of obtaining reimbursement for services as the payer of last resort; such activities may create an explanation of benefits that could be sent to a primary policyholder who may not be the [ADAP/PrEP-AP] client.*

The Notices of Privacy Practices are now available online at  
<https://www.cdph.ca.gov/Programs/CID/DOA/Pages/OAadap.aspx>.

Please contact your ADAP Advisor if you have any questions regarding the information provided in this memo.

Thank you,

Sandra Robinson, MBA  
Chief, ADAP Branch  
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