



Purpose: The purpose of this policy and procedure is to describe and outline how covered entities will provide individuals adequate notice of the uses and disclosures of their protected health information that may be made by the covered entities and/or business associates of the covered entity, in ensuring individual privacy rights, and outlining the covered entity's duties with respect to protected health information in accordance with the Health Insurance Portability and Accountability Act of 1996, as modified by the Health Information Technology for Economic Clinical Health Act of 2009.

Scope: Under HIPAA, a covered entity shall be defined as a healthcare provider who must comply with the Rules' requirements to protect the privacy and security of health information and must provide individuals with certain rights in respect to their health information.

Policy:

Covered entity will:

1. Notify each individual of their privacy rights and the covered entity's duties with respect to handling protected health information
2. Include in Notice the process for filing a complaint with the covered entity and/or the Department of Health and Human Services
3. Offer and provide, on request the covered entity's Notice of Private Practice to each individual or their responsible party
4. Make a good faith effort to obtain a written acknowledgement of receipt of the notice and if not obtained, document efforts to obtain such acknowledgement and the reason why the acknowledgement was not obtained,
5. Determine and document as individuals preferred methods of communication
6. Adhere to federal HIPAA rules except in cases where state law is more stringent
7. Abide by the terms of the Notice currently in effect
8. Promptly revise and redistribute its Notice whenever there is a material change to the uses or disclosures, the individual's rights, the covered entity's legal duties, or other privacy practices stated in the Notice.

Availability and Provision of the Notice:

1. The Notice will be offered in plain language
2. The Notice will be included in the admission packet and each admitting individual will be offered a copy of the Notice. The Notice will be offered and provided on request on the date of the first service delivery or in an emergency treatment situation, as soon as reasonably practicable- after the emergency treatment situation. The delay in providing the Notice due to emergency situations will be documented in the medical record
3. The Notice will be posted in a clear and prominent location in a public location at wheelchair height
4. Where there is a physical service delivery, the Notice will be available at the service delivery site for individuals to request to take with them
5. Copies of the Notice will be available to individuals, family members, and visitors
6. The Notice will be sent electronically if the individual requests and agrees to an electronic Notice



Documentation of Provision of Notice:

1. Covered entity will retain copies of the Notices issued
2. The covered entity will document and retain written acknowledgment of receipt of the Notice or documentation of good faith efforts to obtain such written acknowledgment
3. Documentation will be maintained in the individual's record for a period of no less than ten days

Procedure:

Elements of the Notice:

1. A statement of the covered entity's duties with respect to PHI
2. A description of the types of uses and disclosures that the covered entity is permitted to make for purposes of treatment, payment, and/or healthcare operations
3. A description of each of the other purposes for which the covered entity is permitted or required to use and/or disclose PHI without an individual's consent or authorization
4. A statement that other uses or disclosures will be made only with the individual's written authorization, and that the authorization may be revoked
5. A statement of the individual's rights with respect to his or her PHI, and brief description of how the individual may exercise those rights
6. A statement containing information about how a complaint may be filed regarding violations of privacy rights and an assurance that the individual will not be retaliated for filing a complaint
7. The name, title, and telephone number of the person to contact for further information
8. The effective date of the Notice
9. The individual's right to opt-out of inclusion in facility directories, as applicable
10. The covered entity may contact the individual to raise funds and the individual has a right to opt out of receiving such communication
11. The individual's right to request restrictions on certain uses and disclosures of protected health information, including a statement that the covered entity is not required to agree to a requested restriction.
12. The individual's right to receive confidential communications of protected health information
13. The individual's right to receive an accounting of disclosures of protected health information