

**HEALTH SCIENCE CENTER HANDBOOK OF OPERATING PROCEDURES**

Chapter 11	Patient Privacy Policies	Effective:	April 2003
Section 11.3	Patients' Rights in Regard to Privacy of Protected Health Information	Revised:	May 2007
<b>Policy 11.3.4</b>	<b>Notice of Privacy Practices</b>	Responsibility:	Assistant Vice President for Regulatory Affairs & Compliance

## NOTICE OF PRIVACY PRACTICES

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### Policy

An individual has a right to receive adequate notice of the uses and disclosures of protected health information that may be made by the Health Science Center, and of the individual's rights and the Health Science Center's responsibilities with respect to protected health information. The Health Science Center is required to provide a "Notice of Privacy Practices" document to all patients or to any individual requesting a copy.

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### Definitions

DIRECT TREATMENT RELATIONSHIP: Relationship between an individual and a healthcare provider that is not an indirect treatment relationship.

INDIRECT TREATMENT RELATIONSHIP: Relationship between an individual and a healthcare provider in which the provider delivers healthcare to the individual based on the orders of another healthcare provider; and the provider typically provides services or products, or reports the diagnosis or results associated with the healthcare directly to another healthcare provider, who provides the services or products or reports to the individual.

PROTECTED HEALTH INFORMATION: Individually identifiable health information transmitted or maintained in any form or medium, including oral, written, and electronic. Individually identifiable health information relates to an individual's health status or condition, furnishing health services to an individual or paying or administering health care benefits to an individual. Information is considered protected health information where there is a reasonable basis to believe the information can be used to identify an individual.

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### Provision of Notice of Privacy Practices

When there is a direct relationship with an individual, the Health Science Center must:

1. Provide the "Notice of Privacy Practices" no later than the date of the first service delivery, including service delivered electronically, to such individual;
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2. Make a good faith effort to obtain a written acknowledgement of the receipt of "Notice of Privacy Practices" from the patient;
  3. Have the "Notice of Privacy Practices" available at the service delivery site for individuals to request to take with them;
  4. Post the "Notice of Privacy Practices" in a clear and prominent location where it is reasonable to expect individuals seeking service from the Health Science Center to be able to read the "Notice of Privacy Practices"; and,
  5. Whenever the "Notice of Privacy Practices" is revised, make the "Notice of Privacy Practices" available upon request on or after the effective date of revision.

Exceptions:

Emergency Treatment: If the Health Science Center is treating a patient during an emergency situation, the Health Science Center does not have to provide a "Notice of Privacy Practices" at the time of first service delivery. The Health Science Center may delay the requirement for provision of notice and good faith effort of written acknowledgement until reasonably practicable after the emergency treatment situation.

Inmates: An inmate of a correctional institution receiving medical attention from the Health Science Center does not have a right to receive a copy of the "Notice of Privacy Practices".

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**Content of Notice of Privacy Practices**

The Health Science Center must provide a "Notice of Privacy Practices" that is written in plain language and contains the following elements. Any exceptions must be approved by the Office of Compliance & Consultation.

Header. The "Notice of Privacy Practices" must contain the following statement as a header or have it otherwise prominently displayed: "This Notice describes how medical information about you may be used and disclosed and how you can get access to this information. Please review it carefully."

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Uses and Disclosures. The “Notice of Privacy Practices” must contain:

- a. A description, including at least one example of the types of uses and disclosures that the Health Science Center is permitted to make for each of the following purposes: treatment, payment, and health care operations.
- b. A description of each of the other purposes for which the Health Science Center is permitted or required to use or disclose protected health information without the individual's written authorization.
- c. A statement that other uses and disclosures will be made only with the individual's written authorization and that the individual may revoke such authorization by following the procedures in [Section 11.2.3](#) of the *Handbook of Operating Procedures* (HOP), “Uses and Disclosures of Protected Health Information Based on Patient Authorization” and [Section 11.3.3](#), “Revocation of Authorization to Use or Disclose Protected Health Information”.
- d. A statement that the Health Science Center may contact the individual to provide appointment reminders or information about treatment alternatives or other health-related benefits and services that may be of interest to the individual.
- e. A statement that the Health Science Center may contact the individual to raise funds for the covered entity.

Individual Rights. The notice must contain a statement of the individual's rights with respect to protected health information and a brief description of how the individual may exercise these rights, as follows:

- a. The right to request restrictions on certain uses and disclosures of protected health information as provided by [Section 11.3.5](#) of the HOP, “Right to Restrict Uses and Disclosures and Confidential Communications of Protected

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Health Information”, including a statement that the Health Science Center is not required to agree to a requested restriction;

- b. The right to receive confidential communications of protected health information as provided by the above referenced policy;
- c. The right to inspect and copy protected health information as provided by [Section 11.3.6](#) of the HOP, “Access of Individual to Protected Health Information”.
- d. The right to request amendment to protected health information as provided by [Section 11.3.2](#) of the HOP, “Patient Right to Amend Protected Health Information”; and,
- e. The right to receive an accounting of disclosures of protected health information as provided by [Section 11.3.1](#) of the HOP, “Accounting of Disclosures of Protected Health Information”.

The Health Science Center’s Duties. The “Notice of Privacy Practices” must contain a statement that the Health Science Center:

- a. Is required by law to maintain the privacy of protected health information and to provide individuals with notice of its legal duties and privacy practices with respect to protected health information;
- b. Is required to abide by the terms of the “Notice of Privacy Practices” currently in effect; and,
- c. Reserves the right to change the terms of its “Notice of Privacy Practices” and to make the new “Notice of Privacy Practices” provisions effective for all protected health information that it maintains. The statement must also describe how it will provide individuals with a revised “Notice of Privacy Practices”.

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Complaints. The "Notice of Privacy Practices" must contain a statement that individuals may complain to the Health Science Center and to the Secretary of the Department of Health and Human Services if they believe their privacy rights have been violated. A brief description of how the individual may file a complaint with the Health Science Center, and a statement that the individual will not be retaliated against for filing a complaint.

Contact. The "Notice of Privacy Practices" must contain the name, or title, and telephone number of a person or office to contact for further information.

Effective date. The "Notice of Privacy Practices" must contain the date on which the "Notice of Privacy Practices" is first in effect, which may not be earlier than the date on which the "Notice of Privacy Practices" is printed or was otherwise published.

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### **Requirements for Electronic Notice**

1. The Health Science Center will provide an electronic version of the "Notice of Privacy Practices". A copy of the "Notice of Privacy Practices" as provided in paper format is available, as well as a comprehensive version that provides greater detail of the "Notice of Privacy Practices" requirements if desired by a patient or patient representative.
2. The Health Science Center may provide the "Notice of Privacy Practices" to an individual by e-mail, if the individual agrees to electronic notice and such agreement has not been withdrawn. If the Health Science Center knows that the e-mail transmission has failed, a paper copy of the notice must be provided to the individual. Provision of electronic notice by the Health Science Center will satisfy the provision requirements if receipt of the "Notice of Privacy Practices" by the individual is documented.
3. If the first service delivery to an individual is delivered electronically, the Health Science Center must provide electronic "Notice of Privacy Practices" automatically and contemporaneously in response to the individual's first request for service.

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4. The individual who is the recipient of electronic "Notice of Privacy Practices" retains the right to obtain a paper copy of the "Notice of Privacy Practices" from the Health Science Center upon request.
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### **Retention and Revisions**

The Health Science Center must document compliance with the "Notice of Privacy Practices" requirements by retaining copies of the "Notice of Privacy Practices" issued by the Health Science Center. All "Notice of Privacy Practices" must be maintained for a period of six years past any revision dates. The Health Science Center must retain [Acknowledgement of Receipt of Notice of Privacy Practices](#) for at least six years.

The Health Science Center must promptly revise and distribute its "Notice of Privacy Practices" whenever there is a material change to the uses or disclosures, the individual's rights, the Health Science Center's legal duties, or other privacy practices stated in the notice. Except when required by law, a material change to any term of the "Notice of Privacy Practices" may not be implemented prior to the effective date of the "Notice of Privacy Practices" in which such material change is reflected.

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### **Joint Notice of Privacy Practices**

The Health Science Center participates in organized health care arrangements, and a joint "Notice of Privacy Practices" may be used, provided that:

1. The entities participating in the organized health care arrangement agree to abide by the terms of the "Notice of Privacy Practices" with respect to protected health information created or received by the covered entity as part of its participation in the organized health care arrangement;
  2. The joint "Notice of Privacy Practices" meets the implementation specifications, except that the statements required by this section may be altered to reflect the fact that the "Notice of Privacy Practices" covers more than one covered entity; and,
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- a. Describes with reasonable specificity the entities, or class of entities, to which the joint "Notice of Privacy Practices" applies; and,
  - b. Describes with reasonable specificity the service delivery sites, or classes of service delivery sites, to which the joint "Notice of Privacy Practices" applies; and
  - c. If applicable, states that the covered entities participating in the organized health care arrangement will share protected health information with each other, as necessary to carry out treatment, payment, or health care operations relating to the organized health care arrangement.
3. The entities included in the joint "Notice of Privacy Practices" must provide the "Notice of Privacy Practices" to individuals in accordance with the applicable implementation specifications. Provision of the joint "Notice of Privacy Practices" to an individual by any one of the entities included in the joint "Notice of Privacy Practices" will satisfy the provision requirement with respect to all others covered by the joint "Notice of Privacy Practices".
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