

HIPAA Privacy Policy No. 2

Notice of Privacy Practices Policy

Policy:

2.1 Notice Requirement

All patients must be given a HIPAA Notice of Privacy Practices (the “Notice”), which will provide notice of the following:

- The ways in which the practice will use and disclose the patient’s personal health information
- The patient’s rights under HIPAA
- The practice’s duties under HIPAA

2.2 Provision of Notice

The Notice must be provided on or before the first encounter with the patient (e.g., the first office visit). The Notice does not have to be provided on subsequent visits, but copies must be available on later visits and provided to patients upon request.

The Notice may be delivered electronically (e.g., by e-mail) but the patient must first agree to receive notice in this manner. If the practice receives information that the electronic Notice was not deliverable, a paper copy must be provided.

2.3 Posting of Notice

The Notice must be posted in a clear and prominent location in the office (in such a place where the patient would reasonably be expected to look).

If the practice has a website, a copy of the Notice must be displayed on the website.

2.4 Acknowledgement of Receipt of Notice

At the time the patient is provided with the Notice, the practice must make a good faith effort to obtain a signed Acknowledgement of Receipt of Notice from the patient or the patient’s personal representative (for a discussion of who can be a patient’s personal representative, see Policy No. 1). The Acknowledgement of Receipt of Notice is a statement that the patient has received the Notice. If a signed Acknowledgement of Receipt of Notice cannot be obtained, the practice must document the good faith efforts that were made to obtain the Acknowledgement why it could not be obtained. If the Acknowledgement could not be obtained because of an emergency, the practice must make good faith efforts to obtain the signed or initialed Acknowledgement as soon as practicable after the emergency situation has ended.

2.5 Revisions to Notice

The Notice must be revised if there are material changes affecting any of the following:

- The practice's uses and disclosures of the patient's information
- The individual's rights
- The practice's duties
- Any other change to the practice's privacy practices

If revisions are made to the Notice because of a material change discussed above, the revised Notice must be distributed to all new patients, but does not have to be redistributed to patients who have already received the notice. The revised Notice must be posted in the office, on the website, and made available to anyone who asks for it.

2.6 Retention of Notice

The Privacy Officer must keep copies of all versions of the Notice for at least six years. Signed Acknowledgement of Receipt of Notice forms and "Good Faith Effort" forms must also be kept for at least six years.

Procedure:

1. The Privacy Officer will be responsible for posting the Notice in the waiting area, or other location where patients will see it, as well as on the practice's website, if applicable.
2. When a patient signs in for an office visit, front office staff is responsible for checking to see if the patient has previously signed an acknowledgement of receipt of Notice.
3. If the patient has not signed an Acknowledgement of Receipt of Notice, the patient must be given a copy of the current Notice of Privacy Practice and a signed Acknowledgement of Receipt of Notice must be signed.
4. The completed and signed Acknowledgement of Receipt of Notice will be kept on file (either in the patient's chart or a separate filing system).
5. If a patient refuses to sign the Acknowledgement of Receipt of Notice, or is unable because of an emergency situation, the practice will complete a "Good Faith Effort" form and maintain that in the file in lieu of the Acknowledgement of Receipt of Notice.
6. If a signed Acknowledgement of Receipt of Notice cannot be obtained because of an emergency, the practice will obtain the signed Acknowledgement of Receipt of Notice as soon as practicable after the emergency situation has ended or on the next treatment date, if necessary.
7. If the Notice is revised because of a material change in the practice's privacy practices, the Privacy Officer will coordinate the reposting of the Notice on the wall and on the website, if applicable. The Privacy Officer will also be

responsible for replacing any outdated Notices maintained in the office for distribution to patients.

8. The Privacy Officer is responsible for retaining copies of the Notice and all revisions in a file for at least six years.
9. The Privacy Officer is responsible for ensuring that the practice retains a copy of the Acknowledgement or "Good Faith Effort" forms for at least six years.

Authorities:

45 CFR §164.520 (Notice)

45 CFR §164.530 (Documentation and retention)