

PRIVACY NOTICE POLICY

Policy:

Notwithstanding anything in this Policy and Procedure to the contrary, to the extent the ENTITY is acting as a Business Associate, it must comply with Policy 7, *Business Associate Policy*, and Policy 7A, *ENTITY as Business Associate Policy*.

1.1 Privacy Notice Requirement

All patients who receive direct care or services from the ENTITY must be given a Privacy Notice by the applicable ENTITY, which will provide information on:

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

1.2 Provision of Privacy Notice

The Privacy Notice must be provided on or before the first encounter with the patient (e.g., the day of the procedure). If the patient returns to the ENTITY for another procedure, the Privacy Notice does not have to be provided again unless the Privacy Notice has been revised since the patient's last visit. Copies must always be available and provided to patients upon request.

The Privacy Notice may be delivered electronically (e.g., by e-mail) but the patient must first agree to receive the Privacy Notice in this manner. If the ENTITY receives information that the electronic Privacy Notice was not deliverable, a paper copy must be provided. Email notice must be given no later than the first date service is delivered. If the first service delivered to a patient is delivered electronically, the ENTITY will provide electronic notice automatically and simultaneously in response to the patient's first request for service.

If the first treatment encounter is by telephone, the ENTITY will provide the Privacy Notice by mailing the notice to the patient on the day of the telephone call (unless the patient agrees to electronic delivery as specified above).

An initial contact to schedule an appointment does not trigger the Privacy Notice and acknowledgement requirements.

1.3 Posting of Privacy Notice

The Privacy Notice must be posted in a clear and prominent location on the ENTITY's premises (in such a place where the patient would reasonably be expected to look), e.g., the waiting area. If the Privacy Notice is revised, the posted version must promptly be replaced with the new version.

If the ENTITY has a web site, a copy of the Privacy Notice must be displayed on the web site. If the Privacy Notice is revised, the web site must also be updated with the revised version.

1.4 Acknowledgment of Privacy Notice

At the time the patient is provided with the Privacy Notice, the ENTITY must make a good faith effort to obtain a signed or initialed acknowledgment from the patient or the patient's personal representative (for a discussion of who can be a patient's personal representative, see *Personal Representative Policy*). The acknowledgment is a statement that the patient has received the Privacy Notice. If a signed or initialed acknowledgment cannot be obtained, the ENTITY must document the good faith efforts that were made to obtain the acknowledgment and the reason why the acknowledgment could not be obtained. If the acknowledgment cannot be obtained because of an emergency, the ENTITY must make good faith efforts to obtain the signed or initialed acknowledgment as soon as practical after the emergency situation has ended. Mailing or emailing an acknowledgement form in the event of a first encounter by telephone or electronically, to be returned by the patient, will satisfy the acknowledgement requirements.

1.5 Revisions to Privacy Notice

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

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

If revisions are made to the Privacy Notice because of a material change discussed above, the revised Privacy Notice must be redistributed to patients who return for another surgery or procedure. The revised Privacy Notice must also be made available and provided to patients or other persons. The revised Privacy Notice must also be posted in the waiting area and, if applicable, on the web site to replace the existing Privacy Notice.

It is the policy of this ENTITY that the Privacy Officer will assure that revised versions of the Privacy Notice are promptly displayed and distributed.

1.6 Retention of Privacy Notice

The Privacy Officer must keep copies of all versions of the Privacy Notice for at least six years. Signed acknowledgments 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 Privacy Notice in the waiting area of the ENTITY's premises, or other location where patients will see it, as well as on the ENTITY's web site, if applicable.

2. When a patient signs in for a procedure, the reception area staff is responsible for determining whether the patient has visited the ENTITY in the past and checking to see if the patient has a signed or initialed acknowledgment on file.
3. If the patient does not have a signed or initialed acknowledgment on file, employees are responsible for giving the patient a copy of the current Privacy Notice and obtaining a signed or initialed acknowledgment.
4. Employees will place a copy of the signed or initialed acknowledgment in the front of the patient's chart.
5. If an employee is unable to get a signed or initialed acknowledgment, he or she is responsible for completing a "Good Faith Effort" Form and placing a copy in the front of the patient's chart (with copy to Privacy Officer).
6. If the acknowledgment cannot be obtained because of an emergency, employees will obtain the signed acknowledgment as soon as practical after the emergency situation has ended. If the acknowledgment cannot be obtained on that date of service, a "Good Faith Effort" Form will be completed and an attempt will be made to get the acknowledgment signed on the next date of service.
7. If the Privacy Notice is revised because of a material change in the ENTITY's privacy practices, the Privacy Officer will coordinate the in person distribution of the revised Privacy Notice to all patients and will replace the existing Privacy Notice form posted in the ENTITY and on the web site.
8. The Privacy Officer is responsible for retaining copies of the Privacy Notice and all revisions in a file for at least six years.
9. The Privacy Officer is responsible for ensuring that the ENTITY retains a copy of the acknowledgment or "Good Faith Effort" forms for at least six years.

Authorities:

45 CFR §164.520 (Privacy Notice)

45 CFR §164.530 (Documentation and retention)