

Policy and Procedure

Subject: **The Health Center’s Notice of Privacy Practices**

Issued By:	HCHN Management	Policy #:
Prepared By:	Susan Siwek	Revision:
Approved By:	HCHN Board of Directors	Effective Date:

Policy:

Hamilton Community Health Network will develop and maintain a notice of privacy practices that provides its patients with adequate notice of the uses and disclosures of protected health information that may be made by HCHN, and of a patient’s rights and HCHN’s legal duties with respect to this information. HCHN will not use or disclose protected health information in a manner inconsistent with its notice. [§§ 164.502(j) & 164.520(a)(1)]

Procedure:

1. Plain Language/Header. The notice will be written in plain language and will include the following statement as a header or 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.” [§ 164.520(b)(1)(i)]

2. Description of Uses and Disclosures. The notice will contain:

- a. a description, including at least one example, of the types of uses and disclosures that HCHN is permitted to make to carry out treatment, payment and health care operations.
- b. a description of each of the other purposes for which HCHN is permitted or required to use or disclose protected health information without the patient’s written authorization.
- c. if a use or disclosure for any of the above purposes, as described in the Privacy Rule, is prohibited or materially limited by other applicable law, the above descriptions must reflect the more stringent law.
- d. a statement that other uses and disclosures will be made only with the patient’s written authorization and that the patient may revoke his or her authorization as provided by the Privacy Rule and HCHN’s policy and procedure governing authorizations.

[paragraphs (e) - (g) must be included in this policy and procedure if the Health Center intends to engage in these activities:]

- e. a separate statement that HCHN may contact the patient to provide appointment reminders.
- f. a separate statement that HCHN may contact the patient to provide information about treatment alternatives or other health-related benefits and services that may be of interest to the patient.
- g. a separate statement that HCHN may contact the patient to raise funds for the Health Center.

Each type of use or disclosure described in the notice must be described in sufficient detail to place the patient on notice of the uses and disclosures that are permitted or required by the Privacy Rule or other applicable law. [§§ 164.520(b)(1)(ii)-(iii); 164.514(f)(2)(i)]

3. Statement of the Patient's Rights. The notice will contain a statement of the following patient's rights with respect to protected health information and a brief description of how the patient may exercise these rights, as provided by the Privacy Rule and HCHN's policies and procedures:

- a. the right to request restrictions on certain uses and disclosures of protected health information.
- b. the right to receive confidential communications of protected health information.
- c. the right to inspect and copy protected health information.
- d. the right to amend protected health information.
- e. the right to receive an accounting of disclosures of protected health information.
- f. the right of a patient, including a patient who has agreed to receive the notice electronically, to obtain a paper copy of the notice from HCHN upon request. [§ 164.520(b)(1)(iv)]

4. Statement of the HCHN's Duties. The notice will contain:

- a. a statement that HCHN is required by law to maintain the privacy of protected health information and to provide patients with notice of HCHN's legal duties and privacy practices with respect to protected health information;

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- b. a statement that HCHN is required to abide by the terms of the notice currently in effect; and
 - c. a statement that HCHN reserves the right to change the terms of its notice and to make the new notice provisions effective for all protected health information that it maintains, including protected health information that it created or received prior to issuing a revised notice, and a statement describing how HCHN will provide patients with a revised notice. [§ 164.520(b)(1)(v)]

5. Complaints. The notice will contain a statement that patients may complain to the Health 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 patient may file a complaint with HCHN, and a statement that the patient will not be retaliated against for filing a complaint. [§ 164.520(b)(1)(vi)]

6. Contact Information. The notice will contain the name or title, and the telephone number of HCHN's privacy contact person(s) to contact for further information, as provided by the Privacy Rule and HCHN's policies and procedures. [§ 164.520(b)(1)(vii)]

7. Effective Date. The notice will, in the upper right hand corner of the first page, specify the date on which the notice is first in effect, which may not be earlier than the date on which the notice is printed or otherwise published. [§ 164.520(b)(1)(viii)]

8. A Description of Any Limitation on Uses or Disclosures. If HCHN elects to limit the uses or disclosures that it is permitted to make under the Privacy Rule or other applicable law, HCHN may describe its more limited uses or disclosures, provided that HCHN may not include a limitation affecting its right to make a use or disclosure that is required by law or authorized by law to avert a serious threat to health or safety, as provided by the Privacy Rule and HCHN's policies and procedures. [§ 164.520(b)(2)]

9. Revisions to the Notice. HCHN will promptly revise and distribute its notice and, as applicable, will revise its written policies and procedures, whenever there is a material change to the uses or disclosures, patient rights, Health Center duties, or other privacy practice stated in the notice. Except when required by law, HCHN may not implement a material change in its privacy practices prior to the effective date of the notice in which the material change is reflected. [§ 164.520(b)(3)]

This policy and procedure shall be periodically reviewed and updated consistent with the requirements and standards established by the Board of Directors and by HCHN management, federal and state law and regulations, and applicable accrediting and review organizations.