

Mountain Valleys Health Centers

Policy: Notice of Privacy Practices Policy	Folder: HIPAA , Notice of Privacy Practices
Document Owner: Shiloh Noah (Compliance Manager)	
Effective Date: 04/14/2003	Procedure Revised/Approved: 07/24/2017
Policy Revised/Approved: N/A	Reviewed/Approved No Changes: 10/24/2021

Printed copies are for reference only. Please refer to the electronic copy for the latest version.

Policy:

Mountain Valleys Health Centers (MVHC) 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 MVHC, and of a patient's rights and MVHC's legal duties with respect to this information. MVHC will not use or disclose protected health information in a manner inconsistent with its notice. [§§ 164.502(j) & 164.520(a)(1)]

Procedure:

The Notice of Privacy Practices (NPP) is written in plain language and includes 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)]

The effective date of the NPP is displayed in the upper right hand corner of the document. This date may not be earlier than the date on which the NPP is printed or otherwise published. **45 CFR [§ 164.520(b)(1)(viii)]**

Each type of use or disclosure described in the NPP 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. **45 CFR [§164.520(b)(1)(ii)-(iii) & 164.514(f)(2)(i)]**

MVHC may elect to limit the uses or disclosures that it is permitted to make under the Privacy Rule or other applicable law in which case MVHC must describe its more limited uses or disclosures. MVHC may not include a limitation to a use or disclosure of PHI that is required by law or authorized by law for the purpose of averting a serious threat to health or safety, as provided by the Privacy Rule and MVHC's policies and procedures. **45 CFR [§ 164.520(b)(2)]**

MVHC will promptly revise and distribute its NPP 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, MVHC 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. **45 CFR [§ 164.520(b)(3)]**

Statements Required by Law

The NPP shall contain the following:

- a. A statement that MVHC is required by law to maintain the privacy of PHI and to provide patients with a notice of MVHC's legal duties and privacy practices with respect to PHI;
- b. A statement of MVHC's obligation to notify affected individuals following a breach of PHI;
- b. A statement that MVHC is required to abide by the terms of the notice currently in effect; and
- c. A statement that MVHC reserves the right to change the terms of its notice and to make the new notice provisions effective for all PHI that it maintains, including PHI that it created or received prior to issuing a revised notice, and a statement describing how MVHC will provide patients with a revised notice.

45 CFR [§ 164.520(b)(1)(v)]

Description of Uses and Disclosures

MVHC's practices for disclosures of protected health information (PHI) described in the NPP are based on the Privacy Rule or other applicable law depending on which is more stringent. The NPP will contain:

- a. A description, including at least one example, of the types of uses and disclosures that MVHC is permitted to make to carry out treatment, payment and health care operations without the patient's written authorization;
- b. A description of each of the other purposes for which MVHC 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 MVHC's policy and procedure governing authorizations.

Paragraphs (e) - (g) must be included in this policy and procedure if MVHC intends to engage in these activities:

- e. A separate statement that MVHC may contact the patient to provide appointment reminders;
- f. A separate statement that MVHC 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 MVHC may contact the patient for the purpose of raising funds providing the notice includes the patient's right to opt out of receiving such communication.

Description of Patient Rights

The NPP will contain a statement of the following patient's rights with respect to PHI and a brief description of how the patient may exercise these rights, as provided by the Privacy Rule and MVHC's policies and procedures:

- a. The right to request restrictions on certain uses and disclosures of PHI, including a statement that MVHC is not required to agree to a requested restriction except in the case of a request for restricted disclosure to a health plan for items fully paid for out of pocket;
- b. The right to receive confidential communications of PHI;
- c. The right to inspect and copy PHI;
- d. The right to amend PHI;
- e. The right to receive an accounting of disclosures of PHI;
- 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 MVHC upon request.

45 CFR [§164.520(b)(1)(iv) & 164.522 (a)(1)(vi)]

Privacy Complaints

The NPP will contain a statement that patients may complain to MVHC and to the Secretary of the Department of Health and Human Services if they believe their privacy rights have been violated. It will include a brief description of how the patient may file a complaint with MVHC, and a statement that the patient will not be retaliated against for filing a complaint.

45 CFR [§ 164.520(b)(1)(vi)]

The NPP will contain the name or title, and the telephone number of MVHC's privacy contact person(s) to contact for further information, as provided by the Privacy Rule and MVHC's policies and procedures. **45 CFR [§ 164.520(b)(1)(vii)]**

Forms: Notice of Privacy Practices – Corpshare R: drive. Forms folder>HIPAA Forms folder>Notice of Privacy Practices folder; Documentation of Acknowledgement not Received – Corpshare R: drive. Forms folder>HIPAA Forms folder>Notice of Privacy Practices folder;

References: **45 CFR [§ 164.520(b)] 45 CFR [164.522]; 45 CFR 164.514(f)(2)(i)]**

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Related Documents: Implementation of the Notice of Privacy Practices P&P

History Chart begins on the following page.

History added 2013 (may not be all inclusive)

History		
Date	By Whom	Summary (revised created reviewed deleted etc.)
4/14/2003	Board	Initial Approval
1/30/2012	Board	Reviewed
5/24/2013	MSalters	Updated template, drafted revision to the procedure
9/19/2014	QC P&P Committee	Approved the revision to the procedure
12/4/2014	Msalters	Updated the template and set as approved in PolicyTech
5/2/2016	Msalters	Updated the template to the current standardized template and drafted revision to the procedure. Added the acronym NPP for Notice of Privacy Practices. Minimal edits to the content some reformatting of information. Created the questionnaire.
5/27/2016	QC as designated in PolicyTech	Approved the revision to the procedure.
5/19/2017	Msalters	Drafted minor edit to the procedure -
07/24/2017	QC as designated in PolicyTech	Approved the revision to the procedure.
10/23/2019	Msalters	Reviewed/Approved with no changes. Set the P&P as no revision necessary to reset the review interval. Edited in state to update the template and the history chart.
9/1/2020	Msalters	Reviewed/Approved with no changes. Set the P&P as no revision necessary to reset the review interval. Edited in state to update the template and the history chart. Edited Assignees
10/24/2021	Msalters	Reviewed/Approved with no changes. Set the P&P as no revision necessary to reset the review interval. Edited in state to update the template and the history chart. Edited Assignees
9/13/2022	Snoah	Reviewed/Approved with no changes. Set the P&P as no revision necessary to reset the review interval. Edited in state to update the template and the history chart. Edited Assignees

