

# Providing Notice of Privacy Practices

## Purpose

Defines the process for the Notice of Privacy Practices, sets forth procedures for distributing and amending the notice, and outlines procedures for handling questions and complaints. The Health Insurance Portability and Accountability Act of 1996 (HIPAA) requires that each patient is provided a copy of the MidAtlantic Ophthalmology Notice of Privacy Practices at the first date of service.

## Administration

The Office Manager is responsible for the administration of and subsequent revisions to this policy.

## Definitions

***Note:** The definitions below are in compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA).*

***Disclosure-*** means the release, transfer, provision of access to, or divulging in any manner of information outside MidAtlantic Ophthalmology.

***First date of service-*** first time the patient is seen by a medical health professional or provided treatment.

***Health Care-*** means care, services, or supplies related to the health of a patient. It includes, but is not limited to, the following:

- Preventative and diagnostic
- Sale or dispensing of a drug, device, equipment, or other item in accordance with a prescription.

***Individually Identifiable Health Information-*** information that identifies an individual (or could reasonably be used to identify an individual) that:

- Is created or received by MidAtlantic Ophthalmology; and
- Related to past, present, or future physical or mental health condition(s) of an individual;
- Relates to the provision of health care to an individual;
- Relates to the past, present, or future payment for the provision of health care to an individual.

This includes demographic information - such as name, address, date of birth, sex, and race of an individual.

***Inmates*** - means a person incarcerated in or otherwise confined to a correctional facility.

***Protected Health Information*** - Individually identifiable health information that is transmitted or maintained by electronic form or any other medium.

***Required by Law*** – means a mandate contained in law that compels MidAtlantic Ophthalmology to make a use or disclosure of protected health information and that is enforceable in a court of

law . *Examples* include court orders and court ordered warrants; subpoenas or summons issued by a court, grand jury, a governmental or tribal inspector general, or an administrative body authorized to require the production of information; a civil or an authorized investigative demand and Medicare conditions of participation with respect to health care providers participating in the program.

*Use-* means, with respect to individually identifiable health information the sharing, employment, application, utilization, examination, or analysis of such information within MidAtlantic Ophthalmology.

## **General Principles**

Patients must be assured that the health information they provide to their health care professional will remain confidential. To adequately protect patients and their health information, Congress passed the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

As required by HIPAA, MidAtlantic Ophthalmology must provide an adequate notice of privacy ( [English](#), [Spanish](#) ) to each patient. This requirement applies to all patients with the exception of inmates. The notice explains the patient's rights including how their protected health information may or may not be used or disclosed as well as the duties of MidAtlantic Ophthalmology with respect to those rights.

## **General Procedures**

Each patient will be given a Notice of Privacy Practice along with an acknowledgment on the first date of service. The patient will be asked to sign and date the acknowledgment after reading the notice. The signed acknowledgment will be uploaded into the patient's electronic medical record (EMR). If the patient refuses to accept the notice or declines to sign the acknowledgment, both will be documented accordingly, and along with the acknowledgment be uploaded into the patient's EMR. During the inpatient admission, the Privacy Notice will be incorporated into the patient admission packet electronically.

## **Policy Requirements**

With regard to the Notice of Privacy Practice, MidAtlantic Ophthalmology must:

- Provide it to patients no later than the date of the first service delivery.
- Have the notice available at the service delivery site for patients to request to take with them.
- Post it in a prominent location where it is reasonable to expect that patients seeking service will be able to read it.
- Have the notice posted on its web site and have it available electronically through the site.
- Make a good faith effort to have the patient acknowledge in writing that they received said notice. A signed receipt of the notice will be kept in the patient's chart.
- If an individual requests a copy of the notice, the person receiving the request is required to provide the individual with a copy of the notice.

## **Patient Rights**

The notice must contain a statement of individual rights with respect to the protected health information and a brief description of how the patient may exercise those rights as follows:

- To request restrictions on certain uses and disclosures.
- To receive confidential communications by alternative means or locations.
- To inspect and copy their protected health information.
- To amend their protected health information.
- To receive an accounting of disclosures.

## **Acknowledgment**

MidAtlantic Ophthalmology must attempt to obtain written acknowledgment from the patient. MidAtlantic Ophthalmology must distribute the notice of privacy practice as set forth above then remove the signed acknowledgment from the notice and place it in the patient's chart. If the patient refuses to sign the acknowledgment or refuses to accept it, the refusal must be documented in the patient's chart.

Note: In an emergency treatment situation, the notice should be provided as soon as it is reasonable practicable after the emergency situation has ended. In this situation, providers are not required to make a good faith effort to obtain the acknowledgment from the individual.

## **Amendments**

MidAtlantic Ophthalmology has the right to amend the notice and to make the new provisions effective for all protected health information that it maintains provided that it makes the notice available upon request on or after the effective date of the revision.

MidAtlantic Ophthalmology must promptly revise and distribute the notice whenever there is a material change to the notice. Except when required by law, a material change to any term of the notice may not be implemented prior to the effective date of the notice.

## **Contacts and Complaints**

The MidAtlantic Ophthalmology staff will make every effort to respond to patient's questions regarding the notice. Further, patients can file a complaint with the Secretary of Health and Human Services in Washington, D.C. if they believe their privacy rights have been violated.

## **Denial of Care**

MidAtlantic Ophthalmology can not deny care to a patient who refuses to accept or refuses to provide written acknowledgment of the notice.

## **REFERENCES**

Federal Privacy Regulations, 45 CFR Subtitle A, Subchapter C, Parts 160 and 164, Vol. 65, No. 250, December 28, 2000. Amended August 14, 2002.

"Legal Reference Manual for Release of Health Record Information in New Jersey," published by the New Jersey Hospital Association in cooperation with the New Jersey Health Information Management Association, 1999.

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