

HIPAA POLICY FOR OREGON PROVIDERS

Original Draft Date: February 27, 2003

Last Revision Date:

SUBJECT: Notice of Privacy Practices

HIPAA CITES: 45 C.F.R. § 164.520

DEPARTMENT: Coos County Mental Health

POLICY NUMBER: 7

I. POLICY:

Coos County Mental Health Department recognizes a client's right to receive adequate notice of the uses and disclosures of Protected Health Information that may be made by the Department, and of the client's rights and the Department's legal duties with respect to Protected Health Information.

II. PROCEDURES

- A. Content of Notice. Coos County Mental Health Department provides each client with a notice of Coos County Mental Health Department's privacy practices that is written in plain language and that contains the elements required by HIPAA. The current version of the Department's Notice of Privacy Practices (the "Notice") is maintained in electronic form as file name 8_NoticePrivacyPractice-MH.doc. A copy of this form is included in Policy 8.
- B. Acknowledgment of Receipt. Coos County Mental Health Department uses good faith effort to obtain a written acknowledgment by the client of receipt of the Notice. Acknowledgment of receipt of this notice is combined with the Acknowledgment/Consent obtained from each Coos County Mental Health Department client during the enrollment/application process or at the first services delivery after April 14, 2003. If Coos County Mental Health Department obtains written acknowledgment of receipt, the Department maintains documentation of the acknowledgment for the documentation period specified below. If despite good faith efforts, Coos County Mental Health Department is unable to obtain a written acknowledgment of receipt, then the Department will document its efforts and the reason(s) why the written acknowledgment of receipt could not be obtained. A copy of this form is included in Policy 8.
- C. Revisions to the Notice. Coos County Mental Health Department shall promptly revise and distribute its Notice whenever there is a material change to the uses or disclosures, the individual's rights, Coos County Mental Health Department's legal duties, or other privacy practices stated in the Notice. If the Notice permits Coos County Mental Health Department to make changes to its terms at any time, a material change to the Notice may be implemented at any time. If the Notice does not permit such changes at any time, a material change to the Notice shall not be implemented prior to the effective date of the Notice in which such material change is reflected.

D. Provision of Notice

1. Coos County Mental Health Department provides a copy of its Notice of Privacy Practices to its clients, parent or legal guardian, or personal representative at the time of enrollment during the application process. The notice will be provided by a member or representative of the Department workforce.
2. Coos County Mental Health Department makes its Notice of Privacy Practices available upon request to any person.
3. Coos County Mental Health Department provides the Notice in person no later than the date of the first service delivery after April 14, 2003.
4. Coos County Mental Health Department makes the Notice available at its offices for individuals to take with them upon request.
5. Coos County Mental Health Department posts the Notice in a clear and prominent location where it is reasonable to expect individuals seeking service from the Department to be able to read the Notice.

E. Electronic Notice.

1. Coos County Mental Health Department prominently posts its Notice on its web site and makes the Notice available electronically through the web site.
2. Coos County Mental Health Department may provide the Notice to a client by e-mail, at the client request, at a future date. The use of e-mail communication with Department clients has not been implemented at this point in time. If the Department implements such procedures and the first service delivery to a client is delivered electronically, the Department must provide electronic notice automatically and contemporaneously in response to the client's first request for service. The client who is the recipient of electronic notice may obtain a paper copy of the Notice from Coos County Mental Health Department upon request.

- F. Documentation. Coos County Mental Health Department documents compliance with the Notice requirements by retaining copies of the Notices it issues for a period of no less than six (6) years from the date of their creation, or the date when such Notice last was in effect, whichever is later.

The original copy of the acknowledgment of receipt of this notice on the Acknowledgment/Consent form, is maintained as part of the client's medical records in the administration section of the chart. If the acknowledgment of receipt of this notice on the Acknowledgment/Consent was not obtained, the documentation of the good faith effort to comply with this practice is maintained as part of the client's medical records in the administration section.