

CAROLINA FAMILY HEALTH CENTERS, INC. PROCEDURE

TITLE: HIPAA-500.01 Notice of Privacy Practices

EFFECTIVE DATE: March 2014

SECTION: HIPAA/Privacy

REFERENCE POLICY: HIPAA-500 Notice of Privacy Practices

RESPONSIBLE CHIEF OF STAFF: Chief Compliance Officer

RESPONSIBLE COMMITTEE: Central-Compliance Committee

REVIEWED: 7/16, 4/18, 02/10/2020, 7/15/2020, 12/12/2022, 12/09/2024

I. PURPOSE

The purpose of this procedure is to outline how Carolina Family Health Centers, Inc. (CFHC, Inc.) maintains and distributes the *Notice of Privacy Practices* (see attachment) to its patients.

II. PROCEDURE

Required Elements of Notice of Privacy Practices. CFHC, Inc.'s *Notice of Privacy Practices* contains the following elements:

1. Plain Language. The *Notice of Privacy Practices* is written in plain language.
2. Header. The following statement is prominently displayed at the top of the document: "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."
3. Description of Uses and Disclosures. The *Notice of Privacy Practices* contains all of the following elements:
 - a. A description, including at least one example, of the types of uses and disclosures of protected health information (PHI) that CFHC, Inc. is permitted to make to carry out treatment, payment, and health care operations, including:
 - i. A separate statement informing the patient that CFHC, Inc. intends to contact the patient to raise funds for CFHC, Inc. and that the patient has a right to opt out of receiving such communications;
 - ii. A description of each of the other purposes for which CFHC, Inc. is permitted or required to use or disclose PHI **without** the patient's written authorization;
 - iii. A description of the types of uses and disclosures prohibited under the Reproductive Health Care Rule and the attestation requirement; and
 - iv. Descriptions of the types of uses and disclosures that **require** authorization, a statement that other uses and disclosures not described in the notice are made only with the patient's written authorization, and a statement that the patient may revoke authorization.

4. Statement of the Patient's Rights. The *Notice of Privacy Practices* contains:
 - a. A statement of the patient's rights with respect to PHI and a brief description of how the patient may exercise those rights as follows:
 - i. The right to request restrictions on certain uses and disclosures of PHI, including a statement that CFHC, Inc. is not required to agree to a requested restriction, except in the case of a disclosure restricted under 45 CFR § 164.522(a)(1)(vi);
 - ii. The right to receive confidential communications of PHI as provided by § 164.522(b), as applicable;
 - iii. The right to inspect and copy PHI as provided by § 164.524;
 - iv. The right to amend PHI as provided by § 164.526;
 - v. The right to receive an accounting of disclosures of PHI as provided by § 164.528; and
 - vi. The right of a patient, including if a patient has agreed to receive the *Notice of Privacy Practices* electronically, to obtain a paper copy of the notice from CFHC, Inc. upon request.
5. Statement of CFHC, Inc.'s Duties. The *Notice of Privacy Practices* contains:
 - a. A statement that CFHC, Inc. is required by law to maintain the privacy of PHI, to provide patients with notice of CFHC, Inc.'s legal duties and privacy practices with respect to PHI, and to notify affected patients after a breach of unsecured PHI;
 - b. A statement that CFHC, Inc. is required to abide by the terms of the *Notice of Privacy Practices* currently in effect;
 - c. A statement that CFHC, Inc. reserves the right to change the terms of its *Notice of Privacy Practices* and to make the new provisions effective for all PHI that it maintains, including PHI that is created or received prior to issuing a revised *Notice of Privacy Practices*, and a statement describing how CFHC, Inc. provides patients with a revised *Notice of Privacy Practices*; and
 - d. A statement about CFHC, Inc.'s participation in the North Carolina Health Information Exchange (NC HealthConnex) and the electronic health records system's interoperability with other electronic health record platforms for the exchange of patient information.
 - e. A statement about CFHC, Inc.'s duty to protect substance use treatment disorder records received from a program subject to 42 CFR part 2, or testimony relaying the content of such records, shall not be used or disclosed in civil, criminal, administrative, or legislative proceeding against the patient unless based on written consent, or court order after notice and an opportunity to be heard is provided to the patient or the holder of the record. A court order authorizing use and disclosure must be accompanied by a subpoena or other legal requirement compelling the disclosure before the requested is used or disclosed.
6. Complaints. The *Notice of Privacy Practices* contains:
 - a. A statement that patients may complain to CFHC, Inc. and to the Secretary of the Department of Health and Human Services if they believe their privacy rights have been violated;
 - b. A description of how the patient may file a complaint with CFHC, Inc.; and
 - c. A statement that the patient will not be retaliated against for filing a complaint.

7. **Contact Information.** The *Notice of Privacy Practices* contains the name or title, and the telephone number of CFHC, Inc.'s Privacy Officer to contact for further information.
8. **Effective Date.** The *Notice of Privacy Practices* contains 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.

Distribution of the Notice of Privacy Practices. CFHC, Inc. provides patients with a copy of its current *Notice of Privacy Practices*:

- Before or during the patient's first visit.
- As soon as reasonably practicable after an emergency treatment situation.

Electronic Notice. CFHC, Inc. may provide the *Notice of Privacy Practices* to the patient by email if the patient agrees to such electronic notice and has not withdrawn their agreement. If CFHC, Inc. knows that the e-mail transmission has failed, it provides the patient with a paper copy of the *Notice of Privacy Practices*. If a patient agrees to electronic notice, CFHC, Inc. provides the notice electronically within 48 hours of the request. A patient who receives the notice electronically may also request a paper copy of the *Notice of Privacy Practices*.

Availability of Notice of Privacy Practices on Request. CFHC, Inc. has available copies of its current *Notice of Privacy Practices* for patients who request a copy. Copies can be printed from the corporate intranet. A written acknowledgment is not required with these requests.

Posting of Notice of Privacy Practices at Sites. At each of its sites, CFHC, Inc. posts its current *Notice of Privacy Practices* in a binder which is kept in the lobby of each facility. The notice is available in English and Spanish.

Posting of Notice of Privacy Practices on Website. CFHC, Inc. prominently posts its *Notice of Privacy Practices* in English and Spanish on its website and makes the notice available to its patients electronically through the website.

Documenting Receipt of Notice of Privacy Practices.

CFHC, Inc.'s *General Consent for Treatment* form is used to document general consent for treatment and that the patient or the patient's representative received a copy of the *Notice of Privacy Practices*. Front Office Associates are responsible for assuring the form is signed and completed. The completed form is kept in the patient's chart for no less than six years from the date signed. Refer to *RM-506.01 Consents and Informed Refusal*.

For further assurance of receipt of the *Notice of Privacy Practices*, the pharmacy staff asks any patient utilizing any of the CFHC, Inc.'s pharmacies if he/she has received notice from the front office personnel during the registration process. In lieu of obtaining the *General Consent for Treatment* form, the pharmacy staff asks the patient to acknowledge receipt of the notice by capturing an electronic signature through the pharmacy dispensing software point-of-sale module.

If unable to obtain the patient's written acknowledgment, staff documents their good faith efforts to obtain the patient's acknowledgment and the reasons why the acknowledgment was not obtained.

North Carolina Health Information Exchange

CFHC, Inc. participates in the North Carolina Health Information Exchange (HIE) as required by law. The HIE platform used in North Carolina is called NC HealthConnex. This platform allows for the secure transmission of electronic patient health information between medical providers and hospitals. CFHC, Inc. Notice of Privacy Practices contains language about CFHC, Inc.'s participation in this platform. Patients can opt out of the information exchange by completing the *North Carolina Health Information Exchange Authority; Patient Opt-Out Form* which is found on the HIE website. Patients are responsible for mailing this form to the HIE.

The HIE does not accept nor provide protections for substance use disorder records (A patient receiving treatment under a federally designated Part 2 substance use disorder treatment facility will complete the opt-out form and mail it to the HIE. CFHC, Inc. does not meet the definition of a federally designated Part 2 substance use disorder treatment facility).

Electronic Health Record Interoperability

CFHC, Inc.'s electronic health record has interoperability with OCHIN Epic and its participants. CFHC, Inc. provides information to patients about this collaboration through its Notice of Privacy Practices.

Revisions to Notice of Privacy Practices. CFHC, Inc. promptly revises and distributes its *Notice of Privacy Practices* and, as applicable, revises its written policies and procedures, whenever there is a material change to the uses or disclosures, patient rights, CFHC, Inc.'s duties, or other privacy practice stated in the *Notice of Privacy Practices*. Except when required by law, CFHC, Inc. may not implement a material change in its privacy practices prior to the effective date of the *Notice of Privacy Practices* in which the material change is acknowledged. When the *Notice of Privacy Practices* is revised, CFHC, Inc. makes the revised notice available on or after the effective date of the revision in accordance with this procedure.

Documenting Compliance with the HIPAA Privacy Rule. CFHC, Inc. retains this policy and procedure, together with any related forms or other documentation, for a period of at least six (6) years from the date of creation or the date when last in effect, whichever is later. Refer to *HIPAA-105 Record Retention and Destruction*.

III. ATTACHMENTS

- *Notice of Privacy Practices* (English & Spanish)