

Right to Notice of Privacy Practices

1. SCOPE

- 1.1 System-wide
- 1.2 Facilities and departments included in the scope are further defined in the [Scope Definitions Resource Guide](#) if not specifically outlined above.

2. DEFINITIONS & EXPLANATIONS OF TERMS

2.1. Abbreviations

- HIPAA: Health Insurance Portability and Accountability Act
- MCHS: Marshfield Clinic Health System
- PHI: Protected Health Information

2.2. Definitions

- Patient: All references to the "patient" in this policy mean the patient or her/his Personal Representative as defined in the [Personal Representatives of Patients](#) policy.
- HIPAA Privacy Rule: Establishes national standards to protect individuals' medical records and other personal health information and applies to health plans, health care clearinghouses, and those health care providers that conduct certain health care transactions electronically. The Rule requires appropriate safeguards to protect the privacy of personal health information, and sets limits and conditions on the uses and disclosures that may be made of such information without patient authorization. The Rule also gives patients rights over their health information, including rights to examine and obtain a copy of their health records, and to request corrections.
- Protected Health Information (PHI): The Privacy Rule protects all "*individually identifiable health information*" held or transmitted by a covered entity or its business associate, in any form or media, whether electronic, paper, or oral. The Privacy Rule calls this information Protected Health Information.

◇ Individually identifiable health information: information, including demographic data, that relates to:

- the individual's past, present, or future physical or mental health or condition; **or**
- the provision of health care to the individual; **or**
- the past, present, or future payment for the provision of health care to the individual; **and**
- that identifies the individual or for which there is a reasonable basis to believe it can be used to identify the individual (e.g., name, address, birth date, Social Security Number).

- Notice of Privacy Practices (Notice): A Notice to the individual of the uses and disclosures of Protected Health Information and the individual's rights and the covered entity's legal duties with respect to Protected Health Information.
- Acknowledgment: Confirmation of the patient's receipt of the Notice of Privacy Practices. Based on the Privacy Rule, MCHS requests, but does not require, written confirmation of the receipt of this document.

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POLICY

3. POLICY BODY

Purpose Statement: It is the policy of Marshfield Clinic Health System to recognize a patient's right to receive adequate Notice of: the uses and disclosures of the patient's Protected Health Information that may be made by MCHS; the patient's rights with respect to Protected Health Information; and MCHS's duties with respect to Protected Health Information. MCHS will provide each patient with a Notice of its privacy practices in accordance with the procedures outlined below.

It is the purpose of this policy to define the procedures MCHS will follow in providing its Notice of Privacy Practices to all patients as required by applicable law.

- 3.1. MCHS will provide each new patient with a Notice of Privacy Practices that is written in plain language and that contains the elements required by the Privacy Rule. The current version of MCHS's Notice of Privacy Practices (the "Notice") is located on MCHS's public website, Compliance intranet and available in prominent locations in all MCHS locations. The MCHS Privacy Officer will maintain the current version of the Notice in MCHS's HIPAA compliance files and make it available for inspection by regulatory authorities, as appropriate.
- 3.2. Except in emergency treatment situations, MCHS staff will make a good faith effort to obtain a written acknowledgment by the patient of receipt of the Notice. For purposes of the Privacy Rule and this policy, an "acknowledgment" means that the patient acknowledges receiving the Notice (i.e., the acknowledgment does NOT mean that the patient read or understood the Notice). If MCHS staff obtains written acknowledgment of receipt, MCHS will maintain documentation of the acknowledgment for the documentation period specified below. The Notice acknowledgement will be maintained in the patient's electronic medical record. If despite good faith efforts, MCHS is unable to obtain a written acknowledgment of receipt, then MCHS will document its efforts and the reason(s) why the written acknowledgment of receipt could not be obtained.

Programming is in place to identify new patients and/or those patients who have not received notification of the Notice. When such a patient presents at registration, the patient access representative is provided with a "pop-up" indicating the need to:

- a. Provide the Notice to the patient.
 - b. Attempt to obtain a written acknowledgement.
- 3.3. Revisions to the Notice
 - a. MCHS will promptly revise and distribute its Notice whenever there is a material change to the uses or disclosures, the patients' rights with respect to Protected Health Information, MCHS's duties regarding Protected Health Information, or other privacy practices stated in the Notice. A material change to any term in the Notice may not be implemented prior to the effective date of the revised Notice.
 - b. Upon revision of the Notice, the Notice will be made available upon request on or after the effective date of the revision.

3.4. Provision of Notice

- a. MCHS physicians and staff will make the Notice available upon request to any person.
- b. MCHS will provide the Notice no later than the date of the first service delivery. The Notice will be delivered via the applicable method (postal mail, in person, or electronic). See Section 3.5 regarding service delivered electronically.
- c. In an emergency treatment situation, as soon as reasonably practicable after the emergency treatment situation. The registration application allows staff to indicate that they were unable to provide the Notice to the patient, and the "pop-up" notification would appear at the patient's next visit.
- d. MCHS physicians and staff will make the Notice available at its offices for individuals to take with them upon request.
- e. MCHS will post the Notice in a clear and prominent location where it is reasonable to expect individuals seeking service from MCHS to be able to read the Notice.

3.5. Electronic Notice

- a. MCHS will prominently post its Notice on its web site and make the Notice available electronically through the web site.
- b. The individual who is the recipient of electronic Notice may obtain a paper copy of the Notice from MCHS upon request.
- c. MCHS may provide the Notice to an individual by e-mail, if the individual agrees to electronic Notice and such agreement has not been withdrawn. The e-mail communication should be sent in a secure fashion. If MCHS knows that e-mail transmission has failed, a paper copy of the Notice must be provided.
- d. If the first health care service to the patient is delivered electronically, then MCHS must provide electronic Notice automatically and contemporaneously in response to the patient's first request for service.
- e. Any patient who receives the electronic Notice retains the right to obtain a paper copy of the Notice upon request.

- 3.6. MCHS will document compliance with the Notice requirements by retaining copies of the Notices for a period of six (6) years from the date of their creation, or the date when such Notice was last in effect, whichever is later. Written acknowledgments and documentation of good faith efforts will be maintained in the patient's electronic medical record and made available for inspection by regulatory authorities, as appropriate.

4. ADDITIONAL RESOURCES

4.1. References:

- HIPAA Regulations [45 CFR 164.520](#)
- [Overview of Privacy Compliance Program](#)
- [HIPAA Privacy Definitions](#)
- [Notice of Privacy Practices](#)

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5. DOCUMENT HISTORY

Version No.	Revision Description
1.0	Policy#2157 converted to new Document Control System
2.0	Annual review. Updated Scope and MC to MCHS; added definition of Acknowledgment; and minor formatting changes.
3.0	Annual review. Updated Scope, logo, and links. Updated formatting, metadata fields, header, removed logo, added abbreviations, updated author and scope Updated links for Notice of Privacy Practices and HIPAA Privacy Definitions
4.0	Annual review. Minor wording changes in Sections 3.1, 3.2, 3.4.b, and 3.4.c.
5.0	Annual review. No changes.
6-9	See version history
10.0	DCS Checklist, AO to republish

6. DOCUMENT PROPERTIES

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