
Department: UW Medicine Compliance

Subject: PP-21 Notice of Privacy Practices

Policy Number: 21

Effective Date: January 25, 2008

Review Date: January 25, 2008

Policy:

Individuals have the right, except as specifically stated in this policy, to be notified of the types of uses and disclosures that will be made of their protected health information (PHI) and have the right to be notified of individual patient rights, and UW Medicine's¹ legal duties with respect to their PHI. UW Medicine entities post and distribute a statement of privacy practices describing its duties and the rights of individuals regarding the use and disclosure of PHI. When patients present for care, UW Medicine collects a signed acknowledgement that the individual or personal representative/surrogate decision maker has been provided a copy of the document titled "Joint Notice of Privacy Practices of UW Medicine and Certain Other Providers" (Attachment A). This acknowledgement form is known as the "Notice of Privacy Practices Acknowledgement" UH2045 (see Attachment C),

This UW Medicine policy for the notice of privacy practices related to health information has the following seven sections:

- I. Right to Notice of Privacy Practices**
- II. Distribution of the Notice of Privacy Practices**
- III. Acknowledgement of the Notice of Privacy Practices**
- IV. Revisions to the Notice of Privacy Practices**
- V. Electronic Notices**
- VI. Required Elements for the Notice of Privacy Practices**
- VII. Documenting Delivery of the Notice of Privacy Practices**

I. Right to Notice of Privacy Practices

¹ For the purposes of HIPAA, UW Medicine includes the following entities: University of Washington Medical Center and Clinics; Harborview Medical Center and Clinics; UW Medicine Neighborhood Clinics (University of Washington Physicians Network); UW Physicians Sports Medicine Clinic; UW Physician's Eastside Specialty Center; Hall Health Primary Care Center; and University of Washington Physicians.

All patients of UW Medicine (excluding inmates) are provided notice of how UW Medicine may use and disclose PHI and notice as to the patient's individual rights and information regarding UW Medicine's legal duties with respect to protection of certain health information. This information is provided in the form of a "Joint Notice of Privacy Practices of UW Medicine and Certain Other Providers" (Attachment A) (*Notice*). A copy may be provided to individuals in either paper or electronic format. Copies of this *Notice* are posted in designated prominent locations throughout UW Medicine entities.

II. Distribution of the Notice of Privacy Practices (See Procedures I, II, & III – Distribution of UW Medicine's *Notice* and Posting UW Medicine's *Notice*.)

- A) Effective April 14, 2003, the *Notice* is available in paper copies. Patients must be provided with a copy of the *Notice* no later than the day of the patient's first service (encounter), including when patient care is delivered electronically (by email or through telemedicine).
- B) Where UW Medicine entities have multiple service delivery sites (such as clinics, emergency care, acute care), the *Notice* is:
 - 1) Posted in a clear and prominent location, where it can be read by individuals seeking service, and
 - 2) Available as a printed brochure at the service delivery site for individuals to take with them.
- C) Whenever the *Notice* is revised, the *Notice* will be re-posted in a clear and prominent designated location and printed brochures are available upon request, by the effective date of revision.

III. Acknowledgement of the Notice of Privacy Practices

- A) When patients present for care, UW Medicine collects a signed acknowledgement, on the form titled "Notice of Privacy Practices Acknowledgement" UH2045 (Attachment C). The acknowledgement form documents that the individual or personal representative/surrogate decision maker has been provided the *Notice*. There are two exceptions to the requirements that the Notice of Privacy Practices Document be provided and that the acknowledgement forms be collected:
 - 1) Inmates: UW Medicine entity is not required to obtain written acknowledgement that a patient in the custody of a correctional institution (e.g., jail, prison, etc.) has received the *Notice*;
 - 2) In emergency treatment situations

- B) If UW Medicine is unable to obtain the acknowledgement, UW Medicine must document the efforts to obtain acknowledgement and the reasons why the acknowledgement was not obtained.
- C) UW Medicine will consider all individually signed acknowledgements, as well as those which document that an acknowledgement could not be obtained, to be part of the designated record set and will retain them in accordance with the entity's record retention policies and procedures.
- D) When obtaining the patient's signed acknowledgement of receipt of the *Notice*, if an individual asks to opt out of receiving fundraising communications, the staff member obtaining the acknowledgement documents that the individual choose to opt out of receiving fundraising communications. The "opt-out" of fundraising communications will be noted in the "REMARKS for UW Medicine Notice of Privacy Practices:" section on the individual's form: "Notice of Privacy Practices Acknowledgement" UH2045 (Attachment C).

IV. Revisions to the Notice of Privacy Practices (See Procedure VII – "Making Revisions to UW Medicine's *Notice*")

- A) UW Medicine promptly revises and distributes its *Notice* whenever there is a material change to UW Medicine's use or disclosure of PHI, an individual's rights, UW Medicine's legal duties, or the privacy practices described in the *Notice*.
- B) Material changes will not be put into operation prior to the effective date of the revised *Notice*, except when the change is required by law.

V. Electronic Notices

- A) UW Medicine's *Notice* is posted and available by means of its web sites used to provide customer service or benefit information.
- B) By specific request from an individual and agreement from UW Medicine, the *Notice* may be provided using email.
- C) When care delivery is initiated electronically (as in the case of emails to patients or telemedicine), the *Notice* will be electronically delivered to the patient no later than the date of the first service delivery.
- D) Individuals who have received an electronic *Notice* may also request a paper copy.

VI. Required Elements for the Notice of Privacy Practices

- A) UW Medicine's Notice of Privacy Practice will contain:
- 1) The following header displayed in upper case:
"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.";
 - 2) A description in adequate detail (including at least 1 example) of the types of uses and disclosures used for treatment, payment, and health care operations (TPO);
 - 3) A detailed description of the other purposes for which PHI can be used or disclosed without an individual's written consent or authorization;
 - 4) A statement that other uses and disclosures will be made only with the individual's written authorization and that the individual may revoke such authorization. See UW Medicine Privacy Policy: *PP-08 Use & Disclosure of Protected Health Information Requiring Authorization*;
 - 5) Separate statements describing that individuals may be contacted for the following activities:
 - a) To provide appointment reminders or information about treatment alternatives or other health-related benefits and services that may be of interest to them, **and**
 - b) Fundraising;
 - 6) A general statement listing an individual's rights regarding PHI (as described below) and describing how the individual may exercise each of those individual rights:
 - a) To request restrictions on certain uses/disclosures of PHI titled "Rights to Request Privacy Protection for Protected Health Information (PHI) – General Policy." Although a patient may ask for restrictions, UW Medicine is not required to agree to a requested restriction, as is stated in the policy;
 - b) To receive confidential communications of PHI as stated in the policy titled "Rights to Request Privacy Protection for Protected Health Information (PHI) – General Policy";

- c) To inspect and copy PHI as stated in the policy titled “Access of Individuals to Protected Health Information (PHI)/Designated Record Set”;
 - d) To amend PHI as stated in the policy titled “Amendment of Protected Health Information (PHI)/Designated Record Set”;
 - e) To receive an accounting of disclosures of PHI as provided with respect to PHI as stated in the policy “Accounting of Disclosures of Protected Health Information (PHI)”; **and**
 - f) To obtain a paper copy along with an electronic copy of the *Notice* upon request;
- 7) A statement for each of the following:
- a) UW Medicine is required by law to maintain the privacy of PHI and to provide individuals with notice of its legal duties and privacy practices related to PHI;
 - b) UW Medicine is required to abide by the terms of the *Notice* currently in effect; **and**
 - c) UW Medicine reserves the right to change the terms of its *Notice* and to make the new *Notice* provisions effective for all PHI that it maintains, and describes how it will provide individuals with a revised *Notice*.
- 8) A statement that includes each of the following:
- a) That UW Medicine will not retaliate against an individual for filing a complaint;
 - b) That individuals may complain to UW Medicine and/or to the U.S. Department of Health and Human Services Office for Civil Rights if they believe their privacy rights have been violated; **and**
 - c) A brief description of how the individual may file a complaint with a UW Medicine entity.
- 9) The *Notice* must contain the following elements:
- a) Contact name or title; **and**
 - b) Telephone number of person or office to contact for further information.
- 10) The *Notice* must contain the effective date, which may not be earlier than the date on which the *Notice* is made available to individuals; **and**
- 11) In addition to the required elements of the *Notice*, UW Medicine may elect to limit the uses or disclosures that are permitted by the Privacy Regulations so long as the uses and disclosures are not required by law.

VII. Documenting the Delivery of the Notice of Privacy Practices

UW Medicine will document compliance by retaining copies of all signed acknowledgements that the individual has received the *Notice* and documentation of failed good faith attempts to obtain acknowledgement in written or electronic format in the designated record set. Documentation shall be made in accordance with the entity’s record retention policies and procedures, UW Record Retention Policies, and Washington State and Federal Law as those requirements existed from the date the *Notice* was created or was last in effect, whichever is later.

Procedures:

I) **Distribution of UW Medicine’s Notice (Paper Copy – Policy Section II)**

Step	Action
1	Each UW Medicine entity identifies how a patient can obtain a copy of the <i>Notice</i> , and details about posting it. Examples include, but are not limited to the following: admitting/registration desk, clinic appointment desks, emergency area, web site.
2	Each UW Medicine entity identifies who will be the contact for patient(s) who have questions about the <i>Notice</i> at point of service.
3	Each UW Medicine entity identifies who will be a contact for individuals who may have a concern or wish to place a statement of disagreement or grievance.

II) **Electronic Distribution of UW Medicine’s Notice**

Step	Action
1	Individuals may be given a copy of the <i>Notice</i> at the time of care or admission or at the time of pre-registration.
2	The <i>Notice</i> may be offered and provided by email but the individual must first agree in writing or by email to receive the <i>Notice</i> via email and may not have withdrawn that agreement. The individual may also request a paper copy in addition to the electronic version.
3	Individuals may request a copy of the <i>Notice</i> electronically from UW Medicine Privacy Office, Box 356345, Seattle WA 98195, and Phone: 1-866-964-7744 and this information is noted in the “Joint Notice of Privacy Practices of UW Medicine and Certain Other Providers” (Attachment A).
4	If email transmission fails, then a paper copy will be provided to the requesting individual.
5	Individuals may print a copy of the <i>Notice</i> from UW Medicine entity WEB page, http://www.uwmedicine.org .

III) **Acknowledgement Procedures:**

A) Obtaining the acknowledgement for UW Medicine’s *Notice* using the “Notice of Privacy Practices Acknowledgement” UH2045 (Attachment C):

Step	Action
1	<p>When a patient presents him/herself as an outpatient or an inpatient to UW Medicine for the first service or care on or after September 27, 2004, the patient is given:</p> <ul style="list-style-type: none"> • “Care Agreement” UH0051 (Attachment B), • “Joint Notice of Privacy Practices of UW Medicine and Certain Other Providers” (Attachment A), • “Notice of Privacy Practices Acknowledgement” UH2045 (Attachment C), and • “Patient Financial Agreement” UH1865 (Attachment D). <p>The acknowledgement for the <i>Notice</i> is obtained on the form: “Notice of Privacy Practices Acknowledgement” UH2045 (Attachment C).</p>
2	<p>A copy of the <i>Notice</i> will be available to the patient as a reference before signing the acknowledgement.</p>
3	<p>The original of the acknowledgement on the form titled “Notice of Privacy Practices Acknowledgement” UH2045 (Attachment C), will be filed into the entity’s designated record set and a copy will be provided to the patient.</p>
4	<p>If the patient refuses to sign the acknowledgement, then the refusal will be documented on the space provided for the acknowledgement on the form: “Notice of Privacy Practices Acknowledgement” UH2045 (Attachment C).</p>
5	<p>The fact of the signed acknowledgement or refusal to sign the acknowledgement will be logged in the registration system.</p>
6	<p>An individual who wishes to opt out of receiving fundraising communications should send a written request, as defined in UW Medicine’s Notice of Privacy Practices, to:</p> <p style="padding-left: 40px;">UW Medicine Privacy Office Box 359210 Seattle, WA 98195-9210</p> <p>Staff receiving questions about how to opt out of fundraising may advise patients of their right not to receive fundraising materials, and refer them to the instructions in the <i>Notice</i>.</p>

- B) Handling Exceptions to acknowledgement on the form titled “Notice of Privacy Practices Acknowledgement” UH2045 (Attachment C) for Emergency Treatment Situations:

Step	Action
1	When the patient presents to UW Medicine for the first service or care, and due to his/her medical condition is unable to sign an acknowledgement on the form titled “Notice of Privacy Practices Acknowledgement” UH2045 (Attachment C), the circumstances will be documented in the space provided on the back of an acknowledgement form.
2	UW Medicine entity’s identified staff will make regular attempts to get the form titled “Notice of Privacy Practices Acknowledgement” UH2045 (Attachment C) signed, by finding out if the patient is able to review the <i>Notice</i> and sign the acknowledgement which is on the acknowledgement form.
3	When the patient is able, UW Medicine entity’s identified staff provides the <i>Notice</i> and provides an opportunity to have questions about the <i>Notice</i> answered before the patient signs and acknowledgement. If the patient refuses to sign the acknowledgement, then the refusal will be documented on the space provided for the acknowledgement on the form titled “Notice of Privacy Practices Acknowledgement” UH2045 (Attachment C).
4	The fact of the signed acknowledgement or refusal to sign the acknowledgement will be logged in the registration system.
5	The signed copy of the acknowledgement on the form titled “Notice of Privacy Practices Acknowledgement” UH2045 (Attachment C) will be filed into the entity’s designated record set and a copy will be provided to the patient.
6	An individual who wishes to opt out of receiving fundraising communications should send a written request, as defined in UW Medicine’s Notice of Privacy Practices, to: UW Medicine Privacy Office Box 359210 Seattle, WA 98195-9210 Staff receiving questions about how to opt out of fundraising may advise patients of their right not to receive fundraising materials, and refer them to the instructions in the Notice.

- C) An Individual’s Request to Restrict Use or Disclosure of PHI for TPO – Individual’s Request for a Restriction:

Action
A patient may submit a written request for a restriction. The request is submitted to the entity’s Health Information Management Service Area (See separate UW Medicine Privacy Policy: PP-22Rights to Request Privacy Protection for Protected Health Information (PHI) Policy.)

- D) UW Medicine Documentation & Retention Processes for All Signed & Unsigned Acknowledgements on the form titled “Notice of Privacy Practices Acknowledgement” UH2045 (Attachment C):

Action
All signed acknowledgements on the form titled “Notice of Privacy Practices Acknowledgement” UH2045 (Attachment C) and documentation of failed attempts to obtain acknowledgement will be filed into the entity’s designated record set and maintained in accordance with the entity’s record retention policies and procedures, UW Record Retention Policies, and state and federal law.

IV) **Posting UW Medicine’s Joint Notice of Privacy Practices**

Step	Action
	UW Medicine entity’s Privacy Officer will:
1	Post the <i>Notice</i> in areas accessible by large numbers of patients such as near the admitting/registration, clinic scheduling desks, or in emergency care areas.
2	Post the <i>Notice</i> on the entity’s web page and advertise its availability in printed notices and publications.
3	Verify that each <i>Notice</i> contains all required elements outlined in the above policy; see section VI A 1-11.
4	Provide that individuals may be given a copy of the <i>Notice</i> at the time of care or admission or at the time of pre-registration.
5	Make certain that the entity’s patient rights and responsibilities brochure references the <i>Notice</i> .

V) **Electronic Distribution of UW Medicine Joint Notice of Privacy Practices When Care Delivery Is Initiated Electronically**

Action
When care delivery is initiated electronically, then the <i>Notice</i> will be electronically delivered and will be provided no later than the date of the first service to the patient.

VI) **Making Revisions to UW Medicine’s Notice**

Step	Action
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1	The “Joint Notice of Privacy Practices of UW Medicine and Certain Other Providers” document (Attachment A) must contain the effective date of the <i>Notice</i> and this date may not be earlier than the date the <i>Notice</i> is available. Any revision(s) must follow this practice.
2	When UW Medicine receives notice of a material change or internally changes practices affecting the <i>Notice</i> content (for example, changes regarding PHI uses or disclosures or changes to individuals’ rights or in UW Medicine legal duties or other privacy practices), a <i>Notice</i> change will be made.
3	Changes to the <i>Notice</i> must be timely but not in advance of the effective date, unless it is required by law.

References:

- I. 45 CFR Part 160 and 164; Section 164.520 – Notice of Privacy Practices
- II. 45 CFR Part 164.502(i) - Uses and disclosures consistent with notice

UW Privacy Officer: _____ Date: _____
Kathryn Waddell, Executive Director, Health Sciences Administration
