Policy:

Individuals must be notified of the types of uses and disclosures that will be made of their protected health information (PHI), their individual patient rights, and UW Medicine’s responsibilities with respect to their PHI except as specifically stated in this policy. UW Medicine posts and distributes the “Joint Notice of Privacy Practices of UW Medicine and Certain Other Providers” (Attachment A) (Notice) to accomplish this notification. When patients present for clinical services, UW Medicine collects a signed acknowledgement, “Notice of Privacy Practices Acknowledgement” UH2045 (see Attachment B), that the individual or personal representative/surrogate decision maker has been provided a copy of the Notice.

I. Distribution of the Notice

A) The Notice is available in paper format throughout UW Medicine (including, but not limited to emergency areas, and admitting, registration, and clinic appointment desks), in electronic format, and posted on UW Medicine websites.

B) The Notice may be provided electronically if the individual agrees. Individuals may also request both paper and electronic versions of the Notice.

C) Patients must be provided with a copy of the Notice no later than the day of their first encounter for clinical services. 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) UW Medicine entities with multiple service delivery sites (such as clinics, emergency care, and acute care) will also post the Notice in a clear and prominent location where it can be read by individuals seeking service.

E) As noted in section III below, the Notice is subject to revision. UW Medicine entities will post and distribute the most current version of the Notice by the effective date of revision.

II. Acknowledgement of the Notice of Privacy Practices

A) UW Medicine must obtain written confirmation from the patient or their personal representative/surrogate decision maker that they have received the Notice using the “Notice of Privacy Practices Acknowledgement” UH2045 (Attachment B). A copy of the signed acknowledgement is provided to the patient and retained for the patient record. There are two exceptions to this requirement:

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) Emergency treatment situations

B) When UW Medicine is unable to obtain an acknowledgement or the patient refuses to sign, efforts to obtain acknowledgement and the reasons why the acknowledgement was not obtained will be documented in the registration system.

C) UW Medicine Registration staff will make regular attempts to obtain a signed acknowledgement form, and will address any patient questions about the Notice before it is signed.

D) All individually signed acknowledgements and any documents that explain why an acknowledgement could not be obtained are part of the designated record set. These are retained in accordance with the entity’s record retention policies and procedures.

E) Patients may ask to opt out of receiving fundraising communications when they are asked to acknowledge receipt of the Notice. If this occurs, the workforce member obtaining the acknowledgement will document the patient’s opt-out request both on the acknowledgement form in the “REMARKS for UW Medicine Notice of Privacy Practices” section AND in the registration system.
III. Revisions to the Notice of Privacy Practices

A) UW Medicine promptly revises and redistributes 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. The Notice must contain the effective date and this date may not be earlier than the date the Notice is available.

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.

IV. Required Elements for the Notice

A) UW Medicine’s Notice contains:

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 healthcare 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 indicating 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 Compliance Policy: PP-08 Use & Disclosure of Protected Health Information Requiring Authorization;

5) Statements indicating that the following uses and disclosures of PHI will be made only with the individual's written authorization:

   a) Most uses of psychotherapy notes;
   b) Marketing (other than face-to-face communication between a patient and a UW Medicine workforce member or a promotional gift of nominal value); and
   c) Sale of protected health information;
6) Statements indicating 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;

7) Statements that list an individual’s rights regarding PHI and describe how those rights may be exercised. Individual rights include the following:

a) To request restrictions on certain uses/disclosures of PHI see UW Medicine Compliance policy: PP-22 Patient Rights to Request Additional Privacy Protections, Restrictions, and Alternative Communications for Protected Health Information 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 request nondisclosure to health plans items or services that are self-paid;
c) To receive confidential communications of PHI as stated in UW Medicine Compliance policy: PP-22 Patient Rights to Request Additional Privacy Protections, Restrictions, and Alternative Communications for Protected Health Information;
d) To inspect and copy PHI as stated in UW Medicine Compliance policy: PP-23 Patient’s Access to Their Protected Health Information and Designated Record Set;
e) To amend PHI as stated in UW Medicine Compliance policy: PP-24 Amendment of Protected Health Information / Designated Record Set;
f) To receive an accounting of disclosures of PHI as provided with respect to PHI as stated in UW Medicine Compliance policy: PP-25 Accounting of Disclosures of Protected Health Information; and

g) To obtain a paper copy along with an electronic copy of the Notice upon request;

8) The following statements:

a) UW Medicine is required by law to maintain the privacy of PHI, to provide individuals with notice of its legal duties and privacy practices related to PHI, and to notify affected individuals following a breach of unsecured protected health information;
b) UW Medicine is required to abide by the terms of the Notice currently in effect;
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.
d) UW Medicine will not retaliate against an individual for filing a complaint; and

e) 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.

9) The Notice must also include the following elements:

a) A brief description of how the individual may file a complaint with a UW Medicine entity contact name or title; and

b) Telephone number of person or office to contact for further information.

c) The effective date of the Notice, which may not be earlier than the date on which the Notice is made available to individuals.

10) 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 they are not required by law.

References:

- 45 CFR Part 160 and 164; Section 164.520 – Notice of Privacy Practices
- 45 CFR Part 164.502(i) - Uses and disclosures consistent with notice
- RCW 70.02.120 – Notice of information practices — Display conspicuously.

Approvals

UW Privacy Official ________________________________ Date ________________________________
Johnese M. Spisso, Chief Health System Officer, UW Medicine & Vice President for Medical Affairs, UW

Additional Contacts

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