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Revised Date: 2/27/2018
Review Date: 2/27/2018

North Sound Behavioral Health Organization

Section 2500 – Privacy: Notice of Privacy Practices

Authorizing Source: RCW 70.02; 45 CFR 164.520 (HIPAA); 42 CFR Part 2

Cancels:

See Also:

Responsible Staff: Privacy Officer

Executive Director's Signature:

Approved by: Board of Directors

Motion #: 03-013

Date: 4/14/2003

Date: 3/6/2018

POLICY #2510.00

SUBJECT: NOTICE OF PRIVACY PRACTICES

PURPOSE

In compliance with Health Insurance Portability and Accountability Act (HIPAA), Part 2 and Washington law, this policy sets out the conditions for providing to Individuals the notice of the privacy practices of North Sound Behavioral Health Organization (North Sound BHO). The Privacy Rule requires Health Plans and covered Health Care Providers to develop and distribute a notice that provides a clear, user-friendly explanation of their privacy practices, Individuals rights with respect to protected health information (PHI) and their obligations under HIPAA.

Capitalized terms in this policy have specific meanings. Definitions under this policy include Health Care Operations, Individual, Part 2, Payment, PHI, Required by Law, Treatment and Workforce. See Policy 2502.00: Definitions for Policies Governing PHI.

POLICY

North Sound BHO will make its notice of privacy practices available to Individuals as Required by Law. North Sound BHO recognizes Individuals have the right to receive a notice of privacy practices that describes North Sound BHO's privacy practices.

The current version of the notice of privacy practices reflects the privacy practices in place, currently, at North Sound BHO.

PROCEDURES

1. **Notice of Privacy Practices Content Procedures.** The North Sound BHO notice of privacy practices will include the content that is Required by Law. This content, below, and any version of North Sound BHO's notice of privacy practices must contain all of these items:

- 1.1 **Header.** The following header must be included verbatim:

“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.”

- 1.2 **Treatment, Payment and Health Care Operations.** A description, including sufficient detail to place the Individual on notice and at least one (1) example of the types of uses and disclosures of PHI for each of the following purposes – Treatment, Payment and Health Care Operations.
- 1.3 **Additional Disclosures.** A description, including sufficient detail to place the Individual on notice, of each of the other purposes for which North Sound BHO is either required or permitted to use or disclose PHI without the Individual’s written authorization or consent. This description will include:
 - 1.3.1 Any prohibitions or material limitations required by more stringent law, such as Part 2 and Washington law; and
 - 1.3.2 A statement that other uses and disclosures not described in the notice of privacy practices will be made only with the Individual’s written authorization and any authorization may be revoked at any time.
- 1.4 **Other Activities.** If North Sound BHO intends to engage in any of the following activities, North Sound BHO must include a separate statement, as applicable, that:
 - 1.4.1 North Sound BHO may contact the Individual to raise funds on North Sound BHO’s behalf and the Individual may opt out of receiving fundraising communications; and
 - 1.4.2 To the extent North Sound BHO intends to use or disclose PHI for underwriting purposes, a statement that North Sound BHO is prohibited from using or disclosing PHI that is genetic information for underwriting purposes.
- 1.5 **Individual Rights.** A statement of the Individual’s rights with respect to uses and disclosures of PHI and a description of how they may be exercised including:
 - 1.5.1 The right to request restrictions, including a statement that North Sound BHO is not required to agree to restriction except as Required by Law;
 - 1.5.2 The right to receive confidential or alternative communications of PHI;
 - 1.5.3 The right to inspect and copy PHI;
 - 1.5.4 The right to request amendment of PHI;
 - 1.5.5 The right to receive an accounting of certain disclosures of PHI; and
 - 1.5.6 The right to obtain a paper copy of the notice of privacy practices upon request.
- 1.6 **North Sound BHO’s Duties.** A statement about North Sound BHO’s duties to:
 - 1.6.1 Maintain the privacy of PHI;
 - 1.6.2 Provide Individuals with notice of North Sound BHO’s legal duties and privacy practices relative to PHI. Notify Individuals of Breaches of unsecured PHI;
 - 1.6.3 Abide by the terms of the notice of privacy practices currently in effect; and

- 1.6.4 When retroactively applying a change in the notice of privacy practices, provide a statement that North Sound BHO reserves the right to change the terms of its notice of privacy practices and to make the new notice of privacy practices effective for all PHI it maintains and how it intends to provide Individuals with a revised notice of privacy practices.
- 1.7 **Complaints.** A statement that Individuals may complain to North Sound BHO or the Department of Health and Human Services (DHHS) if they believe their rights have been violated; a brief description of how to file a complaint with North Sound BHO and a statement there will be no retaliation against the Individual if a complaint is made.
- 1.8 **Contact Information.** The title and telephone number of the person or office designated as responsible for receiving complaints and providing additional information.
- 1.9 **Part 2 Information.** A statement that federal law protects the confidentiality of Part 2 Information and Part 2 Information shall not be disclosed unless expressly permitted by the Individual's written consent or as otherwise permitted by Part 2.
- 1.10 **Effective Date of the Notice of Privacy Practices.** The date on which the notice of privacy practices is first in effect, which may not be earlier than the date upon which the notice of privacy practices is printed or otherwise published.
- 1.11 **Non-Discrimination Language.** The non-discrimination notice and taglines, in the required languages, Required by Law.

Provision of the Notice of Privacy Practices

- 1.12 **Enrollment.** North Sound BHO shall provide its notice of privacy practices at the time the Individual enrolls.
- 1.13 **Regular Notification.** At least every three (3) years, North Sound BHO will notify Individuals then covered of the availability of the notice of privacy practices and how to obtain the notice of privacy practices.
- 1.14 **Website.** North Sound BHO shall prominently place its notice of privacy practices on its website.
- 1.15 **Paper Version.** North Sound BHO shall provide a paper copy of the notice of privacy practices upon request.

Revisions of the Notice of Privacy Practices

- 1.16 **Timing of Revisions.** North Sound BHO will revise its notice of privacy practices when there is a material change to the uses and disclosures of PHI, Individual's rights, its legal duties, or other privacy practices stated in the notice of privacy practices. A material change to the notice of privacy practices may not be implemented prior to the effective date of the notice of privacy practices, except when Required by Law.

- 1.17 **Material Change.** North Sound BHO will prominently post any change to its revised notice of privacy practices on its website by the effective date of the material change to its notice of privacy practices and provide the revised notice of privacy practices or information about the material change and how to obtain the revised notice of privacy practices in its next annual mailing to Individuals then covered.

Documentation. Documentation relating to the notice of privacy practices shall be retained at least six (6) years and shall include the following:

- 1.18 **Policies and procedures** for the notice of privacy practices; and
1.19 **Each version** of the notice of privacy practices appropriately dated.

Related Polices. Other policies and procedures to review that are related to this policy:

- 1.20 **Policy 2501.00: Privacy and Confidentiality;**
1.21 **Policy 2502.00: Definitions for Policies Governing PHI;**
1.22 **Policy 2506.00: Documentation;**
1.23 **Policy 2511.00: Opportunity to Agree or Object to Disclosure to Persons Involved in Individual's PHI;**
1.24 **Policy 2514.00: Right to Access PHI;**
1.25 **Policy 2515.00: Right to Amend PHI;**
1.26 **Policy 2516.00: Right to Accounting of Disclosures;**
1.27 **Policy 2517.00: Right to Alternative Communications;**
1.28 **Policy 2518.00: Right to Request Restrictions on Uses and Disclosures of PHI;**
1.29 **Policy 2521.00: Authorizations for Use and Disclosure of PHI; and**
1.30 **Policy 2522: Uses and Disclosures of PHI.**

FORMS

Current notice of privacy practices