



Oroville Hospital

Patient Rights Under HIPAA to Receive Notice of Privacy Practices

Issued by: **Administration**

Initial Approval Date: **03/25/03**

Dates of Review: **03/06, 07/08, 04/18, 04/21, 02/25**

Dates of Revision: **09/16**

Purpose

This policy is to bring Oroville Hospital into compliance with the federal HIPAA regulation 45 C.F.R. §164.520, which requires health care organizations to give Patients adequate notice of how their health information is used or disclosed, and inform Patients about their rights and the health care organization’s legal duties with respect to PHI.

It is the procedure of Oroville Hospital to provide to Patients a copy of Oroville Hospital’s Notice of Privacy Practices (“Notice”), which describes the ways Oroville Hospital may use and disclose Protected Health Information (“PHI”). Oroville Hospital shall only use or disclose a Patient’s health information for those general purposes listed in its Notice, unless required by law or unless Patient provides Oroville Hospital with written authorization.

Guidelines

A. Definitions

- (i) **“HIPAA”** means the Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. §1320d-1320d-8, and any applicable rules and regulations issued under its authority.
- (ii) **“Patient”** means any person who has registered and received services at an Oroville Hospital facility without regard to date of service. Where appropriate, the term Patient shall also include the Patient’s Personal Representative.
- (iii) **“Personal Representative”** means a person who is legally authorized to act on behalf of a Patient or a person whom the Patient has designated to make decisions related to the Patient’s health care.
- (iv) **“Protected Health Information” (“PHI”)** means any information about a Patient that has been received, created, or stored by Oroville Hospital and which includes information that may be used to identify the Patient. PHI includes any such information whether in oral or recorded form (both electronically and written).

B. Content of Notice

- (i) Required Elements. Oroville Hospital’s Notice shall be written in plain language, using a font size of 12 points or greater, and shall contain all of the elements listed below.
 - (a) The following statement as a header that is formatted in bold:

“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.”
 - (b) A description, including at least one example, of the types of uses and disclosures that Oroville Hospital is permitted to make for purposes of treatment, payment and healthcare operations. The description shall be of sufficient detail to place the Patient on notice about the use or disclosure.

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(c) A statement that other uses and disclosures will be made only when required by law, or with the Patient’s written authorization that the Patient may revoke at any time.

(ii) Separate Statements

If Oroville Hospital engages in fundraising, appointment reminders, alternative treatments (e.g. acupuncture, biofeedback, massage therapy, stress reduction), or other health-related benefits and services, then the Notice shall include a separate statement for each of these activities.

(iii) Patient Rights

The Notice shall contain a statement that Patients have the following rights with respect to their PHI, and a brief description of how Patients may exercise these rights:

- (a) Right to adequate notice of Oroville Hospital’s privacy practices;
- (b) Right to inspect and receive copies of their PHI;
- (c) Right to request amendment of their PHI;
- (d) Right to request restrictions on the use and disclosure of their PHI;
- (e) Right to request confidential communications about their PHI;
- (f) Right to an accounting of disclosures of their PHI; and
- (g) Right to file a complaint about Oroville Hospital’s privacy practices or about a privacy violation of their PHI.

(iv) Oroville Hospital’s Duties

The Notice shall contain the following statements:

- (a) Oroville Hospital is required by law to maintain the privacy of PHI and to provide Patients with a Notice of Privacy Practices describing its legal duties and privacy practices.
- (b) Oroville Hospital is required to abide by the terms of the Notice currently in effect.
- (c) Oroville Hospital reserves the right to change the terms of its Notice and a description of how Patients may obtain a copy of the revised Notice.

(v) Complaints

The Notice shall contain a statement that Patients may complain to both Oroville Hospital and the Secretary of DHHS if they believe their privacy rights have been violated. The Notice shall provide a brief description of how Patients may file a complaint, and that Patients will not be retaliated against for doing so. The statement shall include the title and phone number of the Oroville Hospital’s Privacy Officer and the Secretary of DHHS address.

(vi) Contacts

The Notice shall contain the name or title and the phone number of the person or office to contact for further information about the contents of the Notice [e.g. Privacy Officer at (530) 712-2103].

(vii) Effective Date

The Notice shall contain the date on which the Notice is first in effect. The effective date may not be earlier than the date on which the Notice is printed, posted or otherwise

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published.

C. Providing Notice

- (i) Oroville Hospital shall provide a copy of Oroville Hospital's Notice to each Patient at the date of first service delivery occurring on or after April 14, 2003, including a service that is delivered electronically or telephonically. Services include activities that are recorded in a medical record, but not purely administrative functions (e.g. scheduling). Thereafter, Oroville Hospital shall make the notice available for the Patient to take with them and provide a copy of the Notice to Patients, upon the Patient's request
- (ii) Oroville Hospital shall post the Notice in a clear and prominent location where Patients are able to read the Notice (e.g. entrance, admitting, outpatient areas, emergency department). Oroville Hospital shall take adequate steps to ensure that persons with limited English proficiency receive the language assistance necessary to ensure they understand the provisions of the Notice.
- (iii) In an emergency treatment situation, the Notice shall be provided as soon as reasonably practical.
- (iv) Except in an emergency treatment situation, Oroville Hospital shall request the Patient to acknowledge receipt of the Oroville Hospital's Notice. The acknowledgement shall be in writing and in a form suitable for being filed in the Patient's medical record. The acknowledgement may be combined with other types of acknowledgements, which may be in the form of a list. For example, the Notice acknowledgement may be included on the Conditions of Admission form, on a Patient health status form, on a separate form attached to the Notice, or other method devised by Oroville Hospital.
- (v) This documentation shall be retained in the Patient's medical record for a minimum of 6 years.

D. Providing Electronic Notice

- (i) Oroville Hospital shall post its Notice on any Oroville Hospital website that provides information to Patients about Oroville Hospital's services. The Notice shall be easy for Patients to locate and read. Patients must be able to print a copy of the Notice.
- (ii) Oroville Hospital may email a copy of the Notice to Patients provided that the patient has agreed to receive the Notice electronically. Oroville Hospital shall mail a copy of the Notice to Patients when it is known the emailed Notice has failed. A Patient who receives the Notice electronically also retains the right to obtain a paper copy of the Notice from Oroville Hospital upon request. Oroville Hospital shall include a form for obtaining the Patient's acknowledgement of receipt for return to Oroville Hospital via mail or fax, which shall constitute a good faith effort by Oroville Hospital to obtain acknowledgement. Oroville Hospital is not required to follow-up on Patients who fail to return the acknowledgement.

E. Documentation

Oroville Hospital shall retain copies of its Notice and any revisions for a minimum of six years after the date the Notice was last in effect. The documentation may be retained in paper or electronic format.