

HEALTH INFORMATION EXCHANGE POLICIES

Policy: Notice of Privacy Practices

Number: 11

Applicability: Provider, Exchanger

Effective: 3/14/2014

Policy:

Participant's Patients must be provided with a HIPAA Notice of Privacy Practices (HIPAA NPP) that adequately addresses a Participant's specific privacy practices with regard to exchanges of Data through Jersey Health Connect.

Procedure:

1) Provision of Notice of Privacy Practices

- a) Each Participant shall develop, distribute and maintain a HIPAA NPP that complies with federal and state laws applicable to such Participant, as well as in accordance with the Jersey Health Connect HIE Policies.
- b) Content.
 - i) The HIPAA NPP, together with the patient education materials set forth in the Policy "Patient Participation and Choice." shall meet the content requirements set forth under the HIPAA Privacy Rule and comply with all applicable laws and regulations, including HITECH, as may be amended from time to time.
 - ii) The HIPAA NPP shall include a description of Jersey Health Connect and inform Patients regarding:
 - (a) What information may be included in and made available through Jersey Health Connect;
 - (b) Who is able to access information through Jersey Health Connect;
 - (c) The Permitted Purposes for which their PHI can be accessed through Jersey Health Connect;
 - (d) How the Patient can "Opt-Out" of having his or her information available for access through Jersey Health Connect; and
 - (e) How the Patient can "Opt-In" to the PHR system facilitated by Jersey Health Connect and access his or her own PHI.
- (2) Participant shall either adopt the sample HIPAA NPP or include substantially similar statements found in such sample in their own HIPAA NPP.
- c) Revision. Participants may modify their HIPAA NPP at any time, provided

that such HIPAA NPP continues to meet this HIE Policy.

2) Provision to Individuals

- a) Each Participant shall implement its own procedures governing distribution of the HIPAA NPP, with any revisions, to Patients, which shall be consistent with this policy and comply with HIPAA and HITECH.
- b) For Participants that are Health Care Providers, the HIPAA NPP shall be:
 - i) Made available to Patients upon request, whether in paper or electronic format;
 - ii) Posted on and made available and/or for download electronically through the Participant's website (if any);
 - iii) Provided to a Patient at the date of first service delivery, with the exception of an emergency;
 - iv) Made available at the Participant's treatment location; and
 - v) Posted in a clear and prominent location where it is reasonable to expect Patients seeking treatment services to be able to read the NPP.
- c) Each Participant shall be solely responsible for any and all costs associated with printing, distributing and otherwise making available the revised HIPAA NPP to Patients.

3) Individual Acknowledgement

- i) Each Participant of Jersey Health Connect that is a Health Care Provider must make a good faith effort to obtain a new Patient's written acknowledgement of receipt of the NPP or to otherwise document their efforts and/or failure to do so.
- ii) The form of written acknowledgment or other documentation shall comply with HIPAA and HITECH and shall be maintained for a period of six (6) years from the date of the acknowledgement or other documentation.
- iii) Each Participant shall implement its own procedures governing obtaining written acknowledgement, which shall be consistent with the JHC Policies and in compliance with applicable laws and regulations.

4) Participant-Specific Information or Procedures

- a) Participants may choose a more proactive NPP distribution process than required under this JHC Policy, and may include more detail in their NPP regarding specific privacy practices that do not otherwise conflict with or fall below the minimum requirements of HIPAA, HITECH and these JHC Policies.

Revision History:

3/12/2012 New Policy
9/23/2013 Revised
3/14/2014 Revised