

## **Policy: 42      Notice of Privacy Practices Provision, Posting and Consent**

### **I.     PURPOSE:**

To maintain compliance with HIPAA regulations and provide guidance to Company staff on posting, distribution, and contents of the Company's Notice of Privacy Practices.

### **II.    POLICY:**

The Company will post its Notice of Privacy Practices in the required locations, and may also post this Notice on its Company website. The Company will provide a copy of the Company's Notice of Privacy Practices (NPP) upon initial contact with the customer prior to the start of treatment. The Company's staff will have the customer provide written acknowledgement that they have read and understand the Notice of Privacy Practices. Consent must be obtained from the customer before any of the customer's Protected Health Information (PHI) can be used for health care delivery, payment, and routine Company operations. There is an exception for emergency treatment, but, as soon as possible, the Notice of Privacy Practices will be provided to the customer and an acknowledgement obtained.

### **III.   DEFINITIONS:**

**Company** – Laurel Medical Supplies, INC., its subsidiaries, and affiliates.

**Notice of Privacy Practices (NPP):** Defines health information and informs our customers of how the Company may use that information for treatment, payment, and healthcare operations. In addition, NPP describes the customer's rights regarding this information, as well as the Company's duties to protect their health information.

### **IV.    APPLICABILITY:**

All Company Workforce Members.

### **V.     PROCEDURES:**

- A. The customer will be given a Notice of Privacy Practices when the customer comes in for initial visit. The customer must be provided with a "Consent to the Use and Disclosure of Health Information for Treatment, Payment or Healthcare Operations," ("Consent"), Exhibit 29.1, and be referred to Notice of Privacy Practices before start of treatment. Customer Consent only has to be obtained once at the beginning of treatment. Once Consent is obtained, it is valid until revoked in writing. This Consent form acts as acknowledgement of the customer's receipt of the Notice of Privacy Practices.

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- B. The Company's Notice of Privacy Practices will be posted in a prominent area of each office and facility, such as the reception/showroom. In addition, the Company may choose to post this Notice on its website.
- C. The customer will be given a written copy of the Notice of Privacy Practices when he/she first receives equipment, product, or services from the Company and/or visits an office or facility for equipment, product, consultation, or clinical services.
- D. The customer will be sent a copy of the Notice of Privacy Practices on an initial encounter with the Company, if the encounter is not face-to-face.
- E. If an emergency occurs before the Company's staff has had a chance to provide the patient with a copy of the Notice, then the Company will delay the provision of the Notice until it is more practical.
- F. The customer will always be asked to acknowledge their receipt of the Notice of Privacy Practices.
- G. If the customer refuses to sign the Consent form, said customer will be advised of the Company's policy (treat or not treat), and will be given second opportunity to sign the Consent form.
- H. The customer must also be advised of their right to revoke their consent in writing.
- I. The customer must also be advised of the following circumstances under which the Company will allow the customer the opportunity to agree or object to the use or disclosure of his/her PHI. This agreement or objection can be made in writing or by verbal communication:
  - 1. When the Company needs to disclose the customer's PHI, or the customer's general condition or location to someone else, such as a family member or friend involved in the customer's treatment or payment related to that treatment.
  - 2. If the customer is incapacitated, or is not present to agree or object to the disclosure of his/her PHI to someone else, then the Company can make the determination whether the disclosure is in the customer's best interest. The Company may only disclose the PHI that is directly relevant to the person's involvement with the customer's health care.

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3. In case of a customer's death, the Company may notify the family member, the customer's personal representative, or any other person responsible for the customer's care.
4. In the case of a disaster where the Company needs to provide PHI to a public or private entity authorized by law to assist in disaster relief efforts, the customer will only be provided the opportunity to agree or object if taking the time to do so does not interfere with the ability to respond to the emergency circumstances.
- J. The customer must also be advised of the following circumstances under which the Company does not need to obtain the customer's consent or provide the customer the opportunity to agree or object to use or disclosure of the customer's PHI:
  1. For uses and disclosures required by law.
  2. For certain public health activities (such as the reporting of disease).
  3. To a government authority authorized to receive reports of abuse, neglect, or domestic violence.
  4. To a health oversight agency for oversight activities authorized by law (audits, licensure, inspections, etc.)
  5. For certain judicial and administrative proceedings (or example in response to a court order, or to a subpoena, or discovery request).
  6. For certain law enforcement purposes (such as grand jury subpoena; request by law official during an investigation).
  7. In the provision of care to inmates.
  8. To victims of a crime.
  9. For specialized government functions (such as military missions, lawful intelligence, counterintelligence, or national security activities).
  10. To comply with worker's compensation laws.
  11. For identification and location purposes (example -location of customer's room in a hospital).

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12. Research.
13. To a coroner, medical examiner, or funeral director, to assist the recipient in performing his or her legal duties.
14. To an organ procurement organization in order to facilitate donation or transplantation.
15. To prevent or lessen a serious and imminent threat to the health and safety of an individual or the public.
16. Fundraising (can only use the customer's demographic data and dates of health care).

### K. Uses and disclosure requiring the customer written authorization:

1. Use or disclosure with the customer's authorization: For any purpose other than the ones described above in (J), the company may only use or disclose the customers PHI when they grant written authorization. For instance, the Company will need an executed authorization before the Company can send PHI to the customer's life insurance company or to the attorney representing the other party in litigation in which the customer is involved.
2. Marketing: The Company must also obtain your written authorization prior to using the customers PHI to send the customer any marketing materials. The Company can provide marketing materials in a face-to-face encounter without obtaining an authorization. The Company is also permitted to give the customer a promotional gift based on Company policy, without obtaining an authorization.) In addition, the Company may communicate with the customer about products or services relating to their treatment, case management or care coordination, or alternative treatments, therapies, providers, or care settings without an authorization.
3. Uses and disclosures of confidential information: In addition, federal and state laws require special privacy protections highly confidential information about the customer. The Company will comply with such special privacy protections which may cover the subset of the customers PHI that: (1) is maintained in psychotherapy notes; (2) is about mental health and developmental disabilities services; (3) is about alcohol and drug abuse prevention, treatment, and referral; (4) is about HIV/ AIDS testing, diagnosis, or treatment; (5) is about venereal disease(s); (6) is about genetic testing;

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(7) is about child abuse and neglect; (8) is about domestic abuse of an adult with a disability; (9) is about sexual assault; or (10) is about abortion. Refer also to Company Policy 29.0, Permission of Disclosure and Use of Information.

- L. All signed Customer Consent forms must be retained in a secure location for six years from date of signature.

**VI. REGULATORY AND INDUSTRY REFERENCES:**

- A. Code of Federal Regulations (CFR)- (45 CFR § 164.520)

**VII. OTHER RELATED DOCUMENTS/POLICIES/FORMS:**

- A. Policy 43, Administrative Requirements for Implementing HIPAA and HITECH

**VIII. ATTACHMENT(S):**

- A. Notice of Privacy Practices, Exhibit 42.1

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**REVISION HISTORY:**

Revision Date	Management Approval	Effective Date	Revised By	Revision Reason
01-16-15	J. Letizia C. Schmidt	01-19-15	A.Martin	This policy has been reformatted in a standardized format, reviewed, and updated as necessary.