



**POLICY TITLE:** 100.00 Patient Privacy Rights

**Responsible Department:** Corporate Privacy Office

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## **SUMMARY & PURPOSE:**

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Rule provides Federal privacy protections for individually identifiable health information, called protected health information or PHI, held by most health care providers and health plans and their business associates.

The HIPAA Privacy Rule protects all "*individually identifiable health information*" held or transmitted by a covered entity or its business associate, in any form or media, whether electronic, paper, or oral. The Privacy Rule sets out how and with whom PHI may be shared. In addition, it provides individuals with certain rights regarding their health information, such as the rights to access or request corrections to their information.

## **POLICY:**

It is the policy of Baptist Health South Florida, Inc. ("BHSF" or "Baptist Health") to comply with applicable state and federal laws, including those protecting the confidentiality of patient health information in both establishing and identifying certain individual privacy rights.

## **SCOPE/APPLICABILITY:**

This policy applies to Baptist Health, its affiliates, all workforce members, and others as described below.

- **Workforce members.** Workforce members means employees, volunteers, trainees, temporary staff, and contractors/consultants who are not independent contractors under *Human Resources Policy 1150 - Independent Contractors*.
- **Medical staff members.** Medical staff members are treated as members of an organized health care arrangement with Baptist Health South Florida and must comply with this policy as if they are workforce members pursuant to their applicable medical staff bylaws.
- **Students.** Employed students are treated as workforce members. Non-employed students (fellows, residents, students) must comply with this policy as if they are workforce members pursuant to the terms of their applicable academic agreements.

All references to Policies must go to the BHSF Master Copy on the BHSF Intranet; do not rely on other versions / copies of the Policy.

- **Independent Contractors and Others.** Independent Contractors and others who have agreed to comply with Baptist Health's policies and procedures as a condition of receiving access to Protected Health Information (PHI) must comply with this policy as if they are workforce members.

#### PROCEDURES TO ENSURE COMPLIANCE:

The HIPAA Privacy Rule grants patients important rights with respect to health information obtained and maintained by Baptist Health. Baptist Health policy is to comply with applicable state and federal laws regarding how patients may exercise these rights. The Baptist Health privacy policies have been established to allow patients to efficiently exercise these rights and must be followed by all personnel.

The HIPAA Privacy regulation gives patients a right to:

1. Notice and choice with respect to our uses and disclosures of information about their health and health care
  - a. When patients receive services or treatment at a Baptist Health facility, they will be asked to sign an acknowledgment of the Notice of Privacy Practices (NPP), which describes how BHSF will use and disclose information about patients in ways that are permitted by federal law.
2. Request confidential communications
  - a. BHSF patients have a right to request that we communicate with them about medical matters in a certain way or at a certain location. For example, patients may request that we contact them only by mail or at work. Requests must specify how or where patients wish to be contacted. BHSF will accommodate reasonable requests.
3. Privacy regarding their presence in our facility
  - a. BHSF may list patients' name, general condition (e.g., fair, critical) and location in our directory, unless they ask us not to. BHSF may disclose this information to anyone who asks for a patient by name.
4. Inspect and copy certain medical and billing records maintained by or on behalf of Baptist Health
  - a. BHSF patients have a right to inspect and copy Health Information that may be used to make decisions about their care or payment for their care.
5. Amend certain medical and billing records maintained by or on behalf of Baptist Health
  - a. If BHSF patients feel that the Health Information we have is incorrect or incomplete, they may ask us to amend the information. BHSF patients have a right to request an amendment for as long as the information is kept by or for us.
6. An accounting of disclosures of health information by Baptist Health or its business associates for purposes other than health care or payment for care
  - a. BHSF patients have a right to request an accounting of certain disclosures of protected health information made by a covered entity in the six years prior to the date on which the accounting is requested, except for disclosures:
    - i. To carry out treatment, payment and health care operations;
    - ii. To individuals of protected health information about them;
    - iii. Incident to a use or disclosure otherwise permitted or required;
    - iv. Pursuant to an authorization;
    - v. For the facility's directory or to persons involved in the individual's care or other notification purposes;
    - vi. For national security or intelligence purposes;
    - vii. To correctional institutions or law enforcement officials;
    - viii. As part of a limited data set in accordance; or
    - ix. That occurred prior to the compliance date for the covered entity.
7. Request restrictions on our use and disclosure of health information
  - a. BHSF patients have a right to request a restriction or limitation on the Health Information we use or disclose for treatment, payment or healthcare operations.
    - i. The BHSF Privacy Office is not required to grant requests for restrictions that will affect our ability to provide treatment.

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- ii. Patients have the right to request a limit on the Health Information BHSF discloses to someone who is involved in their care or the payment for their care, such as a family member or friend. For example, patients may ask that we not share information about their surgery with their spouse or that we not share information with their insurance company if they choose to pay for their service.
  - iii. Patients have a right to request that a healthcare provider comply with the patient's request for restriction of disclosure to a health plan for purposes of payment or healthcare operations when the health care services that are the subject of the restriction have been paid for in full "out of pocket" by the patient or on the patients behalf, and the disclosure is not required by law.
  - iv. If we agree, we will comply with the patients request unless we need to use the information in certain emergency treatment situations or are required by law to make a disclosure.
8. File a complaint about privacy violations
    - a. Individuals who believe that their privacy rights have been violated may file a complaint with the BHSF Chief Privacy Officer or the Secretary of the U.S. Department of Health and Human Services.
  9. Right to a copy of the Baptist Health Notice of Privacy Practices (the "Notice")
    - a. When patients receive services or treatment at a Baptist Health facility, they will be asked to sign an acknowledgment of the Notice of Privacy Practices ("NPP" or the "the Notice"), which describes how BHSF will use and disclose information about patients in ways that are permitted by federal law.
    - b. All individuals, at any time, have a right to a paper copy of this notice, even if they have agreed to receive this notice electronically, they are still entitled to a paper copy. Individuals may obtain a copy of this notice at the Baptist Health website, BaptistHealth.net, or, if you are a Baptist Health employee, on the Baptist Health intranet.

**SUPPORTING/REFERENCE DOCUMENTATION:**

- Health Insurance Portability and Accountability Act of 1996 ("HIPAA")
- Applicable Florida State Laws

**RELATED POLICIES, PROCEDURES AND ASSOCIATED FORMS:**

- Corporate HIPAA Privacy Policies
- 10000-74220-001.00 - Unified Corporate Privacy Policy HIPAA Compliance
- Form 6720 – Notice of Privacy Practices Brochure
- Form 6001 – Authorization for Release of Health Information
- Form 6008 – Request to Examine Personal Medical Record
- Form 6021 – Privacy Complaint Form
- Form 6022 – Facility Directory Form
- Form 6025 – Request for an Accounting of Disclosures
- Form 6026 – Request for Alternate Communications at an Alternative Location or by an Alternative Means
- Form 6027 – Request for an Amendment of Health Information
- Form 6028 – Request for Restrictions on Uses and Disclosures of Health Information
- Form 6032 – Patient Acknowledgment of Notice of Privacy Practices
- Administrative Policies – Corporate Registration Management:
  - 352.00 HIPAA Privacy Procedures - The Baptist Health Notice of Privacy Practices
  - 352.01 HIPAA Privacy Procedures - Exclusions from the Facility Directory (No Information Patients)
  - 352.02 HIPAA Privacy Procedures - Patient Request for Restriction on Uses and Disclosures of Health Information
  - 352.03 HIPAA Privacy Procedures - Request for Confidential Communication
  - 352.04 HIPAA Unauthorized Access of Patient Records for Personal Use

**ENFORCEMENT & SANCTIONS:**

1. Reference: Corporate HIPAA Privacy Policy 605.20 - Sanctions

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2. Violations of this policy will be determined by the Chief Privacy Officer in consultation with the appropriate levels of department leadership and appropriate Human Resources management level. Reference: HR policies 5250- Employee Conduct and 5300- Corrective Action.
3. Violations of this policy may lead to disciplinary action up to and including termination.
4. Enforcement of this policy will be performed by Baptist Health South Florida's Privacy Office in conjunction with Human Resources, as circumstances may dictate.