



**POLICY TITLE:** 101.00 Provision of the Notice of Privacy Practices

**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.

In accordance with the HIPAA Privacy Rule, Baptist Health, as a covered entity, has developed the BHSF Notice of Privacy Practices ("NPP" or "the Notice") in order to inform patients of their privacy rights with respect to their personal health information and of BHSF's privacy practices. The Notice provides a clear explanation of the patients' privacy rights.

## **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 and establishing certain individual privacy rights. It is our policy to implement these laws in a way that supports our primary mission to the community regarding the delivery of quality health care in an efficient manner. This policy governs the provision of the BHSF Notice of Privacy Practices.

## **SCOPE/APPLICABILITY:**

This policy applies to Baptist Health and their employees, volunteers, workforce members, licensed health care professionals and medical staff members,

This policy applies to Baptist Health, its affiliates, all workforce members, and others as described below, the Patient Access departments of each BHSF facility when admitting or registering patients<sup>1</sup> and the BHSF Technology & Digital personnel that maintain the electronic service delivery systems and to the BHSF Chief Privacy Officer.

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<sup>1</sup> this policy does not apply when these departments are admitting or registering patients who are inmates

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.

- **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.
- **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. It is the policy of BHSF to provide patients with the Notice of Privacy Practices, obtain acknowledgment of receipt of said notice, obtain consent to use and disclose health information upon first service delivery.

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. Right to a copy of the Baptist Health Notice of Privacy Practices (the "Notice")
  - a. All individuals have a right to a paper copy of this notice. Individuals may ask us to give them a copy of this notice at any time. Even if patients have agreed to receive this notice electronically, they are still entitled to a paper copy of this notice. 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.
3. Notice and Choice: At the time a patient is admitted or registered for services, except as stated in Section 4 of this policy, the Patient Access departments of each BHSF facility must:
  - a. Provide the patient with the Notice; and
4. Obtain the patient's acknowledgement of receiving the Baptist Health Notice of Privacy Practices and the patient's consent to use and disclose health information on the General Consent. Emergency Situations: If there is an emergency situation, the Patient Access department does not need to provide the Notice and acknowledgment/consent form prior to the delivery of services but must provide them and attempt to obtain the signature and date on the acknowledgment/consent form as soon as possible thereafter. If the patient refuses to sign and date the form, this department must document its good faith effort to obtain the signature and date and the reason why they were not obtained on the acknowledgment/consent form. The department must maintain the acknowledgment/consent with the patient's medical record.
5. Electronic Provision of Notice of Privacy Practices: Provision of the Baptist Health Notice of Privacy Practices and acknowledgment of the Notice and consent to use and disclose health information at first service delivery that is electronic.
  - a. If the patient receives his or her first service delivery electronically, the Technology & Digital department that maintains such electronic service delivery system must ensure that the system provides the Baptist Health Notice and solicits the patient's acknowledgment/consent form automatically and contemporaneously in response to the patient's first request for service by maintaining the Notice and acknowledgment in any online appointment or registration system.

- b. Once the patient arrives for their appointment or service, the Patient Access department must obtain the patient's acknowledgement of receiving the Baptist Health Notice of Privacy Practices and the patient's consent to use and disclose health information on the General Consent form.
6. Provision of Notice of Privacy Practices to the General Public: The Notice will be made available to the general public as follows:
- a. Upon Request
    - i. Anyone covered by this policy that receives a request from any individual (not just a patient) for a copy of the Baptist Health Notice of Privacy Practices shall inform the individual that such requests must be made to the Corporate Privacy Office, Patient Access, or Patient Experience Departments; and
    - ii. The Corporate Privacy Office, Patient Access, or Patient Experience Departments must provide the individual with a copy of the BHSF Notice of Privacy Practices upon request.
  - b. Public Posting - Each BHSF facility must post the Notice in a clear and prominent location in all BHSF facility admissions offices and any other area within the BHSF facility where it is reasonable to expect patients seeking services from a BHSF facility to be able to read the notice; and
  - c. Internet/Intranet Website - The Notice will be posted on the BHSF Internet /Intranet web sites as follows:
    - i. Prominently post the Notice on the website; and
    - ii. Make the Notice available electronically through the website.

**SUPPORTING/REFERENCE DOCUMENTATION:**

- Health Insurance Portability and Accountability Act of 1996 as amended from time to time and including any regulations promulgated thereunder (collectively, "HIPAA")
- Applicable Florida State Laws
- BHSF Internet Web Site: <http://baptisthealth.net/en/privacy-information/>

**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 6032 – Patient Acknowledgment of Notice of Privacy Practices
- Administrative Policies - Patient Access:
  - 352.00 HIPAA Privacy Procedures - "The Baptist Health Notice of Privacy Practices"

**ENFORCEMENT & SANCTIONS:**

1. Reference: Corporate HIPAA Privacy Policy 10000-74220-605.20 Sanctions for Privacy Violations
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.
3. Reference: HR policies 5250 Employee Conduct and 5300 Corrective Action.
4. Violations of this policy may lead to disciplinary action up to and including termination.
5. Enforcement of this policy will be performed by Baptist Health South Florida's Privacy Office in conjunction with Human Resources, as circumstances may dictate.