



POLICY TITLE: Notice and Choice - Revision to 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. 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.

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. This policy governs revisions to the BHSF Notice of Privacy Practices. Reviewing and revising the Notice is the responsibility of the BHSF Corporate Privacy Office.

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.
- **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:

1. General Rule
 - a. The BHSF Chief Privacy Officer shall revise the Notice or acknowledgment of the Notice, and consent to use and disclose health information form, and relevant portions of the face sheet, to comply with applicable law or to accommodate any change in policy.
2. Notification of Potential Revisions
 - a. If any workforce member, medical staff member, student, independent contractor or other believes that the Notice or the acknowledgment/consent form and relevant portion of the face sheet should be revised shall promptly notify the BHSF Chief Privacy Officer. The Notice or acknowledgment of the Notice and consent to use and disclose health information form may be revised only with the approval of the BHSF Chief Privacy Officer.
 - b. No other person, including workforce member, medical staff member, student, independent contractor or other is authorized to revise, alter or amend the Notice or acknowledgment form.
 - c. If a change in privacy practices is necessary prior to the revision to the Notice, the Chief Privacy Officer must:
 - i. Notify all departments of the immediate change in privacy practices;
 - ii. Revise the Notice as soon as practical; and
 - iii. After the revision, notify Patient Experience, Patient Access, Marketing and Public Relations, and the Technology & Digital departments of the need to promptly:
 - 1) Post the revised Notice at the service delivery site and on the web site;
 - 2) Provide revised Notice and/or revised portion of the face sheet at first service delivery; and
 - 3) Distribute the revised Notice upon request.
 - d. If a change in privacy practices is not necessary prior to the revision of the Notice or the revision applies to the acknowledgment/consent form or face sheet, the BHSF Chief Privacy Officer must:
 - i. Revise the Notice and/or acknowledgment/consent form/face sheet;
 - ii. Notify Patient Experience, Patient Access, Marketing and Public Relations, and the Technology & Digital departments of the need to promptly:
 - 1) Post the revised Notice at the service delivery site and on the web site;
 - 2) Provide revised Notice and/or revised face sheet at first service delivery; and
 - iii. Distribute the revised Notice upon request.
 - 1) If there is a material change in privacy practices, the BHSF Chief Privacy Officer shall notify all departments of the revised Notice. No workforce member, medical staff member, student, independent contractor or other may implement a material change in privacy practices prior to the effective date of the Notice in which the change is reflected.
3. Retention
 - a. The BHSF Chief Privacy Officer will retain any revised Notice of Privacy Practices and acknowledgment for six years from the later of the date of creation or when last in effect.



SUPPORTING/REFERENCE DOCUMENTATION:

- Health Insurance Portability and Accountability Act of 1996 (“HIPAA”)
- Applicable Florida State Laws
- Internet Web Site: <http://baptisthealth.net/privacy>

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.