

DAKOTA RADIOLOGY

Subject: Notice of Privacy Practices	Effective Date: April 13, 2003	Policy No: HIPAA 1
	Revision Date: March 21, 2007	Supersedes:
	Approved by: Tom Kushman Administrator	Approved by: Robert A. Durst, Jr., MD

HIPAA §164.520

1. Notice of Privacy Practices.

1.1. Policy: The HIPAA Privacy Rule provides that patients have a right to notice of how we may use and disclose a patient's PHI, as well as the patient's rights and our obligations regarding their PHI. We have developed a Notice of Privacy Practices to meet these requirements. We will make the Notice of Privacy Practices available to our patients as required by the Privacy Rule and as described in this policy. Our Practice will strive to abide by the terms of the Notice currently in effect.

1.2. Procedure:

1.2.1. Content of Notice. Our Notice of Privacy Practices ("Notice") has been written in plain language to contain all of the elements required by the Privacy Rule, including the following:

1.2.1.1. A description of how we use and disclose patients' PHI, including:

1.2.1.1.1. A description, with at least one example, of the types of uses and disclosures that we are permitted to make for treatment, payment, and health care operations;

1.2.1.1.2. A description of each of the other purposes for which we are permitted or required by HIPAA to use or disclose PHI without the patient's written authorization; and

1.2.1.1.3. A statement that other uses and disclosures will be made only with the patient's written authorization (see Policy No. 3 of this Policy Manual)

1.2.1.2. A description of the individual rights of our patients regarding access and control of their PHI, and how a patient may exercise those rights. Including:

1.2.1.2.1. The right to request restrictions on certain uses and disclosures and a statement that the Practice is not required to agree to a requested restriction;

1.2.1.2.2. The right to receive certain confidential communications;

1.2.1.2.3. The right to inspect and copy PHI;

1.2.1.2.4. The right to request an amendment of PHI;

1.2.1.2.5. The right to receive an accounting of certain disclosures of PHI;

1.2.1.2.6. A description of our complaint procedure for addressing problems the patient may have with our privacy practices; and

1.2.1.2.7. The right to obtain a paper copy of the Notice upon request.

1.2.1.2.8. Notice of any allowed fees that will be charged related to the above.

1.2.1.3. A description of our legal duties regarding PHI, including our legal obligation to maintain the privacy of PHI.

1.2.1.4. Identification of whom in our Practice a patient may contact for more information about our privacy practices.

1.2.1.5. The effective date of the Notice.

1.2.2. Providing the Notice (*for Direct Treatment Providers only – i.e. Radiation Oncologists, Breast Imaging Specialists and Interventional Radiologists who do not report to a treating physician*)

1.2.2.1. We will present the Notice to each patient at his or her first date of service delivery by us, occurring on or after April 14, 2003, and will make a good faith attempt to obtain each patient's acknowledgment of receipt of the Notice.

1.2.2.2. We will have a patient acknowledge receipt by **[initialing or signing the first page of the Notice; signing an acknowledgment form]**.

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1.2.2.3. If the patient refuses to provide such acknowledgment, we will document in the patient's chart our efforts to obtain the patient's acknowledgment and the reason why the acknowledgment was not obtained.

1.2.2.4. If there is an emergency treatment situation, we will provide the Notice to the patient as soon as reasonably practicable after the emergency situation. No acknowledgment of receipt of the Notice need be obtained in an emergency situation.

1.2.3. We will post our entire current Notice in a clear and prominent location in our office(s).

1.2.4. Any patient who requests a paper copy of the Notice will be provided one.

1.2.5. When our first treatment encounter with a patient is not face-to face, we will follow the following procedures:

1.2.5.1. If we first treat a patient over the telephone (not simply obtain information to schedule an appointment or procedure), we will mail the Notice to the patient the same day, if possible, with a request to sign an enclosed acknowledgment and return it to our office. We will maintain a file copy of the acknowledgment form sent to the patient as documentation of our efforts to obtain the patient's acknowledgment, in case the patient fails to return the acknowledgment form.

1.2.5.2. We may e-mail our Notice to a patient if the patient agrees to receive an electronic notice. An electronic return receipt will serve as the patient's acknowledgment of receipt of the Notice.

1.2.5.3. If our first service delivery to a patient is provided over the Internet, through e-mail, or otherwise electronically, we will send an electronic notice automatically and contemporaneously in response to the patient's first request for service. An electronic return receipt will serve as the patient's acknowledgment of receipt of the Notice.

1.2.6. If the patient has a personal representative acting on the patient's behalf at the time Notice is provided, we will provide the Notice to the representative and make a good faith effort to obtain the representative's acknowledgment of receipt of the Notice.

1.2.7. Revisions to our Notice

1.2.7.1. Our Practice will advise patients in the Notice that we reserve the right to change the terms of the Notice and to make the new Notice provisions effective for all PHI that we maintain.

1.2.7.2. We will review our Notice at least annually. If we determine at any time that there is a material change to our privacy practices, we will post a revised Notice in our office(s) and then implement the changes (unless a change in law requires that we implement the change sooner). We will advise patients in the Notice that they can obtain a revised Notice upon request on or after the effective date of the revision.

1.2.7.3. If we maintain a website, patients can access our revised Notice on our website.

1.2.7.4. No acknowledgment is necessary for a revised Notice.

1.2.8. We may utilize a "layered" Notice that consists of a short notice summarizing the patient's rights, attached to a longer notice that contains all of the elements listed in Subsection 1 of this Policy. The patient will be provided with the two documents stapled together, with the shorter notice on top of the longer notice.

1.2.9. If we participate in an Organized Health Care Arrangement and utilize a single, joint notice with another health care provider, our Privacy Officer will determine the requirements related to such joint notice.

1.2.10. Documentation. Our Privacy Officer will maintain a file containing a copy of our Notice and every revised Notice that is issued by our Practice. We will place in the patient's medical record a copy of every Notice provided to a patient [or a copy of the acknowledgment of receipt indicating the effective date of the Notice], whether provided by hard copy or electronically, along with the patient's acknowledgement of first receipt of the Notice or documentation of our good faith efforts to obtain such.