



## PRIVACY POLICY

**TITLE:** Notice of Privacy Practices

**POLICY:** Hospital for Special Surgery (HSS) shall use and disclose Protected Health Information consistent with the requirements of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended from time to time, and other applicable laws and regulations.

**PURPOSE:** To provide guidance as to the content of HSS's Notice of Privacy Practices (NPP), provision of the NPP to patients and others, and required documentation relative to the NPP.

**SCOPE:** This policy applies to HSS workforce members, physicians on the HSS Medical Staff (except when they are acting as a health care provider outside the HSS Organized Health Care Arrangement), residents, fellows, and other persons whose conduct, in the performance of work for HSS, is in direct control of HSS, regardless of whether such persons are paid by HSS

### PROCEDURE

#### A. General:

1. HIPAA provides patients with a right to be informed about the privacy practices of their health care providers, as well as be informed of their privacy rights with respect to their Protected Health Information. The HSS Privacy Officer is responsible for the creation, revision, and maintenance of the NPP.
2. Inmates of correctional facilities do not have the right to receive an NPP.

#### B. Content of the NPP

1. The content of the HSS NPP shall be written in plain language and shall, at a minimum, comply with the requirements of the HIPAA privacy regulations at 45 CFR 164.520(b) and subsequent applicable implementing regulations. Generally speaking, the content of the NPP includes the following:
  - How HSS may use and disclose a patient's Protected Health Information, including when an authorization is required for the use or disclosure of the patient's Protected Health Information;
  - A patient's rights with respect to access and control of his or her Protected Health Information and how a patient can exercise such rights;



- HSS's legal duties with respect to Protected Health Information, including a statement that HSS is required by law to maintain the privacy of Protected Health Information;
- A patient's right to complain to the Secretary of Health and Human Services regarding privacy rights violations, how a patient can file a complaint with HSS, and assurances that the patient will not be retaliated against for filing a complaint with either entity;
- That patients can contact the HSS Privacy Officer (212-774-7500) for further information about HSS's privacy practices; and
- The effective date of the NPP.

### **C. Revisions to the NPP**

1. HSS will promptly revise and distribute, as applicable, its NPP whenever there is a material change to HSS's privacy practices. Except when required by law, a material change to any term of the NPP may not be implemented prior to the effective date listed in the newly revised NPP.

### **D. Distribution of the NPP**

1. HSS will make its NPP available to any person upon request.
2. As a direct treatment provider, HSS provides the NPP to patients no later than the date of the first service delivery, including electronic service delivery. In an emergency treatment situation, HSS will provide the NPP to the patient as soon as reasonably practicable after the emergency treatment situation.
3. For indirect treatment sites within HSS, NPPs will be available to the patient, upon request.
4. HSS makes the NPP available at service delivery sites for individuals to request to take with them and posts it in clear and prominent locations where it is reasonable to expect that individuals seeking service from HSS will be able to read the NPP.
5. Whenever the NPP is revised, HSS will make the notice available, upon request, on or after the effective date of the revision and will otherwise follow paragraph 3, above. In the event the NPP is materially revised, HSS, when acting as the direct treatment provider, will give the new NPP to new patients, make the new NPP available to existing patients upon request, and post the new NPP on the HSS Web site. Indirect treatment sites will provide the new NPP to patients upon request.



6. HSS prominently posts its notice on its Web site and makes the notice available electronically through the Web site.
7. Within the timeframe required by Section IV(D)(2) of this policy, HSS may provide the NPP to an individual by e-mail, if the individual agrees to electronic notice and such agreement has not been withdrawn. If HSS knows that the e-mail transmission has failed, a paper copy of the NPP will be provided to the individual. Provision of an electronic NPP by HSS satisfies the requirements for providing notice, and an electronic delivery receipt satisfies the documentation of delivery requirement. The individual who receives an electronic notice retains the right to obtain a paper copy of the NPP from HSS, upon request.
8. HSS will take reasonable steps, based upon identified language needs, to translate and provide the NPP to patients with Limited English Proficiency.

#### **E. Joint NPP for Members of an Organized Health Care Arrangement**

1. The HSS NPP is a joint notice of privacy practices covering all participating members of the HSS Organized Health Care Arrangement (OHCA). All participating members agree to abide by the terms of the NPP with respect to Protected Health Information created or received by the member as part of its participation in the OHCA.
2. The joint notice of privacy practices reflects the fact that the NPP covers more than one covered entity and:
  - a. Describes with reasonable specificity the members, or class of members, to which the joint notice of privacy practices applies;
  - b. Describes with reasonable specificity the service delivery sites, or classes of service delivery sites, to which the joint notice of privacy practices applies; and
  - c. States that the members participating in the OHCA will share Protected Health Information with each other as necessary to carry out treatment, payment, or health care operations relating to the OHCA.
3. Provision of the joint notice of privacy practices to a patient by any one of the members included in the joint notice of privacy practices satisfies the provision requirement of all members covered by the joint notice of privacy practices.

#### **F. Documentation Requirements**

1. Except in an emergency treatment situation, HSS will ask patients to sign the "Acknowledgement of Receipt of Notice of Privacy Practices" attached to each HSS NPP.



2. The "Acknowledgement of Receipt of Notice of Privacy Practices" form will be filed in the patient's medical record.
3. If a patient refuses to sign the "Acknowledgement of Receipt of Notice of Privacy Practices" form, HSS will document its good faith attempt to provide the NPP to the patient in the space provided on the bottom of the "Acknowledgment of Receipt of Notice of Privacy Practices" form and the form will be filed in the same manner as if the NPP had been signed by the patient.
4. HSS retains copies of each NPP it has issued and any written acknowledgments of receipt of the NPP or documentation of good faith efforts to obtain such written acknowledgment. Such documentation shall be maintained for at least six years from the date of its creation or the date when it last was in effect, whichever is later.

**G. Questions:** If you have questions about this policy, please contact your department supervisor or the HSS Privacy Officer (212-774-7500).

**Capitalized terms not otherwise defined herein are defined in HSS Corporate Compliance Privacy Glossary**