

The University of Texas SOUTHWESTERN MEDICAL CENTER At Dallas	Privacy Compliance Program Privacy Manual Section 4: Patient Rights Policy No: 4.1 Last Revised: March 3, 2003 Effective Date: April 14, 2003
Notice of Privacy Practices	

POLICY:

UT Southwestern shall develop, maintain, make available upon request, distribute as required, and post on its web site its Notice of Privacy Practices (“Notice”) in plain language. This Notice shall be made available in languages other than English in conformity with Title VI of the Civil Rights Act of 1964. UT Southwestern shall make a good faith effort to obtain an Individual’s written acknowledgment of receipt of UT Southwestern’s Notice (“Acknowledgment”) at the time of first service delivery, except in emergency treatment situations.

PROCEDURE:

1. Scope
 This Policy applies to UT Southwestern’s Notice in its capacity as a health care provider.
2. Form and Content of Notice and Acknowledgment
 - a. The Privacy Officer will be responsible for maintaining and promptly revising the content of the Notice and the Acknowledgement to ensure it contains all elements required by the Privacy Laws. The Privacy Officer or designee working with the appropriate UT Southwestern staff, will promptly revise and distribute the Notice whenever there is a material change to the laws or regulations governing the uses or disclosures of PHI, the Individual’s rights, UT Southwestern’s legal duties or other privacy practices stated in the Notice.
 - b. The Privacy Officer or designee working with the appropriate UT Southwestern staff, will notify all UT Southwestern owned and operated clinical delivery sites whenever there has been a material change to the Notice. Except when required by law, a material change to any term of the Notice may not be implemented prior to the effective date of the Notice in which such material change is reflected.
 - c. The current effective forms of UT Southwestern’s Notice and Acknowledgment are included in the Forms Appendix on UT Southwestern’s HIPAA website, and will also be available from the Privacy Officer or designee.
 - d. No other office or employee shall make changes to the Notice or the Acknowledgment without the prior approval of the Privacy Officer.

3. Provision of the Notice to Patients at UT Southwestern Facilities

- a. All UT Southwestern owned and operated clinical delivery sites that are Direct Treatment Providers will be responsible for:
 - i. Posting the Notice in a clear and prominent location where it is reasonable to expect that individuals seeking service from UT Southwestern will be able to read the Notice; and
 - ii. Providing a copy of the Notice for Individuals to take with them at the time of their first clinic visit after the effective date of this Policy; and
 - iii. Providing the Notice in emergency situations, as soon as reasonably practicable after the emergency treatment situation.
- b. All UT Southwestern owned and operated clinical delivery sites that are Indirect Treatment Providers will not be required to provide the Notice to patients.

4. Provision of the Notice on Request

All UT Southwestern Workforce shall be responsible for providing UT Southwestern's current Notice to any person who requests the Notice. The requestor does not have to be a patient of UT Southwestern, since the Notice is intended to be a public document that Individuals can use as one factor in deciding whether to receive services from UT Southwestern.

5. Acknowledgement of the Notice

- a. All UT Southwestern owned and operated clinical delivery sites that are Direct Treatment Providers will be responsible for ensuring that the site adheres to the following:
 - i. If the Notice is provided in person. At the time the Notice is provided, the site must also make a good faith effort to obtain a signed Acknowledgment from the Individual. If the Individual for any reason does not sign the Acknowledgment, the site is then responsible for documenting on the Acknowledgment its good faith efforts to obtain the acknowledgment, as well as the reason why it was not obtained. Therefore, the site *must* complete the Acknowledgment by *either* obtaining the signature of the Individual *or* providing documentation of the efforts made and the reason for not obtaining the signature of the Individual. A completed Acknowledgment for each Individual must then be filed in the Individual's medical record.
 - ii. If the Notice is provided by mail or electronically. At the time the Notice is mailed or electronically sent, the site must also include in the delivery an Acknowledgment with a request to the Individual to return the signed Acknowledgment. The site, or its representative, shall maintain written documentation of the communication requesting return of the Acknowledgment for purposes of establishing a good faith effort to obtain the Acknowledgment. Such documentation shall be filed in the Individual's medical record.

- b. All UT Southwestern owned and operated clinical delivery sites that are Indirect Treatment Providers will not be required to satisfy the requirements regarding acknowledgement of the Notice.
- c. UT Southwestern is not responsible for obtaining the signed Acknowledgment in the case of an emergency.

6. Provision of Notice and Acknowledgment to Patients at other Facilities

For Individuals who receive services from UT Southwestern health care providers in a facility that is not owned and operated by UT Southwestern, the Privacy Officer or designee will oversee the establishment of arrangements between UT Southwestern and those facilities to insure UT Southwestern's obligations with regard to the Notice and Acknowledgment, as set forth in this Policy, are met. An inmate receiving medical attention from a UT Southwestern health care provider is not required to receive a copy of the Notice.

7. Documentation Requirements

- a. The Privacy Officer will maintain copies of all versions of UT Southwestern's Notice for a period of six (6) years from the effective date of the version.
- b. All UT Southwestern owned and operated clinical delivery and admission sites will be responsible for filing the completed Acknowledgment for each patient in the appropriate medical record. All medical records personnel responsible for maintaining patient medical records will retain copies of the completed Acknowledgment for each patient in accordance with UT Southwestern's medical record retention policies, but in no event less than six (6) years from the date of the Acknowledgment.

LEGAL REFERENCES:

45 C.F.R. § 164.520, 164.530(j) (2001)