

HARTSOUGH DERMATOLOGY

7402 East Riverside Boulevard
Loves Park, IL 61111

Phone (815) 226-9642

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Notice of Privacy Practices Individual Rights

Introduction

One section of the Privacy Rule addresses the Notice of Privacy Practices.¹ In general, a covered entity – including a physician – is required to provide every direct care patient with a copy of the covered entity's Notice of Privacy Practices. In addition, covered entities are required to request obtain patient acknowledgment and document that the Notice was received or document why the acknowledgment could not be received.

Policy

The practice provides a copy of its Notice of Privacy Practices to each direct care patient and documents that the Notice was provided. The practice makes its Notice available to other individuals upon request.

Procedure

Provision of Notice

The practice provides its Notice of Privacy Practices to every patient with whom it has a direct treatment relationship. The Notice is provided no later than the date of the first treatment to the patient.

Direct Treatment Relationship: As stated in the Privacy Rule, the practice has a direct treatment relationship with any patient with whom it does not have an indirect treatment relationship. An indirect treatment relationship is one where the practice delivers health care to the individual based on the orders of another health care provider and the practice typically provides services or products, or reports the diagnosis or results associated with the health care, directly to another health care provider, who provides the services or products or reports to the individual. In general, if a provider never sees the patient in their office, the provider does not have a direct patient relationship.

The practice does not routinely have indirect treatment relationships with patients; however, in the case of an indirect treatment relationship, the practice makes its Notice available upon request to the patient in the indirect treatment relationship.

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The practice makes its Notice available to any member of the public to enable prospective patients to evaluate the practice's privacy practices when making his or her decision regarding whether to seek treatment from the practice. The practice provides its Notice to any patient or other individual who so requests the Notice.

Documentation of Provision of Notice: When a direct treatment patient receives the Notice from the practice, the practice asks the patient to sign its "Receipt of Notice of Privacy Practices" form. The form is filed with the patient's medical record. If the patient refuses to sign the form, it is noted in the medical record that the patient was given the Notice and refused to sign the form. Treatment is not affected by a refusal to sign.

Separate Document: The practice does not combine the Notice with any other documents.

Posting of Notice: The practice posts the Notice in a prominent place in its reception area and allows each patient to keep a copy of the Notice.

Electronic Notice: The Notice of Privacy Practices is also able on our website at: www.hartsoughdermatology.com or www.canopyMD.com.

Joint Notice: The practice is an independent practice; however, it is part of several organized health care arrangements with other covered entities, including the hospitals, nursing homes, ambulatory surgical centers, and other facilities at which its physicians practice.

Notice Changes

If the Notice is revised, the practice makes the revised Notice available upon request beginning on the revision's effective date. The revised notice is posted in the practice's reception area and made available to all patients, including those who have received a previous Notice.

Content of the Notice

The Notice of Privacy Practices reflects and is based on the policies and procedures specified in this manual and referenced in this section.

Plain Language: The Notice is written in plain language. The practice strives for clarity.

Introductory Header: As required in § 164.520(b)(1)(i), the first statement of the Notice states:

"THIS NOTICE DESCRIBES HOW MEDICAL INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY."

Statement of Uses and Disclosures: The Notice includes the following:

Notice of Privacy Practices - Individual Rights

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- a description, including at least one example, of the types of uses and disclosures that the practice is permitted to make under the Privacy Rule for treatment, payment, and health care operations;
- a description of each of the other purposes for which the Privacy Rule permits or requires the practice to use or disclose PHI without the individual's written authorization;
- a description of any material limitations or prohibitions imposed by State or other applicable law on permitted uses and disclosures beyond that outlined in the first two dot points;
- sufficient detail in each such description to place the individual on notice of the uses and disclosures that are permitted or required by the Privacy Rule and other applicable law;
- a description of the types of uses and disclosures that require an authorization under the Privacy Rule (psychotherapy notes, marketing, and sale of PHI); and
- a statement that other uses and disclosures not described in the Notice will be made only with written authorization and a statement that the individual may revoke such authorization.

Individual Rights: The Notice contains a description of the individual rights granted under the Privacy Rule:

- the right to receive confidential communications of PHI;
- the right to inspect, copy and request amendment of PHI; and
- the right to receive an accounting of PHI disclosures.

The practice allows individuals to request restrictions on the use and disclosure of PHI, but will only grant those requests required by law.

The Notice states that the practice may not limit its obligation to make a use or disclosure that either the law requires or the Privacy Rule permits to prevent or lessen a serious and imminent threat to a person or public health or safety.

Duties of the Practice: The Notice outlines the practice's duties, including that the law requires the practice to:

- maintain the privacy of PHI and provide individuals with notice of the practice's legal duties and privacy practices with respect to PHI;
- abide by the terms of the Notice currently in effect; and
- include a statement that the practice reserves the right to change the terms of its notice and to make the new notice provisions effective for all PHI that it maintains. When this occurs, the practice provides individuals with a revised notice at the patient's next visit or informs them of how to obtain a revised notice.

Complaints: The Notice explains that individuals may complain to the practice's Privacy Officer and to the HHS Secretary, if they believe their privacy rights have been violated. In addition, the Notice indicates how the individual may file a complaint and that the practice will not retaliate against any individual that files a complaint.

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Contact: The Notice contains the title, and telephone number of a person or office to contact for further information. That person is the practice's Privacy Officer.

Effective Date: The Notice contains an effective date, which is not earlier than the date on which the notice is published.

Revisions to the Notice: The practice will promptly revise and provide its Notice whenever there is a material change to the uses or disclosures, the individual's rights, the covered entity's legal duties, or other privacy practices stated in the Notice. Except when required by law, a material change to any term of the Notice will not be implemented prior to the effective date of the notice in which such material change is reflected.

Documentation

The practice documents compliance with the Notice requirements by retaining a sample copy of each of its Notices of Privacy Practices. A signed copy or a copy indicating why the acknowledgment could not be received of the "Receipt of Notice of Privacy Practices" form is maintained in each patient's medical record. Copies of materials will be retained as required under section §164.630(j) for a period of six years from the date of creation or last use, whichever is later.