



Oklahoma State University

Title: Provision of Notice	Policy #: PRV-08.02
Category: HIPAA Compliance	Authority: 45 CFR § HIPAA SECTION: 164.520(c)
Standard: Notice of Privacy Practices	Responsibility: Health Care Components
Effective Date: 4/14/2003	Page 1 of 4
Approved By: OSU Legal Counsel	Revised: 7/1/2013

PURPOSE:

To identify how OSU must use and disseminate the Notice of Privacy Practices

POLICY:

OSU must make the notice required by this section available on request to any person and to individuals as specified in paragraphs (c)(1) through (c)(3) of this section, as applicable. §164.520(c)

1. **Specific Requirements for Certain Covered Health Care Providers** - A covered health care provider that has a direct treatment relationship with an individual must: §164.520(c)(2)
 - a. Provide the Notice: §164.520(c)(2)(i)
 - i. No later than the date of the first service delivery, including service delivered electronically, to such individual after the compliance date for the covered health care provider; or §164.520(c)(2)(i)(A)
 - ii. In an emergency treatment situation, as soon as reasonably practicable after the emergency treatment situation. 164.520(c)(2)(i)(B)
 - b. Except in an emergency treatment situation, make a good faith effort to obtain a written acknowledgment of receipt of the notice provided in accordance with paragraph (1)(a) of this policy, and if not obtained, document its good faith efforts to obtain such acknowledgment and the reason why the acknowledgment was not obtained; §164.520(c)(2)(ii)
 - c. If the covered health care provider maintains a physical service delivery site: §164.520(c)(2)(iii)
 - i. Have the notice available at the service delivery site for individuals to request to take with them; and §164.520(c)(2)(iii)(A)
 - ii. Post the notice in a clear and prominent location where it is reasonable to expect individuals seeking service from the covered health care provider to be able to read the notice; and §164.520(c)(2)(iii)(B)
 - d. Whenever the notice is revised, make the notice available upon request on or after the effective date of the revision and promptly comply with the requirements of paragraph (1)(c) of this policy, if applicable. §164.520(c)(2)(iv)
2. **Specific Requirements for Electronic Notice** –



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- a. A covered entity that maintains a web site that provides information about the covered entity's customer services or benefits must prominently post its notice on the web site and make the notice available electronically through the web site. *§164.520(c)(3)(i)*
 - b. OSU may provide the notice required by this section to an individual by e-mail, if the individual agrees to electronic notice and such agreement has not been withdrawn. If OSU knows that the e-mail transmission has failed, a paper copy of the notice must be provided to the individual. Provision of electronic notice by the covered entity will satisfy the provision requirements of this policy when timely made in accordance with paragraphs (1) or (2) of this policy. *§164.520(c)(3)(ii)*
 - c. For purposes of paragraph (1)(a) of this policy, if the first service delivery to an individual is delivered electronically, the covered health care provider must provide electronic notice automatically and contemporaneously in response to the individual's first request for service. The requirements in paragraph (1)(b) of this policy apply to electronic notice. *§164.520(c)(3)(iii)*
 - d. The individual who is the recipient of electronic notice retains the right to obtain a paper copy of the notice from a covered entity upon request. *§164.520(c)(3)(iv)*
3. **Joint Notice by Separate Covered Entities** - Covered entities that participate in organized health care arrangements may comply with this section by a joint notice, provided that: *§164.520(d)*
- a. The covered entities participating in the organized health care arrangement agree to abide by the terms of the notice with respect to protected health information created or received by the covered entity as part of its participation in the organized health care arrangement; *§164.520(d)(1)*
 - b. The joint notice meets the implementation specifications in policy PRV-08.01 *Notice of Privacy Practices*, except that the statements required by this section may be altered to reflect the fact that the notice covers more than one covered entity; and *§164.520(d)(2)*
 - i. Describes with reasonable specificity the covered entities, or class of entities, to which the joint notice applies; *§164.520(d)(2)(i)*
 - ii. Describes with reasonable specificity the service delivery sites, or classes of service delivery sites, to which the joint notice applies; and *§164.520(d)(2)(ii)*
 - iii. If applicable, states that the covered entities participating in the organized health care arrangement will share protected health information with each other, as necessary to carry out treatment, payment, or health care operations relating to the organized health care arrangement. *§164.520(d)(2)(iii)*
 - c. The covered entities included in the joint notice must provide the notice to individuals in accordance with the applicable implementation specifications of paragraph (c) of this section.



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Provision of the joint notice to an individual by any one of the covered entities included in the joint notice will satisfy the provision requirement of paragraph (c) of this section with respect to all others covered by the joint notice. §164.520(d)(3)

4. **Documentation** - OSU must document compliance with the notice requirements, as required by § 164.530(j), by retaining copies of the notices issued by OSU and, if applicable, any written acknowledgments of receipt of the notice or documentation of good faith efforts to obtain such written acknowledgment, in accordance with paragraph (1)(b) of this policy. §164.520(e)

PROCEDURE:

1. OSU will provide the Notice of Privacy Practices in all new patient paperwork packets at all clinic locations. Should the patient be in an emergent state or otherwise not readily available to give them the Notice, OSU shall either wait till a more appropriate time during the patient encounter that same day, or mail (using at least First Class mail) the Notice to the patient within 24 hours or as soon as practicable.
2. If a patient is brand new to the OSU clinic system, that is when the patient needs to receive the Notice. Should that same patient then go and been seen in a different OSU clinic location within 1 year time, that patient does not need to receive the Notice, even though they may be new to that specific clinic.
3. It is the job of the employee checking the patients in to ensure all brand new to OSU patients receive the Notice.
4. OSU Clinic locations may choose to post the Notice in a conspicuous location accessible to all patients, either in a packet stapled on the wall, large poster format, or other format that is easy to access in the clinic by all patients, especially those with mobility issues.
5. OSU does not operate as a health plan, and therefore any such requirements for health plans do not apply.
6. It is the responsibility of the HIPAA Compliance Officer to ensure the Notice is up to date with all State and Federal Regulations and that each clinic location is using the most up to date version.
7. OSU reserves the right to update the Notice at any time for any reason.
8. OSU shall notify or provide an updated copy of the Notice to all patients when there is a material change or as law requires. If there are minor corrections, like typos for example, there will not be a need to provide an updated copy to patients upon finalizing of the minor changes.
9. OSU shall always have available on the HIPAA website the most recent version of the Notice available for all to print or view, [found here](#).



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10. Since OSU has a large amount of Spanish speaking patients, OSU will attempt to keep the Notice updated in Spanish. OSU will not provide the Notice in any other language or dialect.
11. If patients wish to have the Notice emailed to them, the OSU employee will gather the necessary information to email and then notify the HIPAA Compliance Office of such request. The HIPAA Compliance Office will then email the patient the Notice.
12. If the email does not go through, OSU shall attempt to contact the patient and verify the email address, if that attempt is unsuccessful, OSU shall mail the Notice.
13. If OSU and another covered entity decide to utilize the Joint Notice, the Notice shall be updated to reflect such change. This will be considered a material change and as such, the Notice will then need to be given out to ALL patients.
14. All patients who receive the Notice are to be asked to sign a document saying they've read and reviewed the document. If the patient signs, we are to keep that signature on file, either on paper copy or electronically and then should be considered part of the Medical Record.
15. If the patient does not sign or acknowledge the Notice, the OSU employee responsible for gathering such signatures shall document in the patient record what attempt was made to obtain such signature as required by (1)(b) of this policy and that shall then become part of the Medical Record.
16. OSU employees shall not just ask the patient to sign the Notice or other document they did not offer or provide the patient. If this occurs, the Sanctions policy shall be followed.

REFERENCE:

Notice of Privacy Practices