

MAINEGENERAL HEALTH

FUNCTIONAL AREA:

POLICY #: RI-34

EFFECTIVE: 9/2013

TOPIC: Notice of Privacy

AUTHORIZATION:

President MaineGeneral Health &
President/CEO MaineGeneral Medical Center

Privacy Officer

I. **PURPOSE:** Each patient is entitled to receive adequate notice of the uses and disclosures of protected health information (PHI) that may be made by MaineGeneral Health (MGH) and its subsidiaries as well as the patient's rights and MaineGeneral Health's legal duties with respect to health information. This policy describes the content, locations of access and means of disseminating the Notice of Privacy Practices at MaineGeneral Health.

II. **POLICY:**

Content of Notice of Privacy Practices

A. MGH's notice of privacy practices will be in plain language and contain the following elements (see attachment 1):

Header containing these words: 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.

B. A description and at least one example of the types of uses and disclosures that the MGH is permitted to make for treatment, payment and health care operations.

C. A description of each of the other purposes for which MGH is permitted or required to use or disclose PHI without patient consent or authorization with enough detail to put the patient on notice.

- D. If a use or disclosure for any purpose is prohibited or materially limited by other applicable law, including a description of the more stringent law.
- E. A description of the types of uses and disclosures that require an authorization and a statement that other uses and disclosures not described in the notice will be made only with the individual's written authorization and that the individual may revoke the authorization. The limitation on the patient's right to revoke the authorization, and how an individual can revoke the authorization is described.
- F. A statement that MGH may contact individuals to raise funds and that the individual has the right to opt-out of receiving such communications.
- G. Statement of the patient's individual rights with respect to PHI and a brief description of how the patient may exercise them. These rights include the right to request restrictions on certain uses and disclosures, and a statement that MGH is not required to agree to a requested restriction; the right to receive confidential communications of PHI; the right to inspect and copy PHI; the right to amend PHI; the right to receive an accounting of disclosures of PHI; the right to receive a paper copy of the notice upon request, even after agreeing to electronic notice.
- H. Statement that MGH is required by law to maintain the privacy of PHI and provide individuals with notice of its legal duties and privacy practices with respect to PHI and to notify affected individuals following a breach of unsecured protected health information.
- I. Statement that MGH is required to abide by the terms of the notice currently in effect, but that it reserves the right to change its privacy practices. The statement must describe how MGH will provide individuals with a revised notice.
- J. Statement that patients may complain to MGH and to the Secretary of DHHS if they believe their privacy rights have been violated, along with a brief description of how to file a complaint.
- K. A non-retaliation statement.
- L. Name, or title and telephone number of a person or office to contact for further information.

- M. Effective date of the notice (which may not be earlier than the publication date).
- N. If the Hospital elects to limit uses or disclosure beyond the HIPAA requirements, a description of those more limited uses and disclosures.

III. RESPONSIBILITIES:

The MGH Privacy Officer has the overall responsibility for ensuring and enforcing compliance with the HIPAA Privacy Standards described in the Notice of Privacy including maintaining, revising and distributing the Notice of Privacy Practices.

IV. PROCEDURES:

1. Means of Disseminating Notice of Privacy Practices

A. The Hospital will provide the Notice of Privacy Practices to patients and others in the following ways:

- (1) upon any person's request;
- (2) at registration or check-in;
- (3) by having hard copies of the Notice available at the information desk in the lobby, the front desk of the emergency department, outpatient areas, nursing stations, etc., and;
- (4) by posting the Notice in clear and prominent locations where it is reasonable to expect individuals seeking service from MGH to be able to read the notice.

B. The Notice of Privacy will be made available and prominently posted on the MGH web-site. The Notice may be provided via email if agreed upon by the individual. If email transmission fails, a paper copy must be provided to the individual.

C. The effective date of the Notice of Privacy Practices, including any revised Notice of Privacy Practices, will not be before the publication date of the printed Notice.

D. Except where required by law, a material change in the Notice of Privacy Practices will not be implemented before the effective date of the Notice.

2. Obtaining Patient Acknowledgement of Receipt of Notice of Privacy Practices

Except in emergency situations, at registration, MGH will make a good faith effort to obtain written acknowledgement from the patient or the patient's representative of receipt of the Notice, and if not obtained, indicate the individual's refusal to receive the Notice of Privacy or other extenuating circumstance. In emergency situations where obtaining acknowledgement of receipt of the Notice would interfere with patient care, the Hospital will attempt to obtain the acknowledgment as soon as practicable.

V. POLICY STORED AT:

- Original signed MaineGeneral Health Policies are maintained in the office of the Sr. Vice President & Chief Nurse Executive at the Alford Center for Health, Augusta.
- Entities of MaineGeneral Health maintain and file policies specific to their areas in a designated Administrative area of their own.
- Copies of MGH policies are filed in the Health Sciences Library of the Thayer Center for Health, Waterville.
- Employees can access policies via the MaineGeneral intranet.

VI. POLICY APPLIES TO:

- MaineGeneral Medical Center
- MaineGeneral Rehabilitation & Long Term Care
- MaineGeneral Retirement Community
- MaineGeneral Community Care
- All

VII. PROPONENT: Privacy Officer

VIII. KEY SEARCH WORDS: Notice of Privacy, PHI