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SECTION: HIPAA

AREA: HIPAA PRIVACY/SECURITY POLICIES

SUBJECT: NOTICE OF PRIVACY PRACTICES

PURPOSE

To inform the University of Arkansas for Medical Sciences (“UAMS”) Workforce about the required procedures regarding the UAMS Notice of Privacy Practices.

SCOPE

The UAMS Workforce.

DEFINITIONS

Indirect Treatment Relationship shall mean a relationship between a patient and healthcare provider in which:

1. The healthcare provider delivers healthcare directly to the patient based on the orders of another healthcare provider; and
2. The healthcare provider typically provides services or product, or reports the diagnosis or results associated with the healthcare, directly to another healthcare provider, who provides the services or product or reports to the patient.

Protected Health Information (“PHI”) means information that is part of an individual’s health information that identifies the individual or there is a reasonable basis to believe the information could be used to identify the individual, including demographic information, and that (i) relates to the past, present, or future physical or mental health or condition of the individual; (ii) relates to the provision of health care services to the individual; or (iii) relates to the past, present, or future payment for the provision of health care services to an individual. This includes PHI which is recorded or transmitted in any form or medium (verbally, or in writing, or electronically). PHI excludes health information maintained in educational records covered by the federal Family Educational Rights Privacy Act and health information about UAMS employees maintained by UAMS in its role as an employer and health information regarding a person who has been deceased for more than 50 years.

UAMS Workforce shall mean physicians, employees, volunteers, trainees, and other persons whose conduct, in the performance of work for UAMS, is under the direct control of UAMS, whether or not they are paid by UAMS.

Go to the UAMS HIPAA Office website at hipaa.uams.edu to access any other terms or definitions referenced in this policy.

POLICY

The Health Insurance Portability and Accountability Act of 1996 (“HIPAA”) requires that UAMS distribute a **Notice of Privacy Practices** to individuals receiving treatment. The Notice describes how medical information about a patient may be used and disclosed by UAMS, how the patient can get access to this information, and also the rights that individuals have to control certain uses or disclosures of their information. It is the policy of UAMS to distribute the **Notice of Privacy Practices** in compliance with the requirements of HIPAA.

PROCEDURE

- A. Content of the Notice** - The UAMS **Notice of Privacy Practices** conforms to §164.520 of the Health Insurance Portability and Accountability Act.
- B. Distribution and publication of the Notice** - Each UAMS HIPAA covered component will be responsible for making the UAMS **Notice of Privacy Practices** available to its patients in accordance with the HIPAA regulations.
1. For patients with whom UAMS has a **direct treatment relationship**, UAMS will:
 - a. Provide the *Notice* to the patient no later than the date of the first service delivery. Make a good faith effort to obtain the individual's written Acknowledgment that they received the *Notice* by asking the patient or patient’s Legal Representative to sign the *Acknowledgment of Receipt of Privacy Notice* available in UAMS Forms OnDemand. Document the reason if the written Acknowledgment was not obtained. Depending on the service location, the Acknowledgement may be signed on paper and scanned into the patient’s record or electronically signed during the registration workflow and available in the patient’s record.
 - b. Post the *Notice* in a clear and prominent location; and
 - c. Make the *Notice* available at all service delivery sites.
 2. The *Notice* will be provided to patients who have an **Indirect Treatment Relationship** and **are** physically present at UAMS. The *Notice* will be available upon request to patients **not** physically present and who have an **Indirect Treatment Relationship** at UAMS. An example of this is: mail-in specimens to the UAMS Clinical Laboratory.
 3. In emergency situations, the provision of the *Notice* and its written Acknowledgment may be given as soon as reasonably practicable after the emergency treatment situation.
 4. The *Notice* will be prominently posted on UAMS public websites.
 5. The *Notice* is available on the UAMS HIPAA Office website at hipaa.uams.edu and UAMS Health at uamshealth.com.

6. The *Notice* will be made available in English and Spanish. Other interpretive accommodations will be provided upon request. Refer to Medical Center Policy P.S.2.07, *Availability and Use of Spoken Language and Sign Language Interpreters*.

C. Revisions to the Notice - UAMS will revise its *Notice* whenever there is a material change to its privacy practices stated in the *Notice*. Such changes will not be implemented before the effective date of the new *Notice*. The revised *Notice* will be distributed pursuant to this Policy to patients who did not receive the prior *Notice*. The revised *Notice* will be made available upon request, posted on the UAMS public websites, and in prominent locations within the facilities.

D. Documentation Requirements - A copy of the *Notice* and each subsequent revision will be retained for six years by the UAMS HIPAA Office.

SANCTIONS

Violation of this Policy will result in disciplinary action, in accordance with UAMS Administrative Guide 4.4.02, *Employee Discipline Policy* and UAMS Administrative Guide 2.1.42, *HIPAA Sanctions Policy*.

Signature: _____

A handwritten signature in black ink, appearing to read "C. Smith", is written over a horizontal line.

Date: January 10, 2023