

# Regulatory Compliance

## Sample Notice of Privacy Practices - Layered

*A covered entity has until September 23, 2013, to update its notice of privacy practices with the 2013 HIPAA amendments. An article on the CDA Practice Support website, "HITECH Act Revises Certain HIPAA Provisions," summarizes the amendments. This sample notice includes the required revisions.*

*This resource is provided by CDA for informational purposes only and should not be considered legal advice. Appropriate legal advice regarding a particular question or specific situation should be obtained by you from qualified legal counsel.*

A covered entity is required to provide patients with its notice of privacy practices. The notice must include descriptions and a few examples of the types of uses and disclosures of protected health information that the covered entity is permitted to make without the individual's written authorization, including for each of the following purposes: treatment, payment and health care operations. It should include a statement about the other uses and disclosures the practice may use protected health information only with the individual's written authorization. A statement on the individual's rights with respect to the information and a brief description of how those rights may be exercised must be included in the notice. A covered entity must review its duties and obligations with respect to the protected health information, describe procedures for taking individual's complaints and provide an effective date of the notice.

This resource is a layered notice of privacy practices. The first page is a summary of the complete notice, with references to the pages on the full notice you can find detailed information. You may post the first page in your office, but you must provide all new patients with the full notice and make the full notice available upon request or when the information changes.

## Instructions for the Dental Practice

Fill in the effective date on the first page of the notice and the contact information on the last page. Fill in the name of the dental practice at the top of the "Acknowledgement of Receipt of Notice of Privacy Practices."

You may post the summary of the notice in your waiting area. Provide the full notice to a patient at the first encounter or soon after and obtain patient acknowledgement of receipt. Retain the acknowledgement with the patient record. The full notice also must be posted where a patient is likely to view it, and it must be made available upon request. Include the full notice on the practice website.

When the notice is revised, notify patients of the revision and where they can obtain or view a copy. The notification can be posted in the office and included in patient mailings and the practice website. It is not necessary to distribute the new notice to current patients or to obtain an acknowledgement of receipt.

Dental practices that receive payments from certain types of government programs, such as Denti-Cal, Healthy Families, Medicare Advantage (Part C) or electronic health records incentive ("meaningful use"), must comply with the nondiscrimination requirements of the Affordable Care Act Section 1557. A notification statement and language taglines are included as part of this resources. If your dental practice is not required to comply with this rule, you need not include the taglines.

## Our Privacy Practices

**Oak Meadow Dental Center complies with applicable federal civil rights laws and does not discriminate on the basis of race, color, national origin, age, disability or sex.**

**English:** Our dental practice will provide language assistance services free-of-charge to individuals who do not speak English well enough to discuss the dental care we are providing.

**Spanish:** Nuestro consultorio dental les proporcionará servicios de asistencia lingüística gratuitos a los individuos que no hablen inglés con suficiente fluidez para discutir la atención dental que proporcionamos.

**Chinese:** 我们的牙科业务将为英语不太流利的人士提供免费的语言协助服务，以方便讨论我们提供的牙齿护理服务。

## **Our Uses and Disclosures of Health Information**

### **How we may use and share your health information**

(see pages 3–5 for more details)

- To treat you
- To obtain payment for your treatment
- To run our practice and improve our services
- Upon your request with your written authorization
- With your family and friends
- Via unsecured email, only upon your request
- With persons involved in your care
- For the marketing of health-related services [remove if you do not utilize this practice]
- For research [remove if you do not utilize this practice]
- For fundraising [remove if you do not utilize this practice]
- In the event of a change of ownership
- When required by law
- For purposes of public health
- To report abuse or neglect
- For purposes of national security
- Appointment reminders
- Sign-in sheets and announcements

## **Your Rights**

### **You have the right to**

(see pages 6–7 for more details)

- Access your medical record
- Receive an accounting of disclosures of your information
- Restrict our sharing of your information
- Alternative communications
- Be notified of an impermissible use of your information
- Amend your information
- File a complaint against our office and with the U.S. Department of Health and Human Services

# Notice of Privacy Practices

This notice describes how your health information may be used and disclosed and how you can get access to this information. Please review it carefully. The privacy of your health information is important to us.

## Our Legal Duty

Federal and state laws require us to maintain the privacy of your health information. We are also required to provide this notice about our office's privacy practices, our legal duties and your rights regarding your health information. We are required to follow the practices that are outlined in this notice while it is in effect. This notice takes effect 09/16/2016 and will remain in effect until we replace it.

We reserve the right to change our privacy practices and the terms of this notice at any time, provided such changes are permitted by applicable law. We reserve the right to make changes in our privacy practices and the new terms of our notice effective for all health information that we maintain, including health information we created or received before we made the changes. Before we make a significant change in our privacy practices, we will change this notice and make the new notice available upon request. For more information about our privacy practices or additional copies of this notice, please contact us (contact information below).

## Uses and Disclosures of Health Information

We use and disclose health information about you for treatment, payment and health care operations. For example:

### **Treatment**

We disclose medical information to our employees and others who are involved in providing the care you need. We may use or disclose your health information to another dentist or other health care providers providing treatment that we do not provide. We may also share your health information with a pharmacist in order to provide you with a prescription or with a laboratory that performs tests or fabricates dental prostheses or orthodontic appliances.

### **Payment**

We may use and disclose your health information to obtain payment for services we provide to you, unless you request that we restrict such disclosure to your health plan when you have paid out-of-pocket and in full for services rendered.

### **Health Care Operations**

We may use and disclose your health information in connection with our health care operations. Health care operations include, but are not limited to, quality assessment and improvement activities, reviewing the competence or qualifications of health care professionals, evaluating practitioner and provider performance, conducting training programs, accreditation, certification, licensing or credentialing activities.

### **Your Authorization**

In addition to our use of your health information for treatment, payment or health care operations, you may give us written authorization to use your health information or to disclose it to anyone for any purpose. If you give us an authorization, you may revoke it in writing at any time. Your revocation will not affect any use or disclosures permitted by your authorization while it is in effect. Unless you give us a written authorization, we cannot use or disclose your health information for any reason except those described in this notice.

## Notice of Privacy Practices (continued)

### **To Your Family and Friends**

We must disclose your health information to you, as described in the Patient Rights section of this notice. You have the right to request restrictions on disclosure to family members, other relatives, close personal friends or any other person identified by you.

### **Unsecured Emails**

We will not send you unsecured emails pertaining to your health information without your prior authorization. If you do authorize communications via unsecured email, you have the right to revoke the authorization at any time.

### **Persons Involved in Care**

We may use or disclose health information to notify, or assist in the notification of (including identifying or locating) a family member, your personal representative or another person responsible for your care, of your location, your general condition or your death. If you are present, then prior to use or disclosure of your health information, we will provide you with an opportunity to object to such uses or disclosures. In the event of your incapacity or emergency circumstances, we will disclose health information based on a determination using our professional judgment disclosing only health information that is directly relevant to the person's involvement in your health care. We will also use our professional judgment and our experience with common practice to make reasonable inferences of your best interest in allowing a person to pick up filled prescriptions, medical supplies, X-rays or other similar forms of health information.

### **Marketing Health-Related Services**

We may contact you about products or services related to your treatment, case management or care coordination or to propose other treatments or health-related benefits and services in which you may be interested. We may also encourage you to purchase a product or service when you visit our office. If you are currently an enrollee of a dental plan, we may receive payment for communications to you in relation to our provision, coordination or management of your dental care, including our coordination or management of your health care with a third party, our consultation with other health care providers relating to your care or if we refer you for health care. We will not otherwise use or disclose your health information for marketing purposes without your written authorization. We will disclose whether we receive payments for marketing activity you have authorized.

### **Change of Ownership**

If this dental practice is sold or merged with another practice or organization, your health records will become the property of the new owner. However, you may request that copies of your health information be transferred to another dental practice.

### **Required by Law**

We may use or disclose your health information when we are required to do so by law.

### **Public Health**

We may, and are sometimes legally obligated to, disclose your health information to public health agencies for purposes related to preventing or controlling disease, injury or disability; reporting abuse or neglect; reporting domestic violence; reporting to the Food and Drug Administration problems with products and reactions to medications; and reporting disease or infection exposure. Upon reporting suspected elder or dependent adult abuse or domestic violence, we will promptly inform you or your personal representative unless we believe the notification would place you at risk of harm or would require informing a personal representative we believe is responsible for the abuse or harm.

## Notice of Privacy Practices (continued)

### **Abuse or Neglect**

We may disclose your health information to appropriate authorities if we reasonably believe that you are a possible victim of abuse, neglect or domestic violence or the possible victim of other crimes. We may disclose your health information to the extent necessary to avert a serious threat to your health or safety or the health or safety of others.

### **National Security**

We may disclose to military authorities the health information of Armed Forces personnel under certain circumstances. We may disclose to authorized federal officials health information required for lawful intelligence, counterintelligence and other national security activities. We may disclose to correctional institutions or law enforcement officials having lawful custody of protected health information of inmates or patients under certain circumstances.

### **Appointment Reminders**

We may contact you to provide you with appointment reminders via voicemail, postcards or letters. We may also leave a message with the person answering the phone if you are not available.

### **Sign-In Sheet and Announcement**

Upon arriving at our office, we may use and disclose medical information about you by asking that you sign an intake sheet at our front desk. We may also announce your name when we are ready to see you.

## Patient Rights

### **Access**

You have the right to look at or get copies of your health information, with limited exceptions. You may request that we provide copies in a format other than photocopies. We will use the format you request unless we cannot practicably do so. You must make a request in writing to obtain access to your health information. You may obtain a form to request access by contacting our office. We will charge you a reasonable cost-based fee for expenses such as copies and staff time. You may also request access by sending us a letter. If you request copies, there may be a charge for time spent. If you request an alternate format, we will charge a cost-based fee for providing your health information in that format. If you prefer, we will prepare a summary or an explanation of your health information for a fee. Contact us for a full explanation of our fee structure.

### **Disclosure Accounting**

You have a right to receive a list of instances in which we disclosed your health information for purposes other than treatment, payment, health care operations and certain other activities for the last six years. If you request this accounting more than once in a 12-month period, we may charge you a reasonable cost-based fee for responding to these additional requests.

### **Restriction**

You have the right to request that we place additional restrictions on our use or disclosure of your health information. We are not required to agree to these additional restrictions, but if we do, we will abide by our agreement (except in emergency). In the event you pay out-of-pocket and in full for services rendered, you may request that we not share your health information with your health plan. We must agree to this request.

### **Alternative Communication**

You have the right to request that we communicate with you about your health information by alternative means or to alternative locations. You must make your request in writing. Your request must specify the alternative means or location and provide satisfactory explanation of how payments will be handled under the alternative means or location you request.

### **Breach Notification**

In the event your unsecured protected health information is breached, we will notify you as required by law. In some situations, you may be notified by our business associates.

### **Amendment**

You have the right to request that we amend your health information. (Your request must be in writing, and it must explain why the information should be amended). We may deny your request under certain circumstances.

*Add the following sections only if you engage in these activities or may in the future:*

### **Research**

Your health information may be disclosed to researchers for research purposes. In this situation, written authorization is not required as approved by an Institutional Review Board or privacy board.

### **Fundraising**

We may use or disclose demographic information and dates of treatment in order to contact you for fundraising activities. If you no longer wish to receive these communications, notify us at the contact information provided below and we will stop sending further fundraising information.

## Patient Rights (continued)

### Questions and Complaints

If you want more information about our privacy practices or have questions or concerns, please contact us at:

Contact: Robert Dyer, DDS \_\_\_\_\_

Telephone: (408) 395-1121 \_\_\_\_\_ Fax: (408) 395-4262 \_\_\_\_\_

Email: OakMeadowDental@gmail.com \_\_\_\_\_

Address: 210 Oak Meadow Dr Los Gatos Ca 95032 \_\_\_\_\_

If you are concerned that we may have violated your privacy rights, or you disagree with a decision we made about access to your health information or in response to a request you made to amend or restrict the use or disclosure of your health information or to have us communicate with you by alternative means or at alternative locations, you may send a written complaint to our office or to the U.S. Department of Health and Human Services, Office of Civil Rights. We will not retaliate against you for filing a complaint.





## Acknowledgement of Receipt of Notice of Privacy Practices

*You May Refuse to Sign This Acknowledgement*

I, \_\_\_\_\_ [full name], have received a copy of the \_\_\_\_\_  
[name of practice] Notice of Privacy Practices.

**Print Name** \_\_\_\_\_

**Signature** \_\_\_\_\_

**Date** \_\_\_\_\_

If this acknowledgement is signed by a personal representative on behalf of the patient, complete the following:

**Personal Representative's name** \_\_\_\_\_

**Relationship to Patient** \_\_\_\_\_

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## For Program Use Only

**We attempted to obtain written acknowledgement of receipt of our Notice of Privacy Practices, but acknowledgement could not be obtained because:**

- Individual refused to sign
- Communications barriers prohibited obtaining the acknowledgement
- An emergency situation prevented us from obtaining acknowledgement
- Other (Please Specify)