

MAIMONIDES MEDICAL CENTER

CODE: HIPAA-001 (Reissued)

DATE: September 01, 2017

ORIGINALLY ISSUED: May 5, 2003

SUBJECT: NOTICE OF PRIVACY PRACTICES

I. POLICY

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) requires the Medical Center to protect the privacy of its patients' health information, and to provide them with a copy of a Notice of Privacy Practices, which describes the health information privacy practices (i.e. how medical information about patients may be used and disclosed and how patients can get access to that information) of Maimonides Medical Center, its medical staff, and affiliated health care providers that jointly provide health care services in the Medical Center. Maimonides Medical Center maintains, makes available upon request, distributes as required, and posts on its web site its Notice of Privacy Practices (the "Notice") (See Attachment 1).

Maimonides Medical Center shall make a good faith effort to obtain an individual's written acknowledgment of receipt of Maimonides Medical Center's Notice at the time of first service delivery except in emergency treatment situations.

II. RESPONSIBILITIES

A. Each Medical Center employee who is responsible for making available, distributing, and/or posting the Notice, obtaining acknowledgments or documenting good faith efforts to obtain an acknowledgment, or admitting and/or registering patients, is expected to be aware of the requirements of this Policy and follow these procedures. Each Department involved in the activities listed above shall institute appropriate procedures to ensure that such requirements are met. The Director of each Ambulatory Health Services Network site will be responsible for compliance with the provisions of this Policy affecting his/her site.

B. The Patient Relations Department will assist such other Departments as necessary to ensure compliance with the requirements of this Policy, and shall respond to the requests for information under this Policy.

C. Each individual who provides, or attempts to provide, the Notice to the patient pursuant to Paragraph III(C) of this Policy shall be responsible for such follow-up and documentation of the good faith efforts to obtain the acknowledgment of receipt of the Notice.

D. The External Affairs Department shall ensure the Notice (and any revision thereof) is posted on the Maimonides Medical Center public web site.

E. The Privacy Officer shall have overall responsibility and oversight of this Policy.

III. PROCEDURE

A. Provide the Notice to Any Person Upon Request. Maimonides Medical Center shall provide its Notice to *any person* who requests the Notice. The requestor does not have to be a patient of Maimonides Medical Center because the Notice is intended to be a public document that individuals can use as one factor in deciding whether to receive services from Maimonides Medical Center. Requests for copies of the Notice shall be forwarded to, and responded to by, the Patient Relations Department at (718) 283-7212.

B. Make Notice Available and Post Notice at Physical Delivery Site. Maimonides Medical Center shall make the Notice available at any service delivery site for individuals to request to take with them. Maimonides Medical Center shall post the Notice in a clear and prominent location where it is reasonable to expect that individuals seeking service at the hospital and/or at any of its Ambulatory Health Services Network sites will be able to read the Notice, including but not limited to designated reception areas. The Director of each site will be responsible for compliance with this provision of this Policy.

C. Distribute the Notice on the Date of First Service Delivery. Maimonides Medical Center shall provide each patient with a copy of the Notice no later than the date of first service delivery to the patient (including at the time of admission, at a first visit to a hospital department, or any other first service contact with the patient) or when reasonably practicable following an emergency treatment situation. The following Departments are responsible for distributing Notices to the patients they register: Pre-Admission testing; Admitting Department (including Emergency Department Admitting); Ambulatory Health Network Services; Radiology (outpatient); Laboratory (outpatient); See and Advise; Perinatal Testing; Endoscopy; Psychiatry; Vascular Lab; Pulmonary Function Testing, and other Departments as are identified and so notified by the Privacy Officer. The Patient Relations Department will assist in following up and distributing Notices to patients.

D. Make a Good Faith Effort to Obtain a Written Acknowledgment of the Patient's Receipt of the Notice and/or Document Good Faith Efforts to Obtain. The Acknowledgement of Receipt of HIPAA Notice of Privacy Practices (the "Acknowledgment"), as well as the Notice, is available in Standard Register and attached to this policy (see Attachment 2). At the time the Notice is distributed to the patient, relevant staff shall make a good faith effort to obtain each patient's written Acknowledgment. If a signed Acknowledgment is not obtained, staff shall document their good faith efforts to obtain such acknowledgment and the reason why the Acknowledgment was not obtained (e.g., the individual refused to sign) in the space provided.

The completed acknowledgment form should be filed in (or scanned into, as applicable) the patient's Medical Record. Any additional attempts to obtain the patient's acknowledgment of receipt of the Notice shall be documented on additional acknowledgment forms and should also be filed in (or scanned into, as applicable) the patient's Medical Record.

For infants born at Maimonides, the acknowledgment form signed by the mother will serve as the written acknowledgment for the infant. The mother's acknowledgment form should be filed in the mother's chart only. For newborns transferred to Maimonides from other institutions, a separate acknowledgment form, listing the newborn's name and signed by the mother or father, is required. The newborn's acknowledgment form should be filed in the newborn's chart only.

In emergency treatment situations, the Medical Center shall make a good faith effort to obtain acknowledgment when reasonably practicable following the emergency treatment.

E. Translations of the Notice. Maimonides Medical Center shall provide the Notice to individuals in the language of their preference, as available¹. The Acknowledgment, however, may be in English, provided that the content of the Acknowledgment is explained to the patient consistent with AD-120, "Language Assistance Services."

F. Make Notice Available After Revisions. Whenever Maimonides Medical Center revises its Notice, Maimonides Medical Center shall make the Notice available upon request to any person on or after the effective date of the revision. Requests for revised Notices shall be forwarded to, and responded to by, the Patient Relations Department.

G. Making Available and Distributing Notices by E-Mail Is Permitted. Maimonides Medical Center may satisfy the provision set forth in paragraph III(A) of this Policy and the distribution requirements set forth in paragraph III(C) of this Policy if Maimonides Medical Center provides the Notice to an individual by e-mail if the individual agrees to electronic notice and such agreement has not been withdrawn. For example, Maimonides Medical Center may ask an individual at the time the individual requests a copy of the Notice whether he or she prefers to receive the Notice or any revisions of the Notice in hard copy or electronic form. If patient agrees orally (e.g. telephone) to receive the Notice by e-mail, the staff member should document such conversation with the patient in the medical record.

H. Post Notice on Web Site. Maimonides Medical Center shall prominently post its Notice on its web site and make the Notice (and any revised Notice(s)) available electronically through the web site. Such posting is not, however, sufficient to meet the distribution requirements set forth in paragraph III(C) of this Policy. Accordingly, Maimonides Medical Center shall both: (i) prominently post its Notice on its web site; and (ii) distribute the Notice in accordance with paragraph III(C) of this Policy.

I. Document Retention. Maimonides Medical Center shall retain its Notice (including all subsequent revisions to its Notice and made available to individuals), and all written Acknowledgments received from patients (or documentation establishing Maimonides Medical Center's good faith efforts to obtain such acknowledgment) in paper or electronic form for 6 years from the date when such documents were last in effect.

¹ The Notice is available in Standard Register in Arabic, Bengali, Chinese, English, Italian, Polish, Russian, Spanish, Urdu, and Yiddish.

IV. CONTROLS:

The Privacy Officer and the Legal Department shall monitor compliance with this policy.



Kenneth D. Gibbs
President & CEO

REFERENCES:

45 C.F.R. §§ 164.520, 164.530(j); 65 Fed. Reg. 82462, 82551, 82723-82726 (Dec. 28, 2000); 67 Fed. Reg. 53182, 53238-43 (Aug. 14, 2002); Civil Rights Act of 1964, 42 U.S.C. § 2000d *et. seq.*; 45 C.F.R. § 80.3(b)(2) (2001); 65 Fed. Reg. 52762 (Aug. 30, 2000) (Policy Guidance on the Prohibition Against National Origin Discrimination as it Affects Persons with Limited English Proficiency); HITECH §13400; Omnibus HIPAA Rule 78 Fed. Reg. 5566, 5622-5626, 5701 (Jan. 25, 2013) (amending 45 C.F.R. § 164.520)

INDEX:

Privacy Notice

ORIGINATING DEPARTMENT:

Executive Office (Office of General Counsel)

ATTACHMENTS:

- 1: Notice of Privacy Practices
- 2: Acknowledgement of Receipt of HIPAA Notice of Privacy Practices