Policy Title: Notice of Privacy Practices

Policy Number: P-014  
Version: 1.1 Updated September 5, 2003

Reference: 45 CFR 164.520; 45 CFR 164.512

Applicability: Department of Health

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Effective Date: April 14, 2003

Policy:

The NDDoH will provide notice to individuals about the permitted and required uses and disclosures of protected health information that may be made by the NDDoH, and of the individual’s rights, and the NDDoH’s legal duties with respect to protected health information.

Exceptions:

This policy and procedure does not apply to:

- Inmates

Required Privacy Notice Contents:

I. Header (as specified in the requirements)

II. Uses and disclosures
   A. Description including at least one example of the types of uses and disclosures that the NDDoH is permitted to make for the purpose of treatment, payment and health care operations, with sufficient detail to place an individual on notice of the uses and disclosures permitted or required.

   B. A description of each of the other purposes for which the NDDoH is permitted or required to use or disclose protected health information without the individual’s written authorization with sufficient detail to place an individual on notice of the uses and disclosures permitted or required. This includes the uses and disclosures:
      1. Required by law
      2. For public health purposes
      3. About victims of abuse, neglect or domestic violence
      4. For health oversight activities
5. For judicial and administrative proceedings
6. For law enforcement purposes
7. About decedents
8. For cadaveric organ, eye or tissue donation purposes
9. For research purposes
10. To avert a serious threat to health or safety
11. For specialized government functions
12. For workers’ compensation

C. A description of any other limitations on uses and disclosure of protected health information reflected in more stringent state or federal laws, as applicable. (Example: limitations on the disclosures of PHI regarding STDs and HIV).

D. A statement that other uses or disclosures will be made only with individual’s written authorization and that the authorization may be revoked as outlined in the authorization policy.

III. Individual rights
A. The right to request restrictions on certain uses and disclosures including a statement that the NDDoH is not required to agree to a requested restriction.
B. The right to receive confidential communications.
C. The right to inspect and copy protected health information.
D. The right to amend protected health information.
E. The right to receive an accounting of disclosures of protected health information.
F. The right to obtain a paper copy of the NDDoH Notice of Privacy Practices from the NDDoH.

IV. Covered entity’s duties
A. A statement that the NDDoH is required by law to maintain the privacy of protected health information and to provide individuals with notice of its legal duties and privacy practices with respect to protected health information.
B. A statement that the NDDoH is required to abide by the terms of the notice currently in effect.
C. A statement that the NDDoH reserves the right to change the terms of the notice and make the new notice provisions effective for all PHI maintained, along with a description of how the NDDoH will provide individuals with the revised notice.

V. Complaints
A. A statement that individuals may complain to the NDDoH and to the Secretary of the Department of Health and Human Services (DHHS) if they believe their privacy rights have been violated.
B. Information on how to file a complaint, and
C. A statement that the individual will not be retaliated against for filing a complaint.
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VI. Contacts
   A. The name or title and telephone number of the person or office to contact for further information on filing complaints.

VII. Effective date

Procedure:

• The notice of protected health information privacy practices will be posted in a prominent place and on the NDDoH website.

• The Privacy Officer retains copies of the original Notice and any subsequent revisions for a period of six (6) years from the date of its creation or when it was last in effect, whichever is later.

• The Notice is revised as needed to reflect any changes in the NDDoH privacy practices.

Related Forms:

NDDoH Notice of Privacy Practices

Definitions:

NDDoH – North Dakota Department of Health

Protected Health Information – Individually identifiable health information that is transmitted or maintained by electronic media or transmitted or maintained in any other form or medium

Individually Identifiable Health Information – Health information which includes demographic information that relates to the past, present or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present or future payment for the provision of health care to an individual and that identifies the individual or there is a reasonable basis to believe the information can be used to identify the individual

Electronic Media – Electronic storage media including memory devices in computers and any removable/transportable digital memory medium such as magnetic tape or skid, optical disk or digital memory card; or transmission media used to exchange information already in electronic storage media. Transmission media include, the internet, extranet, leased lines, dial-up lines, private networks and the physical movement of removable/transportable electronic storage media