

Great Rivers Behavioral Health Administrative Services Organization

Policy Title:	Notice of Privacy Practices	Policy No. 5007.01
Category:	Privacy & Security	Date Adopted: 01/01/2020 Date Revised: Date Reviewed:8/4/2021
Reference:	Washington Department of Social and Health Services Contract with Great Rivers Behavioral Health Administrative Services Organization; 45 CFR 164.520	

POLICY:

- 1.1. Great Rivers Behavioral Health Administrative Services Organization (Great Rivers BH-ASO) will post a copy of its Notice of Privacy Practices, and any revisions thereto, in English and in Spanish, in a prominent position at the Intake area of each service delivery site. In addition, copies of the Notice, in English or Spanish, will be available at the front desks for those who wish to have them. Great Rivers BH-ASO will offer to read the Notice of Privacy Practices to any individual who requests that the Notice be read to them. For non-English or non-Spanish speaking Individuals, Great Rivers BH-ASO will engage the services of an interpreter fluent in the Individual's language to read the Notice of Privacy Practices.
- 1.2. Great Rivers BH-ASO requires a written Acknowledgment of Receipt of the Notice of Privacy Practices be received from each individual no later than the first service date. Front desk staff and Intake Specialists will be responsible for obtaining the Acknowledgement of Receipt when the Notice of Privacy Practices is given to the Individual or document the good faith effort made to obtain it.
- 1.3. Great Rivers BH-ASO's Notice of Privacy Practices must contain all these items:
 - 1.3.1. Header:
 - 1.3.1.1. "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."
 - 1.3.1.2. A description, including sufficient detail to place the individual on notice, and at least one example of the types of uses and disclosures for treatment, payment, and health care operations.
 - 1.3.1.3. A description, including sufficient detail to place the individual on notice, of each of the other purposes for which a covered entity is either required or permitted to use or disclose PHI without the individual's written consent or Authorization.
 - 1.3.1.4. A description of any prohibitions or material limitations required by more stringent law.
 - 1.3.1.5. A statement that other uses and disclosures will be made only with the individual's written Authorization and that such Authorization may be revoked.
 - 1.3.1.6. A separate statement that Great Rivers BH-ASO will contact the individual to provide appointment reminders or information about treatment alternatives, or other health-related benefits and services that may be of interest.
 - 1.3.1.7. A statement of the individual's rights with respect to uses and disclosures of PHI and a description of how they may be exercised including rights to:
 - 1.3.1.7.1. Request restrictions, including a statement that Great Rivers BH-ASO is not required to agree to such restrictions;
 - 1.3.1.7.2. Receive confidential communications of PHI;

- 1.3.1.7.3. Inspect and copy PHI;
 - 1.3.1.7.4. Amend PHI;
 - 1.3.1.7.5. Receive an accounting of disclosures of PHI; and
 - 1.3.1.7.6. Obtain a paper copy of the Notice upon request.
 - 1.3.1.8. A statement about Great Rivers BH-ASO duties to:
 - 1.3.1.8.1. Maintain the privacy of PHI, to provide individuals with notice of its legal duties and privacy practices relative to PHI, and to notify affected individuals following a breach of unsecured PHI;
 - 1.3.1.8.2. Abide by the terms of the Notice of Privacy Practices currently in effect; and
 - 1.3.1.8.3. When retroactively applying a change in the Notice, to provide a statement that Great Rivers BH-ASO reserves the right to change the terms of its notice and to make the new notice effective for all PHI it maintains, and how it intends to provide individuals with a revised notice.
 - 1.3.1.9. A statement those individuals may complain (to Great Rivers BH-ASO or to the Secretary of DHHS) if they believe their Privacy rights have been violated, a brief description of how to file a complaint with Great Rivers BH-ASO or the Secretary, and a statement that there will be no retaliation against the individual if a complaint is made.
 - 1.3.1.10. The name or title and telephone number of the person or officer designated as responsible for receiving complaints and providing additional information.
 - 1.3.1.11. The date on which the Notice is first in effect, which may not be earlier than the date on which the Notice of Privacy Practices is printed or otherwise published.
- 1.4. Great Rivers BH-ASO requires that revision of privacy practices may only occur after deliberation by the HIPAA Privacy Officer and the Compliance Officer. Any changes arising from the revision process will be incorporated into the Notice of Privacy Practices and distributed to Individuals before those practices are effective.

PROCEDURE:

- 2.1. Privacy Officer Role and Responsibility: The Privacy Office is responsible for the organization's Privacy Program including but not limited to daily operations of the privacy program, development, implementation, and maintenance of policies and procedures, monitoring program compliance, investigation and tracking of incidents and breaches and insuring members' rights in compliance with federal and state laws.
- 2.2. Notice of Privacy Practices
 - 2.2.1. The Privacy Officer in consultation with the Compliance Officer and/or Chief Executive Director, and its counsel, if indicated, will develop the Notice of Privacy Practices.
 - 2.2.1.1. The Privacy Officer and the Board of Directors of Great Rivers BH-ASO must approve the Notice of Privacy Practices.
 - 2.2.1.1.1. The Notice of Privacy Practices in effect at any time will be the Notice attached to this policy.
 - 2.2.1.1.2. On at least an annual basis, the Privacy Officer will review the current version of the Notice of Privacy Practices and suggest modifications, and if any, seek the approval of the Board of Directors.
 - 2.2.1.2. All Great Rivers BH-ASO staff members are responsible for reading and understanding the Privacy Notice and the practices and procedures Great Rivers BH-ASO must follow in order to comply with the practices described in the Notice of Privacy Practices.

- 2.2.1.2.1. Any employee who believes that Great Rivers BH-ASO is not complying with its Privacy Notice or is concerned about any behaviors or actions of any employees, independent contractors, or business associates with regard to an Individual's privacy and the Notice of Privacy Practices must report those concerns either to the supervisor or directly to the Compliance Officer. All employees will be trained on the privacy practices of Great Rivers BH-ASO, including all practices outlined in the Notice of Privacy Practices.
 - 2.2.1.2.1.1. Great Rivers BH-ASO will incorporate training into their new employee's orientation process.
 - 2.2.1.2.1.2. Current employees will receive training in conjunction with Great Rivers BH-ASO's training on the Privacy Regulations required under HIPAA.
 - 2.2.1.2.1.3. On an annual basis, if and when the Notice of Privacy Practices is modified, all employees will receive notice of any changes, a description of any operational changes that must be implemented in order to comply with the changes to the Notice of Privacy Practices, and information on how their day-to-day work will change as a result.
- 2.2.1.3. The Notice of Privacy Practices will be clearly and prominently displayed in public areas at every Great Rivers BH-ASO site including all administrative sites. At all service delivery sites, the notice will be displayed, at a minimum, in the agencies' waiting rooms and paper copies will be made available to individuals who request them.
 - 2.2.1.3.1. Paper copies of the Notice of Privacy Practices will be kept at every site and will be available to any Individual or Individual's representative who requests one. A copy of the Notice of Privacy Practices will also be posted on Great Rivers BH-ASO's website and the site address be provided in the Notice of Privacy Practices. Individuals can also ask that copies of the Notice be mailed or e-mailed to them. A procedure for securing an electronic Acknowledgment of receipt of the e-mailed Notice of Privacy Practices.
 - 2.2.1.3.2. Each new Individual must be given the opportunity to review the Notice of Privacy Practices prior to actually receiving any services from Great Rivers BH-ASO. Individuals who decline the opportunity to review at the initial visit may request this opportunity later in their treatment.
- 2.2.1.4. For facility-based clinics, the front desk staff will be responsible for ensuring that all Individuals are told about the existence of the notice, their right to review the notice, and their right to receive and keep a copy of the notice. A paper copy of the Notice of Privacy Practices will be given to all Individuals no later than the first date of service, and to all enrolled Individuals after the effective date of April 14, 2003.

- 2.2.1.5. Individuals in Residential treatment facilities will be informed of their rights with regard to the Notice at the time of their initial admission.
- 2.2.1.6. If the first treatment appointment takes place over the phone, the staff person providing the treatment must (where they have adequate information) mail a copy to the individual, include a return envelope and ask that the Individual sign the Acknowledgement of Receipt of the notice and return it to Great Rivers BH-ASO. The staff person should document in the medical record, on an Acknowledgement of Receipt, that the Notice was sent.
 - 2.2.1.6.1. Individuals seen in Community based settings will be given a copy of the Notice by the Intake Clinician who will request their written acknowledgement.
 - 2.2.1.6.2. In emergency situations a copy of the Notice will be given to the Individual and written Acknowledgment requested as soon as it is safe to do so without interfering with treatment. In the event Great Rivers BH-ASO provides services electronically, Great Rivers BH-ASO will also make sure that a copy of the notice is given to the Individual either in writing or electronically prior to the first treatment appointment and that a written acknowledgement is requested. This Acknowledgment may be an electronic process to be established.
 - 2.2.1.6.3. If an Individual does not sign the written Acknowledgement of their receipt of the Notice of Privacy Practices, the designated staff person will discuss the reasons for not signing and document both the good faith effort to get written Acknowledgment and the reason for not obtaining it. This documentation should be dated and signed.
- 2.2.1.7. The Notice of Privacy Practices is written in plain language in order to make sure that Great Rivers BH-ASO's privacy practices may be reasonably understood. The Notice is also "layered" and contains a summary of Great Rivers BH-ASO's privacy practices on the first page with the detail included in the pages that follow. It is up to the designated staff persons at each site and program to determine if the Individual can understand the English language written Notice or if a different method of informing the Individual about the agency's privacy practices needs to be considered. For those reasons, Great Rivers BH-ASO will offer the Individual the following alternatives.
 - 2.2.1.7.1. Individuals who cannot read and comprehend the Notice of Privacy Practices as written should be offered the opportunity to have the Notice read to them by a staff person. Alternatively, the Individual may ask a relative or friend who accompanied them to the agency to read the Notice to them.
 - 2.2.1.7.2. Each site must have a written plan in place that designates the Clinician or Case Manager who will be responsible for reading the Notice of Privacy Practices to Individuals who need this service.
 - 2.2.1.7.3. For Individuals under the age of 18, the Notice of Privacy Practices will be offered to the parent or any other custodian who is responsible for consenting to their medical care.

- 2.2.1.8. Alternative Languages: The Notice of Privacy Practices will be posted and available in Spanish. Great Rivers BH-ASO will provide an interpreter for those Individuals who do not speak or read English or Spanish.
- 2.2.1.9. Alternatives to Paper:
 - 2.2.1.9.1. Great Rivers BH-ASO may elect to use Videotape or Tape Recording to convey the Notice of Privacy Practices.
 - 2.2.1.9.2. Great Rivers BH-ASO will post the Notice of Privacy Practices on its website. Great Rivers BH-ASO's website will have on its home page a link to Great Rivers BH-ASO's Notice of Privacy Practices that is prominently displayed. Updates and revisions to the Notice must be placed on the website by Great Rivers BH-ASO's designee within the same time frames described for the posting of the paper copies.
- 2.2.1.10. Individuals' questions about the Notice of Privacy Practices should be answered promptly and completely. If a staff person is unable to answer a question, the Individual should be directed to the Privacy Officer for additional information. Also, the Notice of Privacy Practices provides the Privacy Officer's contact information.
- 2.2.1.11. The Notice of Privacy Practices allows Great Rivers BH-ASO to modify or change its Privacy Practices, but Individuals must be given the appropriate notice of the changes Great Rivers BH-ASO plans to make at least 10 business days prior to the effective date of the new, revised Notice.
 - 2.2.1.11.1. Each version of the Notice of Privacy Practices will have an effective date printed on each page.
 - 2.2.1.11.2. Copies of the revised Notices will be posted or sent to the Office Manager or Site Director at each site, including the administrative offices at least 15 business days prior to the effective date of the new revised Notice.
 - 2.2.1.11.3. The staff person receiving the Notice is responsible for ensuring that all old copies of the Notice are destroyed and that the new Notice is in place within 48 hours of receipt. In order to make sure that community-based Clinicians, satellite sites, and other outreach sites have the appropriate copies of the Notice, each Site Manager/Office Manager must have a site-based procedure in place to ensure that the appropriate distribution of the new notice and destruction of the old notice takes place. Copies of the new Revised Notice of Privacy Practices will be made available to Individuals upon request at least 10 working days before the effective date.

POLICY SIGNATURE

DocuSigned by:

Vickie L. Raines

2EC90BCF63204FC...
Vickie L. Raines, Chair
Great Rivers BH-ASO Governing Board

12/10/2021

Date