

Policy and Procedure for Providing Indian Health Service Notice of Privacy Practices

45 CFR 164.520

PURPOSE: To establish policy and procedure for providing the Notice of Privacy Practices to all patients.

POLICY: It is Indian Health Service (IHS) policy to provide adequate notice of its uses and disclosures of protected health information (PHI) and of the individual's rights and IHS' legal duties with respect to PHI to its beneficiaries.

PROCEDURE: IHS shall prominently and clearly display the IHS Notice of Privacy Practices in every Service Unit and treatment facility and on its web site at WWW.IHS.GOV. In addition, IHS may prominently display the IHS Notice of Privacy Practices in other public places within its facilities.

Any individual, whether or not a patient, has the right to request and receive a copy of the IHS Notice of Privacy Practices ("Notice") at any time.

All patients, including both new and established patients, shall be provided a copy of the Notice at their first visit to an IHS facility after April 13, 2003, as follows:

1. The Patient Registration Office or other appropriate department will provide a copy of the current Notice to the patient.
2. A staff member will briefly summarize the purpose of the Notice, in a statement such as the following: **"The purpose of the Notice is to inform you of the uses and disclosures which IHS may make of your protected health information, and it tells you of your rights and IHS' legal duties with respect to such information."** The patient does not have to read the Notice, instead alternate means may be used to communicate the content (e.g., a video shown in the waiting room, or a staff member or accompanying family member may read the Notice to the patient).
3. Ask the patient if he or she has any questions. The staff member should answer any questions as best he/she can and refer unanswered questions to the Service Unit Privacy Act Liaison (PAL) or the Service Unit HIPAA Coordinator.
4. Ask the patient to acknowledge receipt of the Notice by signing the Acknowledgment of Receipt of IHS Notice of Privacy Practices (Acknowledgement form).
5. If the patient cannot be provided with the Notice at the initial visit due to incapacitation or emergency, document the reason on the Acknowledgment form. The documentation should be signed and dated by the appropriate IHS staff. Provide the patient with the Notice and Acknowledgment form as soon as the patient is no longer incapacitated or the emergency situation has passed.

6. If another individual is acting as the patient's representative in making healthcare decisions on behalf of the patient, provide that person with the Notice and the Acknowledgment form.
7. If the Notice is revised by a material change, the revised Notice must be posted in clear and prominent locations in every Service Unit and treatment facility, on its web site, and in other public places, that are easily accessible on or after the effective date of the revision. The revised Notice will also be given to all patients who come into the facility after the effective date of the revision. The revised Notice must also be mailed to all active users within 60 days of a material revision.
8. File the signed Acknowledgment of Receipt of IHS Notice of Privacy Practices into the patient's medical record.