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Document Name:	Notice of Privacy Practices	
Document Type:	Privacy Rule Policy and Procedures	Effective Date: 01/13/2020
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Privacy Rule Standard and Implementation Specifications		Individual Rights
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PURPOSE

The purpose of this Policy is to enable Salisbury Behavioral Health to comply with Privacy Rule Standard and Implementation Specifications concerning an Individual's right to receive a Notice of Privacy Practices (NPP) that explains Uses and Disclosures Salisbury Behavioral Health may make of the Individual's Protected Health Information (PHI), the Individual's rights and the legal duties of Salisbury Behavioral Health with respect to the Individual's PHI.

POLICY

Salisbury Behavioral Health shall provide an NPP to Individuals that is up to date, contains all information required by the Privacy Rule, is written in plain language and shall maintain all necessary Documentation related to content and provision of the NPP. Privacy Rule requirements for NPP content, provision to Individuals and Documentation are set forth in the Procedures of this Policy.

GUIDANCE NOTES

1. This Policy covers Health Care Provider NPP content and provision to Individuals. Health Plans are subject to similar but slightly different requirements for NPP content and provision.
2. This Policy and related Forms may be modified upon advice of Legal Counsel to include content related to very sensitive Health Information, the Individual's age, State Law or Federal law regarding substance abuse Treatment.

Related Forms

- PR-1.A-En Full Notice of Privacy Practices for Distribution
- PR-1.A-Es Notificación de Prácticas de Privacidad - Full Notice for Distribution in Spanish
- PR-1.B Summary - Notice of Privacy Practices for Posting in Facility
- PR-1.C Acknowledgement of Receipt of Notice of Privacy Practices

PROCEDURES

1. Delegation of Authority
A HIPAA Compliance Official designated to carry out duties of a Privacy Official shall develop and implement this Policy and the following Procedures of Salisbury Behavioral Health in collaboration with any other HIPAA Compliance Official including the Security Official. Implementation of Procedures required by this Policy shall include the following Procedures developed to comply with this Policy numbered 2 through 6.
2. Forms PR-1.A-En and PR-1.A-Es
Forms PR-1.A-En (written in English) and PR-1.A-Es (written in Spanish) have all content specified by the Privacy Rule for Health Care Providers.
 - A. Both Forms have been customized with:
 - 1) The title, telephone number and office for Individuals to contact for further information about matters covered by the NPP or to make a Complaint to Salisbury Behavioral Health without concern for retaliation if they believe their Privacy rights have been violated;
 - 2) Contact information of the Secretary, U. S. Department of Health and Human Services (HHS) to make a Complaint to HHS without concern for retaliation if they believe their Privacy rights have been violated.
 - B. PR-1.A-En and PR-1.A-Es may be downloaded for word processing, desktop publishing and appropriate modification by Salisbury Behavioral Health and addition of content advised by Legal Counsel.
3. Provision of the NPP
Salisbury Behavioral Health shall provide a written copy of its NPP to each Individual. If the Organization maintains a physical Health Care service delivery site it must have the NPP available at

the site for Individuals to request and take with them.

A. Date NPP Must Be Provided

- 1) Salisbury Behavioral Health shall provide a copy of its current NPP to an Individual no later than the date it first provides Health Care to an Individual including Health Care provided Electronically (such as, for example, via Telehealth) emergency Treatment situation, as soon as reasonably practicable after the emergency Treatment situation.
- 2) Salisbury Behavioral Health is not required to provide the NPP after first providing the NPP to an Individual, however it shall provide a written copy of its current NPP any time it is requested by an Individual.
- 3) Sub-section 3.F explains how Salisbury Behavioral Health shall make any revisions of its NPP available to Individuals who have already received its NPP.

B. Obtain Acknowledgement of Receipt of NPP – Good Faith Effort

- 1) Salisbury Behavioral Health shall make a good faith effort to obtain a written acknowledgement of receipt of the NPP or explain why the acknowledgment was not obtained and maintain Documentation of either the acknowledgement or good faith effort to obtain the acknowledgement when it provides its NPP for the first time.
- 2) Individuals have the right to refuse to sign an acknowledgement of receipt of the NPP if they choose.
- 3) Form PR-1.C, Acknowledgement of Receipt of Notice of Privacy Practices, is provided for use or guidance in maintaining Documentation of written acknowledgement of receipt of the NPP or good faith effort to obtain acknowledgement of receipt following provision of the NPP.

GUIDANCE NOTES

1. It is only necessary to obtain a written acknowledgement of receipt of the NPP or explain why the acknowledgment was not obtained one time.
2. It is not necessary to obtain a written acknowledgement of receipt of the NPP or explain why the acknowledgment was not obtained on every later date Salisbury Behavioral Health provides Health Care to an Individual.
3. When the NPP is revised it is not necessary – and not efficient – to obtain a written acknowledgement of receipt of the revised NPP from an Individual who received a prior NPP or explain why the acknowledgment of the revised NPP was not obtained.

C. Facility – Post the NPP in a Prominent Place

If Salisbury Behavioral Health maintains a physical Health Care service delivery site it must post the full NPP in a clear and Prominent Location such as a Reception Room or Waiting Room at the site where Individuals will be able to read it.

D. Facility Option – Post a Summary of the NPP if the Full NPP is Immediately Available

If Salisbury Behavioral Health maintains a physical Health Care service delivery site it may post a Summary of the NPP in a clear and Prominent Location instead of posting the full NPP as long as the full NPP is immediately available.

GUIDANCE NOTE

HHS' published definition of immediately available is:

"... (such as on a table directly under the posted Summary of the NPP) for Individuals to pick up without any additional burden on their part. It would not be appropriate to require the Individual to have to ask the receptionist for a copy of the full NPP

- 1) Form PR-1.C, Summary - Notice of Privacy Practices for Posting in Facility, is provided for use or for guidance in creating a Summary of the NPP.

E. Web Site – Post the NPP in a Prominent Place on the Organization's Web Site

If Salisbury Behavioral Health maintains a Web Site that provides information about its customer services or benefits, it must prominently post the NPP on the Web Site and make the NPP available electronically through the Web Site.

GUIDANCE NOTES – Social Media Web Site

1. Social Media Web Site

Web Site is defined by Federal law as "...any collection of material placed in a computer

server-based file archive so that it is publicly accessible, over the Internet, using hypertext transfer protocol or any successor protocol." This broad definition includes almost all forms of Social Media. If Salisbury Behavioral Health maintains a Social Media Web Site that provides information about its customer services or benefits it must prominently post its NPP on the Web Site also and make the NPP available electronically through the Web Site.

2. "Maintain" A Social Media Web Site

The terms that must be agreed to in order to create a Social Media Web Site are important in determining if Salisbury Behavioral Health maintains the Social Media Web Site. For example, Facebook for Business requires agreement to the following Terms of Service that are found at the bottom of the left column of the Facebook Timeline by clicking on "Terms" and then on "Statement of Rights and Responsibilities - Terms you agree to when you use Facebook":

- a. Your organization owns all of the content and information you post on Facebook, and you can control how it is shared through your privacy and application settings.
- b. "Post" means post on Facebook or otherwise make available by using Facebook.
- c. "Content" means anything your organization or other users post, provide or share using Facebook Services.
- d. "Information" means facts and other information about your organization including actions taken by users and non-users who interact with Facebook.

Facebook's Terms of Service explicitly make the organization responsible for all content on its Facebook for Business Page. Accordingly, if Salisbury Behavioral Health maintains a Facebook for Business Page (or similar Social Media page) it must prominently post the NPP on the Facebook page/Web Site and make the NPP available electronically through the Facebook page/Web Site.

F. Revision of NPP

Whenever the NPP is revised Salisbury Behavioral Health must:

- A. Make a written copy of the revised NPP available upon request on and after the effective date of the revision; and
- B. As applicable:
 - 1) Post the NPP in a clear and Prominent Location in its Facility; and
 - 2) Prominently post the NPP on the Web Site and make the NPP available electronically through the Web Site.

GUIDANCE NOTE

Except when Required by Law, a material change to any term of the NPP may not be implemented prior to the effective date of the NPP in which such material change is reflected.

G. Provide NPP by Email

Salisbury Behavioral Health may provide the NPP to an Individual by Email, if the Individual agrees to receive the NPP by Email and such agreement has not been withdrawn.

- A. Form PR-3.A, Confidential Communications or Form PR-3.B, Unencrypted Text Message & Email – Language for Registration & Information Update Forms may be used to document the Individual's agreement to receive communications including copies of the NPP by Email.
- B. If Salisbury Behavioral Health knows email transmission of the NPP failed it must provide a paper copy of the NPP to the Individual.
- C. An Individual who receives an electronic copy of the NPP retains the right to ask for and obtain a paper copy of the NPP at any time.
- D. If the first Health Care service to an Individual is delivered Electronically (for example, by Telehealth) Salisbury Behavioral Health it must provide an Electronic copy of the NPP automatically at the same time it responds to the Individual's first request for Health Care service.
- E. Providing an Electronic copy of the NPP in a timely manner satisfies the requirement to provide the NPP, however, Salisbury Behavioral Health must also make a good faith effort to obtain acknowledge of receipt of the electronic copy of the NPP or explain why the acknowledgement was not obtained as described in Sub-section 3.B.

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4. Content of the NPP

The Privacy Rule requires the NPP have the following content:

A. Prominent Statement

The NPP must contain the following statement at the top of the NPP or otherwise be prominently displayed:

“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.”

B. Description of Uses and Disclosures of PHI for Treatment, Payment and Health Care Operations

The NPP must contain:

- 1) A description, including at least one example, of the types of Uses and Disclosures Salisbury Behavioral Health is permitted by the Privacy Rule to make for Treatment, Payment, and Health Care Operations.
- 2) A description of each of the other purposes for which Salisbury Behavioral Health is permitted or required by the Privacy Rule to Use or Disclose PHI without the Individual's written Authorization.
- 3) If a Use or Disclosure for any purpose related to Treatment, Payment, and Health Care Operations is limited or modified by applicable law, the description of the Use or Disclosure must reflect applicable law.
- 4) Description in the NPP made in accordance with Subsections B.i, B.ii or B.iii must include sufficient detail to place the Individual on notice of the Uses and Disclosures that are permitted or required by the Privacy Rule and other applicable law.

C. Uses and Disclosures for which Written Authorization is not Required

The NPP must contain:

A description of each of the other purposes for which Salisbury Behavioral Health is permitted or required by the Privacy Rule to Use or Disclose PHI without the individual's written authorization

D. Uses and Disclosures for which an Authorization is Required

The NPP must contain a statement that the following Uses and Disclosures of PHI shall not be made by Salisbury Behavioral Health without written Authorization by the Individual:

- 1) Uses and Disclosures for purposes of Marketing a product or service related to the Individual's Health Care for which Salisbury Behavioral Health receives Financial Remuneration from a third party and a valid written Authorization for Marketing must include the information that Financial Remuneration will be received by Salisbury Behavioral Health.
- 2) Uses and Disclosures that are a Sale of PHI where Salisbury Behavioral Health directly or indirectly receives remuneration from or on behalf of the recipient of the PHI in exchange for the PHI and a valid written Authorization for Sale of PHI must include the information that Remuneration will be received by Salisbury Behavioral Health.
- 3) Uses and Disclosures of Psychotherapy Notes if Salisbury Behavioral Health receives, creates or maintains Psychotherapy Notes however this statement is not required if Salisbury Behavioral Health does not receive, create or maintain Psychotherapy Notes about the Individual

E. All Other Uses and Disclosures Requiring an Authorization.

The NPP must contain a statement that other Uses and Disclosures not described in the NPP will be made only with the Individual's written Authorization.

F. Individual's Right to Revoke an Authorization

The NPP must contain a statement that the Individual may revoke an Authorization at any time provided that the Revocation is in writing, except to the extent that the Revocation will not affect actions taken by Salisbury Behavioral Health in reliance on the Authorization prior to the Revocation or if the Authorization was obtained as a condition of obtaining insurance coverage, other law may provide the insurer with the right to contest a claim under the policy or the policy itself.

G. Fundraising Communications

If Salisbury Behavioral Health intends to contact the Individual for the purpose of raising funds for its own benefit the NPP must contain:

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- 1) A statement that Salisbury Behavioral Health may Use, or Disclose PHI to a Business Associate or to an institutionally related foundation for the purpose of raising funds for its own benefit without an Authorization and contact the Individual to raise such funds;
- 2) The Individual has a right to opt out of receiving such Fundraising Communications; and
- 3) Salisbury Behavioral Health may not condition Treatment or Payment on the Individual's choice with respect to receipt of Fundraising Communications.

H. Individual Rights

The NPP must contain a statement of the following rights of the Individual regarding PHI and a brief description of how the Individual may exercise these rights:

- 1) The Individual's right to request Restrictions on certain Uses and Disclosures of PHI including a statement that Salisbury Behavioral Health is not required to agree to a requested Restriction except for a request for Restriction of a Disclosure of PHI about an Individual to a Health Plan if:
 - a. The Disclosure is for the purpose of carrying out Payment or Health Care Operations and is not otherwise Required By Law; and
 - b. The PHI pertains solely to a Health Care item or service for which the Individual or a Person on Behalf of the Individual (other than a Health Plan) has paid Salisbury Behavioral Health in full
- 2) The Individual's right to receive Confidential Communications of PHI
- 3) The Individual's right to inspect and obtain a copy of his or her PHI in a Designated Record Set
- 4) The Individual's right to request an Amendment of PHI
- 5) The Individual's right to receive an Accounting of Disclosures of PHI
- 6) The Individual's right to obtain a paper copy of the NPP from Salisbury Behavioral Health upon request even if the Individual has agreed to receive the NPP electronically.

I. Duties of Salisbury Behavioral Health

The NPP must contain:

- 1) A statement that Salisbury Behavioral Health is Required By Law to maintain the Privacy of PHI, to provide Individuals with notice of its legal duties and Privacy practices with respect to PHI, and to notify affected Individuals following a breach of unsecured PHI;
- 2) A statement that Salisbury Behavioral Health is required to abide by the terms of the NPP currently in effect; and
- 3) A statement that if Salisbury Behavioral Health is to apply a change in a Privacy practice regarding PHI described in the NPP created or received by Salisbury Behavioral Health prior to issuing a revised NPP that it reserves the right to change the terms of the NPP and to make the new NPP provisions effective for all PHI that it maintains and how it will provide Individuals with a revised NPP.

J. Complaints

The NPP must contain:

- 1) A statement that Individuals may Complain to Salisbury Behavioral Health and to the Secretary if they believe their Privacy rights have been violated;
- 2) A brief description of how the Individual may file a Complaint with Salisbury Behavioral Health and the Secretary; and
- 3) A statement that the Individual will not be retaliated against for filing a Complaint.

K. Information to Contact Salisbury Behavioral Health

The NPP must contain the name, or title, and telephone number of a Person or office that Individuals may contact:

- 1) If they believe their Privacy rights have been violated by the Covered Entity; and
- 2) Obtain further information about matters covered by the NPP.

L. Effective Date

The NPP must contain the date on which the NPP is first in effect, which may not be earlier than the date on which the NPP is printed or otherwise published.

M. Optional Elements

If Salisbury Behavioral Health elects to limit a Use or Disclosure that it is permitted to make

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under the Privacy Rule, the NPP must contain:

- 1) A statement that describes its more limited Uses or Disclosures in its NPP provided, however that the statement may not include a limitation affecting its right to make a Use or Disclosure Required By Law or permitted to avert a serious Threat to Health or Safety.
- 2) A statement that if Salisbury Behavioral Health is to apply a change in a Privacy practice concerning more limited Uses and Disclosures of PHI described in its NPP regarding PHI created or received by Salisbury Behavioral Health prior to issuing a revised NPP that it reserves the right to change the terms of the NPP and to make the new NPP provisions effective for all PHI that it maintains and how it will provide Individuals with a revised NPP.

5. Workforce Training

A HIPAA Compliance Official shall establish a program for Workforce Training to ensure that Workforce Members of Salisbury Behavioral Health whose duties require them to work with Individuals and understand and comply with Individual rights described in the NPP, this Policy and these Procedures receive specific Workforce Training concerning the NPP. All other Workforce Members shall receive Familiarization Training concerning the NPP. Workforce Training shall be documented in accordance with guidance provided by Form HIPAA-1.B, Workforce Training Record.

6. Documentation

A HIPAA Compliance Official shall establish methods for maintaining Documentation of this Policy and these Procedures, activities performed in compliance with this Policy and confirm such Documentation is being maintained in accordance with PR-21, Privacy and Breach Notification Rule Documentation and SR-38, Security Rule Documentation.

The HIPAA E-Tool® Related Documents

- PR-1.A-En Full Notice of Privacy Practices for Distribution
- PR-1.A-Es Notificación de Prácticas de Privacidad - Full Notice for Distribution in Spanish
- PR-1.B Summary - Notice of Privacy Practices for Posting in Facility
- PR-1.C Acknowledgement of Receipt of Notice of Privacy Practices
- PR-2 Individual's Right to Request Restriction of Use or Disclosure of PHI
- PR-3 Request for Confidential Communications
- PR-3.A Confidential Communications
- PR-3.B Unencrypted Text Message & Email – Language for Registration & Information Update Forms
- PR-4 Individual's Right of Access to PHI
- PR-5 Individual's Right to Amend Protected Health Information
- PR-6 Individual's Right to Accounting of Disclosures of PHI
- PR-7 Individual's Right to Complain
- PR-10 Uses and Disclosures - Authorization Required
- PR-11 Uses and Disclosures - Requiring an Opportunity to Agree or Object
- PR-14 Workforce Training
- PR-15 Administrative, Technical and Physical Safeguards
- PR-20 Privacy and Breach Notification Rule Policies and Procedures
- PR-21 Privacy and Breach Notification Rule Documentation
- SR-13 Workforce Security Awareness and Training
- SR-37 Security Rule Policies and Procedures
- SR-38 Security Rule Documentation

Legal Authorities

- 45 CFR § 164.520
- 78 FR 5625, Jan. 25, 2013
- 18 USC § 2258E45 CFR § 164.520
- 45 CFR § 164.530(a)(1)(ii)
- 45 CFR § 164.514(f)
- 78 FR 5566, Jan. 25, 2013 Modifications to the HIPAA Privacy, Security, Enforcement, and Breach Notification Rules Under the Health Information Technology for

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Economic and Clinical Health Act and the Genetic Information
Nondiscrimination Act; Other Modifications to the HIPAA Rules; Final Rule,

18 USC § 2258E (6)
47 U.S. Code § 151, Sec. 1101(d)(3)(C)

Salisbury Behavioral Health Special Provision:

1. When making a "good faith" effort to obtain a signature to acknowledge receipt of the NPP, employees are to consult with their supervisor before determining all avenues have been exhausted.