



HIPAA -- Instructions About Privacy Practices

To all members, Pennsylvania Psychiatric Society, April 2013

[A MODEL NOTICE TO PATIENTS](#) is available for use by members of the Pennsylvania Psychiatric Society, at no charge.

This Notice includes the requirements of the Omnibus Rule effective March 26, 2013. Covered entities and business associates must comply with the applicable requirements of this rule by September 23, 2013.

- HIPAA provides that where a state law or regulation governing disclosure of confidential information is more stringent than the HIPAA regulations, the state law governs; in regard to the patient's access to their own records, the more permissive regulation governs. Pennsylvania's mental health laws generally provide for greater confidentiality of mental health records. The cardinal rule to remember is that if Pennsylvania requires the patient's consent or authorization to release material that HIPAA would allow you to release without consent/authorization, you must procure the consent.
- This Notice is copyrighted. Please do not distribute to non-PaPS members. Non-members may purchase the Model Notice by contacting our office.
- The Notice is in a Word document. It should be altered where indicated in material that appears in brackets, to make it specific to your practice. Please read carefully.
- Read all footnotes. They contain important information for you, as the provider. You can remove footnotes from the final document that you give to patients, as appropriate.
- HIPAA contains very specific and numerous requirements for material that must be contained in the Notice of Privacy Practices for patients. This model notice has been drafted with these requirements in mind, and we recommend that you be very cautious about eliminating material, if you do so at all. You may, however, include a short summary of privacy practices, followed by the more detailed Notice.
- HIPAA requires you to do all of the following:
 - Post a copy of your Privacy Notice in your office in a clear and prominent location.
 - Make a copy available to every new patient at the time of the first service you provide on or after April 14, 2003 (or as soon as practicable in case of emergency treatment).
 - If you have a practice website, you must post a copy of the Notice there.
 - Obtain the patient's written acknowledgement that he/she has received the Notice; if you cannot obtain such an acknowledgement, despite your good faith efforts to do so, document your attempts to obtain it.
 - Retain file copies of any Notice forms you use for six years after their creation or last effective date, whichever is later.

- The final HIPAA ruling was released in 2013.
- For health care providers (as opposed to health plans), the final rule does not modify the current requirements regarding distributing revisions to the Notice. As such, providers do NOT have to distribute a revised Notice to all patients. Rather, providers must post the revised Notice (or a summary thereof) in a clear and prominent location and have copies of the Notice available at the delivery site for individuals to pick up and take with them. (HHS specifically noted that individuals should not have to ask the receptionist for a full copy of the revised Notice, and recommended making copies of the full notice available on a table directly under the posted summary, for example.) Providers are only required to give a copy of the new Notice to, and obtain a good faith acknowledgement from, new patients.
- Finally, to the extent that a health care provider has an obligation to take steps to ensure effective communication with persons with disabilities (in order to comply with the ADA, for example), the provider may need to make the revised NPP available in alternate formats, such as Braille, large print or audio.