

# Notice of Privacy Practices Checklist

## Covered entities are required to provide a notice in plain language that describes:

	How the covered entity may use and disclose protected health information about an individual.
	The individual's rights with respect to the information and how the individual may exercise these rights, including how the individual may complain to the covered entity.
	The covered entity's legal duties with respect to the information, including a statement that the covered entity is required by law to maintain the privacy of protected health information.
	Whom individuals can contact for further information about the covered entity's privacy policies.
	The notice must include an effective date.
	The HITECH Act also states that if a medical practice shares information electronically with another covered entity, that information must be listed in the Notice of Privacy Practices. Examples that must be disclosed: A physician office is electronically connected to transmit and/or receive lab reports from an outside vendor through the practice's EMR.

## Additional Requirements by the HITECH Omnibus Rule:

	<p>A statement that the following uses and discloses will be made only with authorization from the individual:</p> <ul style="list-style-type: none"> <li>➤ Uses and disclosures for marketing purposes</li> <li>➤ Uses and disclosures that constitute the sale of PHI;</li> <li>➤ Most uses and disclosures of psychotherapy notes (if the covered entity maintains psychotherapy notes); and</li> <li>➤ Other uses and disclosures not described in the notice</li> </ul>
	A statement regarding an individual's right to notice in the event of a breach.
	Notice of the right to opt out of fundraising communications (if the covered entity conducts fundraising).
	Health care providers must include in their notice of privacy practices a statement about an individual's right to restrict disclosures of protected health information to health plans if an individual has paid for services out of pocket in full.
	Health plans (except for long-term care plans) must include in their notice of privacy practices a statement that the health plan is prohibited from using or disclosing genetic information for underwriting purposes.

**Notes:** A covered entity is required to promptly revise and distribute its notice whenever it makes material changes to any of its privacy practices. See 45 CFR 164.520(b)(3), 164.520(c)(1)(i)(C) for health plans, and 164.520(c)(2)(iv) for covered health care providers with direct treatment relationships with individuals. All patients must sign that they have received the updated Notice. The HITECH Omnibus is a material change to the Notice and therefore requires resigning of the Receipt of NPP by all of your patients. You must include your Notice of Privacy Practices on your web site (if you have one) and post or place a copy in your waiting area. *The guidelines or recommendations suggested here are not rules, do not constitute legal advice, and do not ensure a successful outcome. The ultimate decision regarding the appropriateness of any treatment must be made by each healthcare provider in light of all circumstances prevailing in the individual situation and in accordance with the laws of the jurisdiction in which the care is rendered.*