



Paul R. LePage, Governor

Mary C. Mayhew, Commissioner

## Office of the Commissioner

# HIPAA: Notice of Privacy Practices Policy

**Policy #:** DHHS-02-15

**Issue Date:** April 14, 2015

### I. SUBJECT

HIPAA: Notice of Privacy Practices Policy

### II. POLICY STATEMENT

**Policy:** Individuals receiving services from Health Insurance Portability and Accountability Act (HIPAA)-covered entities of the Department of Health and Human Services (the Department) will receive notice of the uses and disclosures of their protected health information (PHI), as well as notice of their rights and our obligations with respect to their PHI (Privacy Notice).

### III. PROCEDURE

The Privacy Notice is provided as follows:

- A. For Department healthcare providers: The Privacy Notice must be posted prominently in the facility's physical service delivery site. Where there are material changes to the Privacy Notice, the current Privacy Notice will be posted, distributed to new patients, and copies made available for distribution. The Department facility, entity or program will follow the terms of its Privacy Notice.
- B. Whether or not there is a physical delivery site, the Department's health care providers will offer each new patient or personal representative, as applicable, a copy of the Privacy Notice on his/her first visit for care or services, with follow up copies provided upon request when there is a material change to the Privacy Notice. Department healthcare providers must make a good faith attempt to obtain a patient signature in exchange for the Privacy Notice. Patients will be asked to sign an Acknowledgment of Receipt of our Privacy Notice. Patients may refuse or be unable to sign, in which case our workforce will document the attempt on the Acknowledgment form. Acknowledgment forms are filed in the patient's medical record.
- C. In an emergency situation, if the Department is unable to provide a copy of the Privacy Notice and seek an Acknowledgement of Receipt, then we will make a good faith attempt to receive Acknowledgement at a reasonable time and document the circumstances in the record.

- D. New MaineCare members will receive their Privacy Notice upon enrollment. Where there are material changes or updates, MaineCare members will receive an updated copy in their yearly mailing, which can be combined with other mailings.
- E. No less than once every three years, OMS must advise members on the availability of the Privacy Notice and how to obtain it.
- F. The Notice must be posted on the MaineCare website and on a web page maintained by the Department's HIPAA-covered providers.
- G. Indirect healthcare providers, such as the HETL, need only have the Privacy Notice available for those who may request it, and upon its website, if applicable.
- H. The Privacy Notice and Acknowledgements, where applicable, shall be maintained by the Privacy/Security Liaison or other designated staff for a minimum of 6 years from its last date of use.

**IV. DISTRIBUTION**

All hospital, OMS and HIPAA-covered entity Staff (OFI staff involved in OMS/MaineCare benefits determinations or other MaineCare-related activities, Public Health Nursing, HETL, OADS Case Managers and others involved in MaineCare waiver determinations or services) via e-mail and posting on the DHHS Intranet.

April 14, 2015

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Date

  
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Mary C. Mayhew  
Commissioner