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## North Sound Behavioral Health Administrative Services Organization, LLC

Section 2500 – Privacy: Notice of Privacy Practices

Authorizing Source: 45 CFR 164.520 (HIPAA); 42 CFR Part 2 (Part 2); RCW 70.02

Approved by: Executive Director    Date: 08/11/2020    Signature:

### POLICY # 2510.00

#### SUBJECT: NOTICE OF PRIVACY PRACTICES

#### PURPOSE

In compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA), Part 2 and Washington law this policy addresses the notice of the privacy practices of North Sound Behavioral Health Administrative Services Organization (North Sound BH-ASO). The Privacy Rule requires covered Health Plans and Health Care Providers to develop and distribute a notice that provides a clear, user-friendly explanation of their privacy practices, Individuals rights with respect to protected health information (PHI) and their obligations under HIPAA. When North Sound BH-ASO was a Covered Entity, it complied with its obligations with respect to its notice of privacy practices. As of the Transition Date, North Sound BH-ASO no longer is a Covered Entity.

Capitalized terms in this policy have specific meanings. Definitions under this policy include Disclosure, Health Care Operations, Individual, Part 2, Payment, Pre-Transition PHI, Protected Health Information (PHI), Required by Law, Transition Date, Treatment, Use and Workforce. See Policy 2502.00: Definitions for Policies Governing PHI.

#### POLICY

North Sound BH-ASO will maintain, Use and Disclose Pre-Transition PHI for purposes related to its former Covered Entity status and remains bound by its notice of privacy practices with respect to Pre-Transition PHI.

North Sound BH-ASO recognizes that it is not required to make its notice of privacy practices available to Individuals because it is not a Covered Entity as of the Transition Date. In the interest of transparency, for as long as North Sound BH-ASO maintains Pre-Transition PHI, North Sound BH-ASO will follow its notice of privacy practices and will continue to make the notice of privacy practices related to Pre-Transition PHI available to Individuals through its website and upon request. The current version of the notice of privacy practices reflects the privacy practices in place, at North Sound BH-ASO relating to Pre-Transition PHI.

#### PROCEDURE

1. **Notice of Privacy Practices Content Procedures.** For as long as North Sound BH-ASO maintains Pre-Transition PHI, North Sound ASO's notice of privacy practices will include the content that is Required by Law. The current version of North Sound BH-ASO's notice of privacy practices should reference that it no longer is a Covered Entity, that the notice of privacy practices applies only to Pre-Transition PHI and that includes:

- 1.1 **Header.** The following header must be included verbatim:

“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.”

- 1.2 **Treatment, Payment and Health Care Operations.** A description, including sufficient detail to place the Individual on notice and at least one example of the types of Uses and Disclosures of Pre-Transition PHI for Treatment, Payment and Health Care Operations.
- 1.3 **Additional Disclosures.** A description, including sufficient detail to place the Individual on notice, of each of the other purposes for which North Sound BH-ASO is either required or permitted to Use or Disclose Pre-Transition PHI without the Individual’s written authorization or consent. This description will include:
  - 1.3.1 Any prohibitions or material limitations required by more stringent law, such as Part 2 and Washington law; and
  - 1.3.2 A statement that other Uses and Disclosures not described in the notice of privacy practices will be made only with the Individual’s written authorization and any authorization may be revoked at any time.
- 1.4 **Other Activities.** If North Sound BH-ASO intends to engage in any of the following activities, then a separate statement, as applicable, that:
  - 1.4.1 North Sound BH-ASO may contact the Individual to raise funds on North Sound BH-ASO’s behalf and the Individual may opt out of receiving fundraising communications; and
  - 1.4.2 To the extent North Sound BH-ASO intends to Use or Disclose Pre-Transition PHI for underwriting purposes, a statement that North Sound BH-ASO is prohibited from using or disclosing PHI that is genetic information for underwriting purposes.
- 1.5 **Individual Rights.** A statement of the Individual’s rights with respect to Uses and Disclosures of Pre-Transition PHI and a description of how they may be exercised including:
  - 1.5.1 The right to request restrictions, including a statement that North Sound BH-ASO is not required to agree to restriction except as Required by Law;
  - 1.5.2 The right to receive confidential or alternative communications of PHI;
  - 1.5.3 The right to inspect and copy PHI;
  - 1.5.4 The right to request amendment of PHI;
  - 1.5.5 The right to receive an accounting of certain disclosures of PHI; and
  - 1.5.6 The right to obtain a paper copy of the notice of privacy practices upon request.
- 1.6 **North Sound BH-ASO’s Duties.** A statement about North Sound BH-ASO’s duties to:
  - 1.6.1 Maintain the privacy of Pre-Transition PHI;
  - 1.6.2 Provide Individuals with notice of North Sound BH-ASO’s legal duties and privacy practices relative to Pre-Transition PHI.
  - 1.6.3 Notify Individuals of Breaches of unsecured Pre-Transition PHI;
  - 1.6.4 Abide by the terms of the notice of privacy practices currently in effect; and
  - 1.6.5 When retroactively applying a change in the notice of privacy practices, provide a statement that North Sound BH-ASO reserves the right to change the terms of its

notice of privacy practices and to make the new notice of privacy practices effective for all PHI it maintains and how it intends to provide Individuals with a revised notice of privacy practices.

- 1.7 **Complaints.** A statement that Individuals may complain to North Sound BH-ASO or the Department of Health and Human Services if they believe their rights have been violated; a brief description of how to file a complaint with North Sound BH-ASO; and a statement there will be no retaliation against the Individual if a complaint is made.
- 1.8 **Contact Information.** The title and telephone number of the person or office designated as responsible for receiving complaints and providing additional information with respect to Pre-Transition PHI.
- 1.9 **Part 2 Information.** A statement that federal law protects the confidentiality of Part 2 Information and Part 2 Information shall not be Disclosed unless expressly permitted by the Individual's written consent or as otherwise permitted by Part 2.
- 1.10 **Effective Date of the Notice of Privacy Practices.** The date on which the notice of privacy practices is in effect, which may not be earlier than the date upon which the notice of privacy practices is printed or otherwise published.
- 1.11 **Non-Discrimination Language.** The non-discrimination notice and taglines, in the required languages, as Required by Law.

2. **Provision of the Notice of Privacy Practices.**

- 2.1 **Website.** North Sound BH-ASO will place its notice of privacy practices on its website.
- 2.2 **Upon Request.** North Sound BH-ASO shall provide a paper or electronic copy of the notice of privacy practices upon request.

3. **Revisions of the Notice of Privacy Practices.** North Sound BH-ASO will revise its notice of privacy practices when there is a material change to the Uses and Disclosures of Pre-Transition PHI, Individual's rights, its legal duties or other privacy practices stated in the notice of privacy practices. A material change to the notice of privacy practices may not be implemented prior to the effective date of the notice of privacy practices, except when Required by Law. North Sound BH-ASO will post any change to its revised notice of privacy practices on its website by the effective date of the material change to its notice of privacy practices.

4. **Documentation.** Documentation relating to the notice of privacy practices shall be retained at least six (6) years from the time that the document last was in effect and shall include the following:

- 4.1 **Policies and procedures** for the notice of privacy practices; and
- 4.2 **Each version of the notice of privacy practices** appropriately dated.
- 4.3 **Documentation** relating to the provision of the notice of privacy practices.

5. **Related Polices.** Other policies and procedures to review that are related to this policy:

- 5.1 **Policy 2501.00: Privacy and Confidentiality of PHI.**
- 5.2 **Policy 2502.00: Definitions for Policies Governing PHI.**
- 5.3 **Policy 2506.00: Documentation.**
- 5.4 **Policy 2511.00: Opportunity to Agree or Object to Disclosure to Persons Involved in Individual's PHI.**

- 5.5 **Policy 2514.00: Right to Access PHI.**
- 5.6 **Policy 2515.00: Right to Amend PHI.**
- 5.7 **Policy 2516.00: Right to Accounting of Disclosures.**
- 5.8 **Policy 2517.00: Right to Alternative Communications.**
- 5.9 **Policy 2518.00: Right to Request Restrictions on Uses and Disclosures of PHI.**
- 5.10 **Policy 2521.00: Authorizations for Use and Disclosure of PHI.**
- 5.11 **Policy 2522: Uses and Disclosures of PHI.**

## **FORMS**

Current Notice of Privacy Practices