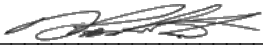
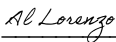


Chapter: **CONFIDENTIALITY**  
Title: **NOTICE OF PRIVACY PRACTICES**

Prior Approval Date: 04/01/2016  
Current Approval Date: 07/11/2023

Proposed by:  06/30/2023  
Chief Executive Officer Date

Approved by:  07/11/2023  
County Executive Office Date

## I. ABSTRACT

It is the policy of Macomb County Community Mental Health (MCCMH), an official agency of the County of Macomb, to establish standards and procedures for compliance with the Notice of Privacy Practices provisions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), the Health Information Technology for Economic and Clinical Health Act of 2009 (HITECH), and the HIPAA/HITECH Omnibus Final Rule of 2013.

## II. APPLICATION

This policy shall apply to all MCCMH workforce members.

## III. POLICY

It is the policy of MCCMH to notify persons served of their privacy rights under HIPAA, HITECH, and the HIPAA/HITECH Omnibus Final Rule of 2013.

## IV. DEFINITIONS

### Workforce Member

Employees, volunteers, trainees, and other persons whose conduct, in the performance of work for MCCMH, is under the direct control of MCCMH, whether or not they are paid by MCCMH.

## V. STANDARDS

- A. MCCMH's Notice of Privacy Practices (Exhibit A) shall be written in plain language and be placed in a display area at each administrative and service delivery site.
- B. Copies of the Notice of Privacy Practices shall be provided to MCCMH persons served at least every three (3) years. Special accommodations shall be made to read or explain the Notice to a person served, parent, or legally empowered guardian who is visually impaired, emotionally upset, or has limited English or reading proficiency.
- C. Workforce members at directly-operated service sites shall distribute the Notice of Privacy Practices and secure a signed Acknowledgment and Consent Form in accordance with the provisions of MCCMH MCO Policies 4-010, "Provision and Distribution of Information to Persons Served," and 9-600, "Informed Consent for Service."
- D. All MCCMH workforce members are responsible for reading and understanding the Notice of Privacy Practices and the standards and procedures contained in this policy.
- E. Persons served shall be provided notice of material changes to the Notice of Privacy Practices at the first delivery of services following the date of the revision. Each version of the Notice of Privacy Practices will have an effective date printed on each page.
- F. The MCCMH website shall have a link to the Notice of Privacy Practices and any revisions thereof. The link shall be updated to reflect the latest review date.
- G. MCCMH shall post the Notice of Privacy Practices within the Member Portal and update it accordingly.

## **VI. PROCEDURES**

- A. The MCCMH Chief Compliance and Privacy Officer and other appropriate personnel shall review MCCMH's Notice of Privacy Practices on at least an annual basis.
- B. Any MCCMH workforce member who believes that MCCMH is not complying with its Notice of Privacy Practices or is concerned about behaviors or actions of employees, independent contractors, or business associates regarding a person's privacy and the Notice of Privacy Practices shall report such concerns to the MCCMH Chief Compliance and Privacy Officer.
- C. All MCCMH workforce members must be trained on privacy practices, including practices outlined in the Notice of Privacy Practices.
  - 1. New MCCMH workforce members including independent contractors shall receive training on privacy practices during their orientation.
  - 2. Current MCCMH workforce members including independent contractors

shall receive yearly training on privacy practices in conjunction with HIPAA training.

3. When the Notice of Privacy Practices is updated, all MCCMH workforce members shall receive notice of the changes and a description of any operational procedures that must be implemented to comply with the changes.
  - D. Paper copies of the Notice of Privacy Practices shall be kept at the administrative offices and directly-operated service sites and shall be available to any person served upon request. Copies of the Notice of Privacy Practices shall be mailed or e-mailed upon request and provided to persons served at least every three (3) years.
  - E. Workforce members shall promptly and completely answer questions about MCCMH's Notice of Privacy Practices. Workforce members shall direct individuals to the Chief Compliance and Privacy Officer for additional information.
  - F. Copies of updates to the Notice of Privacy Practices shall be received by MCCMH administrative offices and the Program Supervisor at each service delivery site at least 15 days prior to the new effective date of the Notice of Privacy Practices.
  - G. The Program Supervisor receiving the Notice at each service site shall be responsible for ensuring that all old copies of the Notice are destroyed, and the updated Notice of Privacy Practices is in place within 48 hours of receipt.
  - H. The Program Supervisor shall ensure that persons served receive copies of the updated version of the Notice of Privacy Practices at their first delivery of services following the date of the revision.

## **VII. REFERENCES / LEGAL AUTHORITY**

- A. Health Insurance Portability and Accountability Act of 1996 (HIPAA), P.L. 104-191
- B. 45 CFR § 164.520

## **VIII. EXHIBITS**

- A. Notice of Privacy Practices