

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

Prior Approval Date: 07/14/2007  
Current Approval Date: 04/01/2016

Approved by: \_\_\_\_\_  
Executive Director

04/01/16

## I. ABSTRACT

It is the practice of the Macomb County Community Mental Health Agency (MCCMH) 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, including but not limited to, administrative and directly-operated network provider employees, independent contractors, and volunteers.

## III. POLICY

It is the policy of MCCMH to notify its consumers of their privacy rights under HIPAA, HITECH, and the HIPAA/HITECH Omnibus Final Rule of 2013; and to post a copy of its Notice of Privacy Practices (Exhibit A).

## IV. DEFINITIONS

- A. **Workforce Member**  
Employees, volunteers, trainees, and other persons whose conduct, in the performance of work for an entity, is under the direct control of such entity, whether or not they are paid by the entity.

## V. STANDARDS

- A. A copy of the Notice of Privacy Practices (Exhibit A), written in plain language shall be placed in a display area at each administrative and service delivery site. In addition, copies of the Notice of Privacy Practices will be made available to MCCMH consumers as well as to other persons who wish to have a copy. Special accommodations shall be made to read or explain the Notice of Privacy Practices to a consumer, parent, or legally empowered guardian who is visually-

impaired, emotionally upset, limited in English or reading proficiency, or developmentally disabled to enhance his/her understanding.

- B. Workforce members at the directly-operated service sites shall distribute the Notice of Privacy Practices with other membership information and secure a signed Acknowledgment and Consent in accordance with the provisions of MCCMH MCO Policies 4-010, "Provision and Distribution of Information to Consumers," and 9-600, "Informed Consent for Service."
- C. All MCCMH workforce members are responsible for reading and understanding the Notice of Privacy Practices and the standards and procedures contained in this policy.
- D. Consumers 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 and shall be posted at MCCMH Administration and MCCMH direct operated provider delivery sites, as well as provided to other persons upon request on or after the date of the revision.
- E. The Macomb County Community Mental Health webpage shall have a link to the MCCMH Notice of Privacy Practices and any revisions thereof.

## **VI. PROCEDURES**

- A. The Policy/ Legal Compliance Coordinator or Designee, in consultation with the MCCMH Compliance Officer and other appropriate personnel, shall develop the Notice of Privacy Practices.
- B. On at least an annual basis, the Policy/ Legal Compliance Coordinator or Designee shall review the current version of the Notice of Privacy Practices for necessary modifications.
- C. Any MCCMH workforce member who believes that MCCMH is not complying with its Notice of Privacy Practices or is concerned about any behaviors or actions of any employees, independent contractors, or business associates with regard to consumer privacy and the Notice of Privacy Practices shall report those concerns to the MCCMH Corporate Compliance Officer.
- D. All MCCMH workforce members must be trained on its privacy practices, including all 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 programs.

2. Current MCCMH workforce members including independent contractors shall receive yearly training in conjunction with HIPAA training.
  3. When the Notice of Privacy Practices is materially modified, all MCCMH workforce members shall receive notice of any changes and a description of any operational procedures that must be implemented in order to comply with the changes to the Notice of Privacy Practices.
- E. 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 consumer who requests one. Copies of the Notice of Privacy Practices shall be mailed or e-mailed upon request.
  - F. Workforce members shall promptly and completely answer consumer questions about the Notice of Privacy Practices. Workforce members shall direct the consumer to the Compliance Officer for additional information.
  - G. The Policy/ Legal Compliance Coordinator or Designee shall distribute copies of materially revised Notice of Privacy Practices to the MCCMH administrative offices and the Program Supervisor at each service delivery site least 15 days prior to the new effective date of the Notice of Privacy Practices.
  - H. The Program Supervisor receiving the notice at each service site is responsible for ensuring that all old copies of the Notice of Privacy Practices are destroyed and that the new Notice of Privacy Practices is in place within 48 hours of receipt of the notice.
  - I. The Program Supervisor shall ensure that consumers receive copies of the new 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