

Notice of Privacy Practices (NPP) Distribution and Acknowledgement

RATIONALE

The Health Insurance Portability and Accountability Act (HIPAA), Health Information Privacy and Security Rule and the Health Information Technology for Economic and Clinical Health (HITECH) Act enacted as part of the American Recovery and Reinvestment Act of 2009 require that covered healthcare providers provide patients with a “Notice of Privacy Practices” (NPP).

Palmer College of Chiropractic (College) provides a NPP to its patients and research participants. The NPP describes the provider’s uses and disclosures of protected health information (PHI), a patient’s rights in regard to their own protected health information, the provider’s duties in regard to the patient’s protected health information, a complaint process, a contact number, and the effective date of the NPP. The NPP will be distributed to all patients who the provider treats on or after April 14, 2003.

PURPOSE

The Notice of Privacy Practices (NPP) Distribution and Acknowledgement policy (Policy) establishes and describes the College’s expectations regarding NPP’s to Palmer Clinic patients and Palmer research participants.

SCOPE

This Policy applies to the entire College community, which is defined as including the Davenport campus (Palmer College Foundation, d/b/a Palmer College of Chiropractic), West campus (Palmer College of Chiropractic West) and Florida campus (Palmer College Foundation, Inc., d/b/a Palmer College of Chiropractic Florida) and any other person(s), groups, or organizations affiliated with any Palmer campus.

DEFINITIONS

For the purposes of this Policy, the following terms shall have the meanings specified below:

- > The term **“College”** refers to Palmer College of Chiropractic, including operations on the Davenport campus; West campus; and Florida campus.
- > The term **“College community”** refers to all students, faculty, staff (including administration), and any other person(s), groups, or organizations affiliated with any Palmer campus.
- > The term **“disclosure”** refers to the release, transfer, provision of access to, or divulging in any manner of PHI by an individual within the HCC or ACE with a person or entity outside the HCC or ACE.
- > The term **“Health Care Component”** (HCC) refers to a component or combination of components of a hybrid entity designated by the hybrid entity as covered by HIPAA.
- > The term **“health care operations”** refers to business and administrative activities, including:
 1. Conducting quality assessment and improvement activities;
 2. Reviewing the competence or qualifications of health care professionals;
 3. Conducting training programs;
 4. Accreditation;
 5. Credentialing;
 6. Conducting or arranging for medical review, legal services and auditing functions;
 7. Business planning and development;
 8. Business management and general administrative activities;
 9. Conducting clinical research; and/or
 10. Marketing and fundraising activities.

- > The acronym “**HITECH**” refers to the **Health Information Technology for Economic and Clinical Health Act** enacted as part of the American Recovery and Reinvestment Act of 2009, to promote the adoption and meaningful use of health information technology.
- > The term “**Palmer College of Chiropractic Affiliated Covered Entity**” (PCC ACE) refers to The Palmer College of Chiropractic Affiliated Entity (PCC ACE) consists of the following; **Palmer College Foundation** d/b/a Palmer College of Chiropractic, **Palmer College Foundation, Inc.** d/b/a Palmer College of Chiropractic Florida and **Palmer College of Chiropractic West.** Palmer College Foundation and Palmer College Foundation, Inc. are one legal entity. Palmer College of Chiropractic West is a separate legal entity. PCC ACE is a hybrid entity. The combination of units within PCC ACE designated as part of the Palmer College of Chiropractic Health Care Component (PCC HCC) comprise the Palmer College of Chiropractic Affiliated Covered Entity (PCC ACE).
- > The term “**Palmer College of Chiropractic Health Care Component**” (PCC HCC) refers to those health care units of Palmer College Foundation and Palmer College of Chiropractic West that have been designated as part of its health care component. For more information, refer to the Institutional Policy, Designation of the Palmer College of Chiropractic Health Care Component.
- > The term “**payment**” refers to the activities undertaken by a health care provider to obtain payment for the provision of care or by a health plan to provide reimbursement for the provision of care.
- > The term “**protected health information**” (PHI) refers to information, including demographic information, which relates to the individual’s past, present or future physical or mental health or condition; the provision of health care to the individual; or the past, present or future payment for the provision of health care to the individual, and that identifies the individual or for which there is a reasonable basis to believe can be used to identify the individual. PHI includes many common identifiers (e.g. name, address, birthdate, Social Security number) when such can be associated with the health information listed above. PHI does not include student records held by educational institutions or employment records held by employers. However, this information is still treated confidentially under other applicable laws.
- > The term “**psychotherapy notes**” refers to recorded notes (in any medium) by a health care provider who is a mental health professional documenting or analyzing the contents of conversation during a private session or a group, joint or family counseling session and that are separated from the rest of the individual’s medical record.

- > The term “**treatment**” refers to the provision, coordination or management of health care and related services.
- > The term “**use**” refers to the sharing, employment, application, utilization, examination, or analysis of PHI by an individual within the PCC HCC or the PCC ACE.

ADMINISTRATIVE RULES

Each clinic in the PCC HCC will distribute a printed Notice of Privacy Practices (NPP) to patients and research participants providing or agreeing to the creation of protected health information on or after April 14, 2003. The NPP will include required information and follow guidelines set forth by the HIPAA Privacy Rule as follows:

1. The NPP will be written in plain language;
2. A statement as a header or otherwise predominantly displayed: “This notice describes how health information about you may be used and disclosed and how you can get access to this information. Please review it carefully”;
3. How the covered entity may use and disclose protected health information about an individual;
4. 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;
5. 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;
6. Whom individuals can contact for further information about the covered entity’s privacy policies;
7. A description, including at least one example, of the types of uses and disclosures that the HCC is permitted to make for each of the following: treatment, payment, research or other health care operations;
 - a) A description of each of the other purposes for which the HCC is permitted or required to use or disclose PHI without the individual’s written authorization;

- b) If a use or disclosure for any purposes described above is prohibited or materially limited by other applicable law, the description of such use or disclosure must reflect the more stringent law;
 - c) For each purpose, the description must include sufficient detail to place the individual on notice of the uses or disclosures that are permitted or required;
 - d) A description of the uses and disclosures that require an authorization as follows:
 - i. Psychotherapy Notes. Use or disclosure by the covered entity requires patient authorization except to carry out treatment, payment or health care operations; to train mental health students or practitioners to improve their skills; to defend itself in a legal action; or for use by the originator for treatment.
 - ii. Marketing. Authorization is required for uses of PHI made for marketing except to communicate about treatment, care coordination or to describe a health-related product or service or payment for such included in the covered entity's health plan. Authorization is required for disclosures of PHI for remuneration made to another entity to market its services except to describe a drug or biologic already prescribed to the patient or for refill reminders.
 - iii. Sale of PHI. A covered entity must obtain authorization for any disclosure of PHI in which the disclosure will result in remuneration to the covered entity.
8. A statement that other uses and disclosures not described in the NPP will be made only with the individual's written authorization and that the individual may revoke such authorization;
9. If the clinic intends to engage in any of the following activities, the description required above of the uses and disclosures the HCC is permitted to make must include a separate statement, as applicable that:
- a) The HCC may contact the individual to provide appointment reminders or information about treatment alternatives or other health-related benefits and services that may be of interest to the individual; and
 - b) The HCC may contact the individual to raise funds for the HCC and the individual has the right to opt out of such communications.
10. A statement about the individual's rights with respect to PHI and a brief description of how to exercise such rights to:

- a) Request restrictions on uses and disclosures and;
 - i. Excludes services provided at the HCC for healthcare operations of payment unless the patient has paid for the service in full.
 - b) Receive confidential communications;
 - c) Inspect and copy PHI;
 - d) Amend PHI;
 - e) Receive an accounting of disclosures; and
 - f) Receive a paper copy of the NPP.
- 11.** A statement that the Provider Unit is required by law to maintain the privacy of PHI and to provide individuals with notice of its legal duties and privacy practices with respect to PHI;
- 12.** A statement that the HCC is required by law to notify affected individuals following a breach of unsecured PHI;
- 13.** A statement that the HCC is required to abide by the terms of the NPP currently in effect;
- 14.** A statement that the HCC reserves the right to change the terms of its NPP and to make the new NPP provisions effective for all PHI that it maintains. The statement must also describe how it will provide individuals with a revised notice;
- 15.** A statement that individuals may complain to the HCC and to the Secretary of the Department of Health and Human Services if they believe their privacy rights have been violated, a brief description of how to file a complaint with the Clinic, and a statement that the individual will not be retaliated against for filing a complaint;
- 16.** The name, or title and telephone number of a person, or office to contact for further information; and
- 17.** The date on which the notice is first in effect, which may not be earlier than the date on which the notice is printed or otherwise published.

Notice of Privacy Practices Method of Delivery

The NPP will ordinarily be handed to a patient, research participant or legal guardian at time of first service on or after April 14, 2003, but may be mailed or delivered by other means. In any event, the PCC HCC must provide the NPP within 24 hours of receiving evaluation or treatment at one of the PCC clinics.

Notice of Privacy Practices in Affiliated Covered Entities

Those PCC HCC units (hereafter referred to as “departments”) in the PCC ACE will distribute the joint ACE NPP.

Notice of Privacy Practices in Other Languages

The PCC HCC Clinic will provide the NPP document in either English or Spanish as the individual chooses. The NPP may be translated to other languages as applicable.

Notice of Privacy Practices Acknowledgement Form and Receipt

The PCC HCC Clinic will document that an individual has received the NPP using the NPP Acknowledgment for Receipt of Notice of Privacy Practices form or the applicable NPP Acknowledgement form for the joint ACE NPP. The PCC HCC Clinic will maintain a record of this completed form in either paper or electronic image format. The PCC HCC Clinic will document completion of the Acknowledgment form electronically wherever possible.

Notice of Privacy Practices Available On-Site and Posting

Each PCC HCC clinic with a physical service delivery site will have the NPP available on-site for individuals to request to take with them and will post the NPP in a clear and prominent location where it is reasonable to expect individuals seeking or receiving service will be able to read the NPP.

Material Changes to Notice of Privacy Practices

The PCC HCC clinic will revise its NPP whenever there is a material change to the uses or disclosures, the individual’s rights, the PCC HCC clinic’s legal duties or other privacy practices stated in the NPP. The NPP shall be made available upon request on or after the effective date of the revision and posted as required.

Notice of Privacy Practices on PCC HCC Clinic Website

If the PCC HCC Clinic has a website, the department will post the NPP on its website and make the NPP available electronically through the website.

Documentation Requirements

The PCC HCC clinic will retain a copy of each NPP issued by the PCC HCC clinic for at least six (6) years from the date the NPP was last in effect and file a copy of each NPP version with the Palmer College of Chiropractic HIPAA Privacy Officer.

The PCC HCC clinic will retain a written or electronic record of each completed NPP Acknowledgment form or documentation of good faith efforts to obtain such Acknowledgment form for at least six (6) years from the date it was last in effect.

STANDARD INSTITUTIONAL POLICY PROVISIONS

Institutional policies are supplemented by provisions that are applicable to all institutional policies. It is the responsibility of all employees and students to know and comply with these standards.

- > [Standard Provisions Applicable to All Institutional Policies](#)

Additional Information

ASSOCIATED POLICIES, PROCESSES AND/OR PROCEDURES

This Policy is supplemented below. It is the responsibility of all employees and students to know and comply with policies and procedures as supplemented.

POLICIES

- > [Designation of the Palmer College of Chiropractic Health Care Component](#)
- > [Managing Arrangements of Business Associates with Palmer College of Chiropractic](#)
- > [Notice of Privacy Practice](#)

PROCESSES AND/OR PROCEDURES

- > N/A

FORMS/INSTRUCTIONS

- > [Acknowledgment for Receipt of Notice of Privacy Practices](#)

OTHER RELATED INFORMATION

- > 45 CFR 164.504(c)(3) (HIPAA Privacy Rule)
- > 45 CFR 164.520 (Notice of Privacy Practices for Protected Health Information)

CONTACTS

Privacy Officers

- > Davenport Clinics
Ron Boesch, D.C.
1000 Brady Street
Davenport, IA 52803
(563) 884-5567
ron.boesch@palmer.edu
- > San Jose, Clinics
Tammi Clark, D.C.
90 E. Tasman Drive
San Jose, CA 95134
(408) 944-6085
tammi.clark@palmer.edu
- > Port Orange Clinics
Shane Carter, D.C.
4705 S. Clyde Morris Blvd.
Port Orange, FL 32129-4153
(386) 763-2628
shane.carter@palmer.edu

HISTORY

Responsible Officer:..... Dan Weinert, M.S., D.C., Ph.D.
Provost
Palmer College of Chiropractic
1000 Brady Street
Davenport, Iowa
Phone: (563) 884-5761
dan.weinert@palmer.edu

Issuing Office: Office of Compliance
Earlye Julien, PHR, M.S.Ed., CQIA
Senior Director for Compliance
Palmer College of Chiropractic
1000 Brady Street
Davenport, Iowa
Phone: (563) 884-5476
Fax: (563) 884-5883
earlye.julien@palmer.edu