

SAN MATEO COUNTY HEALTH SYSTEM
BEHAVIORAL HEALTH AND RECOVERY SERVICES

DATE: February 25, 2003; effective April 14, 2003

BHRS POLICY: 03-02

SUBJECT: Notice of Privacy Practices

AUTHORITY: Federal 45 CFR, 164.520 (HIPAA Privacy Rule); California W&I Code, 5328-5330; MH Policy 02-06, Confidentiality/Privacy of Protected Health Information; MH Policy 96-15, Consent to Treatment

AMENDED: 12/09/09; Technical edits 1/23/14; Translations added 9/16/16

ATTACHMENTS:

A. Summary and Notice of Privacy Practices

- English
- Spanish
- Tagalog
- Tongan
- Chinese
- Russian

B. Application for Services and Consent to Treatment with Acknowledgement of Receipt of Notice of Privacy Policies

- English
- Spanish
- Tagalog
- Tongan
- Chinese
- Russian

BACKGROUND

An individual's right to notification of a provider's privacy practices is a key element in federal privacy regulations. Further, the federal Department of Health and Human Services "believes strongly that promoting individuals' understanding of privacy practices is an essential component of providing notice..." Federal regulations require that clients be given the Privacy Notice no later than the date of the first service delivery. This is intended to provide an immediate opportunity for individuals to discuss privacy practices and their concerns with their health care providers.

POLICY

San Mateo County Behavioral Health and Recovery Services supports the intent and requirements of regulations concerning the Notice of Privacy Practices (attachment A), and all staff and independent contractors (practicing within BHRS sites) shall make good faith efforts to fulfill its provisions. All personnel shall receive training on the content and intent of the Notice of Privacy Practices; newly hired staff shall receive training in a timely manner.

The most current version of the Notice of Privacy Practices shall be distributed to every client entering treatment within San Mateo County Behavioral Health Services, shall be posted and copies shall be available at all treatment sites, and shall be available on the BHRS website.

Clients shall be asked to confirm in writing that they were offered a copy of the Notice of Privacy Practices. When extreme circumstances (such as acuity of presenting symptoms) prevent distributing the notice and discussing privacy rights with a client at the time of admission, good faith efforts shall be made to do so at the earliest appropriate opportunity.

PURPOSE

This policy is intended to affirm the provisions of federal and state privacy laws and to facilitate upholding that mandate by defining relevant terms and establishing procedures to assure the availability of the Notice of Privacy Practices.

DEFINITIONS

Notice of Privacy Practices (NPP) – A document mandated by federal Privacy Regulations that must explain, in plain language, the individual's rights related to his or her protected health information (PHI).

Protected Health Information - Information that relates to a person's health, the care received, and payment for services, including demographic information.

PROCEDURE

1. Distribution to clients
 - A. Clients opened to BHRS **on or after** April 14, 2003

- a) Clients shall be given the Notice of Privacy Practices (NPP) at their first clinical session, during intake procedures.
 - b) A clinical staff member, trained in its provisions, shall give the client a brief explanation of the privacy practices.
 - c) Clients shall be asked to indicate in writing on the form entitled “Consent for Treatment and Acknowledgement of Receipt of NPP” (Attachment C) that they were offered a paper copy of the notice.
 - d) Clients who refuse to sign shall have that noted on the form, and continued efforts shall be made to obtain client signature at a minimum of three subsequent visits
- A. Clients Referred to Network Providers
- a) Clients opened to ACCESS on or after April 14, 2003 and referred to a provider in the network shall have the notice mailed to them as part of the intake packet.
 - b) It is not necessary to request a signed acknowledgement of receipt for Mental Health Plan beneficiaries treated within the provider network.
- B. Children/Youth
- a) A parent/guardian of children/youth opened to BHRS **on or after** April 14, 2003 shall be given the Notice of Privacy Practices at the client’s first clinical session, during intake procedures.
 - b) A clinical staff member trained in its provisions shall give the client/parent/guardian a brief explanation of the privacy practices.
 - c) Parents/guardians shall be asked to indicate in writing on the Consent for Treatment and Acknowledgement of the Receipt of NPP that they were offered a paper copy of the notice.
 - d) Parents/guardians who refuse to sign or who are unavailable to sign shall have that noted on the form, and continued efforts shall be made to obtain signature at a minimum of three subsequent visits.
2. Retention in chart of forms acknowledging receipt of the Notice of Privacy Practice
- A. When signed and dated, the Application for Services and Consent to Treatment with Acknowledgement of Receipt of Notice of Privacy Practices (Attachment B) shall be filed in the client chart in the section for consents.
- B. In the event that the client has not yet signed the appropriate acknowledgement of receipt form, it shall be noted in a Progress Note in such a manner as to trigger further efforts to obtain acknowledgement of receipt. When signed, the form shall be filed in the client chart in the section for consents.
3. Revision of the Notice of Privacy Practices
- A. The Notice of Privacy Practices must be distributed whenever it has had a material revision (for example, one caused by changes due to new or amended state or federal law).

- B. In this situation, “distributed” means correcting the posted material, web site copy and paper copies that are available at behavioral health sites and given to clients on admission.
- C. In the case of revision to the Notice of Privacy Practices, no further client signature is required.

Approved: *(Signature on file)*
Stephen Kaplan, LCSW
BHRS Director