



University Community (faculty, staff, students)

Table with 3 columns: SUBJECT (R\*), EFFECTIVE DATE (R\*), POLICY NUMBER (O\*). Row 1: HIPAA PRIVACY: PROVIDING NOTICE OF PRIVACY PRACTICES, September 1, 2009, 1640.015

POLICY STATEMENT (R\*)

Florida International University ("FIU") must provide to its patients the appropriate Notice of Privacy Practices ("NPP") that describes the privacy practices of the specific health care component.

PERSONS TO WHOM NOTICE IS PROVIDED:

- 1. The NPP must be made available to any person upon request.
2. The NPP must be provided to the individual or the individual's personal representative.
3. Florida International University health care components must provide the NPP to all individuals with whom the provider has a direct treatment relationship...

WHEN:

Florida International University health care components who have a direct treatment relationship with the individual must provide the NPP at the time of first service delivery except where providing the NPP at that time is not practicable under the circumstances...

When the first service delivery is electronic, the NPP must be provided automatically and contemporaneously in response to the request for service. In addition, all electronic communications of PHI with patients must be accompanied by an appropriate disclaimer giving the patient notice of the security risks associated with communications via e-mail.

When the first service delivery is via telephone, the NPP and acknowledgement form must be sent promptly. The form must be sent by mail unless the individual's approval has been obtained to send the NPP in electronic format.

ACCEPTABLE FORMATS FOR NPP

The NPP may be provided in paper format or electronic format.

The NPP may be provided in electronic format only if the individual's approval is first obtained. If the health care component knows that an electronic transmission of the NPP failed, the NPP must be provided in paper format.

POSTING OF THE NPP AND AVAILABILITY AT SERVICE FACILITIES

Florida International University health care components must post the NPP in any physical FIU owned or operated facility at which health care services are provided. The NPP must be posted in a clear and prominent location where it is reasonable to expect individuals seeking health care services will be able to read the NPP.

Florida International University health care components who have a direct treatment relationship with the individual must make a paper copy of the NPP available at any physical facility at which health care services are provided for individuals to take with them upon request.

All health care components who maintain a Web site providing information about its customer services or benefits must make available and prominently post the NPP in electronic format on that Web site.

## ACKNOWLEDGEMENT REQUIREMENT FOR DIRECT TREATMENT PROVIDERS

When the NPP is given to the individual at the time of the first service delivery at a health care component, the health care component must make a good faith effort to obtain the individual's written acknowledgement of receipt of the NPP.

If the health care component is unable to obtain the acknowledgement, it should document the effort made and the reason acknowledgement was not obtained.

In emergency situations, the health care component must make a good faith effort to obtain the written acknowledgement and if it is not possible, the health care component must document the efforts made and the reason the acknowledgement was not obtained.

When the NPP is sent by mail or e-mail, the good faith effort to obtain acknowledgement is satisfied by requesting that the individual complete and return the acknowledgement form. This effort should be documented by the health care component.

## CHANGES TO THE NPP

Health care components must promptly revise and distribute the NPP whenever there is a material change to the uses or disclosures covered by the NPP, the individual's rights, the health care components' legal duties, or other privacy practices stated in the NPP.

A material change to any term of the NPP must not be implemented prior to the effective date of the NPP in which the material change is reflected, except when required by law.

Health care components must make the revised NPP available to individuals upon request, and ensure that all postings, including Web site postings and copies of the NPP provided to individuals, reflect changes to the NPP.

## DOCUMENTATION

The Health care components must document and retain copies of all NPPs for no less than 6 years beyond the effective date of the NPP.

## REASON FOR POLICY (O\*)

The HIPAA Privacy Rule requires that the health care component develop and distribute a formal document referred to as the "Notice of Privacy Practices."

## RELATED INFORMATION (O\*)

HIPAA Privacy Rule, 45 C.F.R. § 164.520.

Health Insurance Portability and Accountability Act Compliance

## DEFINITIONS (R\*)

"Covered entity" means a health plan, health care clearinghouse, or health care provider who transmits health information in electronic form in connection with a health care transaction.

"Health care component" means a component or combination of components of a hybrid entity that has been specifically designated by the covered entity because it either performs covered functions; or activities that would make such component a business associate of a component that performs covered functions if the two components were separate legal entities.

"Individually identifiable health information" means information that is a subset of health information, including demographic information collected from an individual, and:

- Is created or received by a health care provider, health plan, employer, or health care clearinghouse; and
- Relates to the past, present, or future physical or mental health or condition of an individual, the provision of health care to an individual, or the past, present, or future payment for the provision of health care to an individual; and
  1. That identifies the individual; or
  2. With respect to which there is a reasonable basis to believe the information can be used to identify the individual.

"NPP" is the Notice of Privacy Practices which describes, in general terms:

- How the health care component will use and disclose a patient’s PHI;
- The patient’s rights and responsibilities with respect to his/her PHI; and
- The health care component’s duties with respect to a patient’s PHI.

“Protected health information” or “PHI” means individually identifiable health information that is:

- Transmitted by electronic media;
- Maintained in electronic media;
- Transmitted or maintained in any other form or medium.
- Protected health information specifically excludes:
  1. Education records covered by the Family Educational Rights and Privacy Act, as amended, 20 U.S.C. § 1232g (“FERPA”);
  2. Records described at 20 U.S.C. § 1232g(a)(4)(B)(iv); and
  3. Employment records held by a covered entity in its role as an employer.

**RESPONSIBLE UNIVERSITY DIVISION/DEPARTMENT (R\*)**

Division of Academic Affairs  
Florida International University

**RESPONSIBLE ADMINISTRATIVE OVERSIGHT (R\*)**

University Compliance Officer and  
Interim Privacy Officer  
University Compliance Office PC 520  
11200 S.W. 8th Street  
Miami, Florida 33199  
Telephone Number: (305) 348-2216\

The University Policies and Procedures Library is updated regularly. In order to ensure a printed copy of this document is current, please access it online at [www.policies.fiu.edu](http://www.policies.fiu.edu).

For any questions or comments, the “Document Details” view for this policy online provides complete contact information.

**\*R = Required \*O = Optional**