



SUBJECT:	HIPAA		
POLICY TITLE:	NOTICE OF PRIVACY PRACTICES POLICY		
RESPONSIBLE PARTY:	CHIEF COMPLIANCE & QUALITY OFFICER		
POLICY #:	HI 1002	EFFECTIVE DATE:	04/03
# OF PAGES:	4	REVISION/APPROVAL DATE:	03/25
APPROVED BY:	TRACY THURSTON, PRESIDENT & CEO		

APPLICABLE LAWS, REGULATIONS AND/OR STANDARDS

Federal Laws:

[*P.L. 104-191 – Health Information Portability and Accountability Act of 1996*](#)

[*P.L. 111 -5 – HITECH Act of 2009*](#)

[*5 U.S.C. § 522a – Records maintained on individuals*](#)

[*45 C.F.R. Parts 160 and 164 - Modifications to the HIPAA Privacy, Security, Enforcement, and Breach Notification Rules*](#)

[*45 C.F.R. 164.524 – Access of individuals to protected health information*](#)

State Laws:

[*A.R.S. § 12-2291 – Definitions*](#)

[*A.R.S. § 12-2292 – Confidentiality of medical records and payment records*](#)

Regulations:

A.A.C. R9-10-1009. Medical Records

COA Standards:

[*RPM 6: Security of Information*](#)

[*RPM 8: Access to Case Records*](#)

[*CR 2: Confidentiality and Privacy Protections*](#)

POLICY

Arizona's Children Association (AzCA) shall ensure that all clients are provided with the *AzCA Notice of Privacy Practices*, which meets federal privacy notification requirements for protected health information. Clients shall be provided with a copy of the *AzCA Notice of Privacy Practices* form at intake and confirm receipt of this document on the *AzCA Authorization to Treat and Acknowledgement of Information* form. Copies of the *AzCA Notice of Privacy Practices* shall be made available in English and Spanish and be posted in the lobby of every AzCA location. AzCA shall advise clients in a timely manner of any changes or revisions to this notice and make the notice available at the request of any client.

PROCEDURE

1.0 Content of Notice



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1.1 General Content

- a) AzCA must provide a notice to all clients that is written in plain language and that contains the following elements:
 - a) The following statement as a header or otherwise prominently displayed: “THIS NOTICE DESCRIBES HOW MEDICAL INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY.”,
 - b) A description, including at least one example of the types of uses and disclosures that AzCA is permitted to make for treatment, payment, and health care operations,
 - c) A description of each of the other purposes for which AzCA is permitted or required to use or disclose PHI without the client’s written authorization,
 - d) If a use or disclosure for any purpose described in 1.1.1.2 or 1.1.1.3 is prohibited or materially limited by other applicable law, the description of such use or disclosure must reflect the more stringent law,
 - e) For each purpose described in 1.1.1.2 or 1.1.1.3, the description must include sufficient detail to place the client on notice of the uses and disclosures that are permitted or required,
 - f) A statement that other uses and disclosures will be made only with the client’s written authorization and that the client may revoke the authorization as provided in AzCA policy – [Client Rights Regarding PHI, HI 1001](#),
 - g) A statement of the clients’ rights with respect to PHI and a brief description of how the client may exercise these rights, including the right to request restrictions on certain uses and disclosures and a statement that AzCA is not required to agree to the requested restriction, the right to receive confidential communications of PHI, the right to inspect and copy PHI, the right to amend PHI, the right to receive an accounting of disclosures of PHI, and the right to obtain a paper copy of the notice from AzCA upon request.

1.2 Responsibilities of AzCA

- a) The notice contains information regarding AzCA’s duties, which include the following elements:
 - a) A statement that AzCA is required by law to maintain the privacy of PHI and to provide clients with notice of its legal duties and privacy practices with respect to PHI,
 - b) A statement that AzCA is required to abide by the terms of the notice currently in effect, and



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- c) For AzCA to apply a change in a privacy practice that is described in the notice to PHI that AzCA created or received prior to issuing a revised notice, a statement that it reserves that right to change the terms of its notice and to make the new notice provisions effective for all PHI that it maintains. The statement must also describe how it will provide individuals with a revised notice.

1.3 Other Requirements

- The notice contains a statement that clients may file a complaint to AzCA and/or to the Secretary of Health and Human Services if they believe their privacy rights have been violated. The notice provides a brief description of how the client may file a complaint with AzCA and/or the Office of Civil Rights, and a statement that the client will not be retaliated against for filing a complaint,
- The notice contains the name, title, and telephone number of to the HIPAA Privacy Officer to contact for further information,
- The notice contains 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.

2.0 Revisions or Changes to Notice

2.1 AzCA must promptly revise and distribute its notice whenever there is a material change to the uses or disclosures, the client's rights, AzCA's legal duties, or other privacy practices stated in the notice. Except when required by law, a material change to any term of the notice may not be implemented prior to the effective date of the notice in which such material change is reflected.

2.2 To implement a change to a privacy practice stated in the notice, AzCA must:

- Ensure that the associated policy or procedure is revised to reflect the change in AzCA's privacy practices,
- Document the revised policy and procedure in written or electronic form, and
- Revise the notice as required to state the changed practice and make the revised notice available as required by this policy. AzCA may not implement a policy or procedure change prior to the effective date of the revised notice.

2.3 If AzCA has not reserved its right to change a privacy practice that is stated in the notice, AzCA is bound by the privacy practices as stated with respect to PHI created or received while the notice is in effect, unless:

- Such change meets the implementation specifications in this policy, and



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- b) Such change is effective only with respect to PHI created or received after the effective date of the notice.

3.0 Distribution of Notice

3.1 AzCA must make the notice available on request to any person, as follows:

- a) No later than April 14, 2003 for AzCA, to clients then covered by the plan,
- b) Thereafter, at the time of enrollment, to individuals who are new enrollees,
- c) Within sixty-(60) days of a material revision to the notice, to individuals then covered by the plan,
- d) No less frequently than once every three years, AzCA must notify members then covered of the availability of the notice and how to obtain the notice.

4.0 Compliance

4.1 AzCA must document compliance with these notice requirements by retaining copies of the notices issued by AzCA and, if applicable, any written acknowledgements of receipt of the notice or documentation of good faith efforts to obtain such written acknowledgment.

