

## Revising Your HIPAA Notice of Privacy Practices

**Question:** I already have a HIPAA Notice of Privacy Practices in place. Do I have to make changes to it because of the recently released HIPAA Rule amendments?

**Answer:** Yes, revising your Notice of Privacy Practices is among the many actions that every HIPAA covered entity will need to take to comply with the new HIPAA rule amendments.

The Omnibus HIPAA Rule (Final Rule) makes some changes in how practices can use or disclose a patient's Protected Health Information (PHI). As a result, you have to include those changes in your Notice of Privacy Practices (Notice). The required modifications are:

- Include a description of the types of uses and disclosures of PHI that require a separate authorization, specifically, a statement indicating that most uses and disclosures of psychotherapy notes (if your practice records or maintains such notes), uses and disclosures of protected health information for marketing purposes, and disclosures that constitute a sale of protected health information require authorization, as well as a statement that other uses and disclosures not described in the Notice will be made only with authorization from the individual.
- If your practice engages in fundraising activities, explain that the patient may be contacted to raise funds, but has the right to opt-out of such communications.
- Include a statement regarding the patient's right to request a restriction on certain disclosures to their health plan if the disclosure is purely for carrying out payment or health care operations and the requested restriction is for services paid out-of-pocket.
- Provide a statement that the practice is required to notify affected individuals of breaches of their unsecured PHI.

But don't throw out all those copies of your current Notice yet. An updated Notice is not required until the compliance date of September 23, 2013 (although you can begin using an updated Notice prior to then). And, fortunately, practices are not required to redistribute the updated Notice to all patients. Rather, you should conspicuously post the updated Notice in your waiting room and on your website, if you maintain one, and have copies of the updated Notice available to patients upon request. For new patients, provide them with the updated Notice and obtain their acknowledgement of receipt. The Final Rule can be accessed at <http://ow.ly/hdU3U>, and we will be publishing a series of HIPAA Q&As in the coming weeks to help you comply with the Final Rule.

For more information on this topic, please contact our Managing Partner, Michael J. Schoppmann, Esq at 1-800-445-0954 or via email at [MSchoppmann@DrLaw.com](mailto:MSchoppmann@DrLaw.com).



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