

## Texas Tech University Health Sciences Center El Paso HIPAA Privacy Policy

<b>Policy: HPP 1.2</b>	<b>Effective Date:</b> July 21, 2009
<b>Notice of Privacy Practices</b>	<b>Last Revision Date:</b> January 23, 2024
<b>References: 45 CFR 164.520: <a href="https://www.hhs.gov/ocr/index.html">https://www.hhs.gov/ocr/index.html</a></b>	

### **Policy Statement**

This policy provides instruction on how to post and deliver the Texas Tech University Health Sciences Center El Paso (TTUHSC El Paso) Notice of Privacy Practices (Privacy Notice), and document acknowledgment of receipt of the privacy notice.

### **Scope**

This policy applies to all healthcare clinical service areas owned and/or operated by TTUHSC El Paso.

### **Procedure**

1. TTUHSC El Paso Privacy Notice.
  - a. Content of Privacy Notice. The Institutional Privacy Officer (IPO) shall prepare and update the privacy notice. The Privacy Notice shall be in plain language and contain the elements required by 45 CFR 164.520.
  - b. Revision to the Privacy Notice. The IPO shall revise and distribute the TTUHSC El Paso Privacy Notice whenever there is a material change to (a) the uses or disclosure, (b) the individual's rights, (c) TTUHSC El Paso's legal duties, or (d) other privacy practices stated in the Privacy Notice. Except when required by law, a material change to any term of the Privacy Notice will not be implemented before the effective date of the revised Privacy Notice containing the material change.
  
2. Posting of Privacy Notice.
  - a. Clinic Locations. The Privacy Notice shall be conspicuously posted at all TTUHSC El Paso health care delivery sites, including but not limited to the medical record department and ambulatory clinics. The Privacy Notice shall be posted in a clear and prominent location where individuals seeking health care items or services from TTUHSC El Paso can read the Privacy Notice.
  - b. Website. The IPO shall post the most current Privacy Notice on TTUHSC El Paso's website in English and Spanish. All TTUHSC El Paso patient services websites shall have a link to the electronic version of the TTUHSC El Paso Privacy Notice.
  
3. Delivery of Privacy Notice.
  - a. New Patients. A copy of the current TTUHSC El Paso Privacy Notice shall be given to each new TTUHSC El Paso patient (or his/her legal guardian or personal representative) seen at a TTUHSC El Paso facility (i.e., clinic) no later than the first visit or encounter, including electronic encounters (i.e., telemedicine or internet). The Privacy Notice can be delivered in person or electronically via a secure electronic connection.

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- b. Requests for Privacy Notice. Upon request, a copy of the current Privacy Notice shall be given to the patient or his/her legal guardian or personal representative.
4. Privacy Notice Acknowledgment.
- a. Written Acknowledgment of Receipt. The acknowledgment of receipt of the Privacy Notice is located on the consent to treatment form. TTUHSC El Paso personnel shall make a good faith effort to obtain a signed written acknowledgment of receipt of the Privacy Notice from the patient or his/her legal guardian or personal representative.
  - b. Refusal to Sign Acknowledgment. If an individual refuses to sign the acknowledgment of receipt of the Privacy Notice, personnel shall document on the Consent to Treatment form the individual's refusal to sign the acknowledgment of receipt of the Privacy Notice.
  - c. Failure to Obtain Signed Acknowledgment. If an acknowledgment cannot be obtained (other than as noted in 4b above), personnel shall document the efforts taken to obtain the acknowledgment and the reason why it was not obtained.
  - d. Documentation Retention. The signed acknowledgment or documentation of good faith efforts to obtain a signed acknowledgment (See 4b and 4c above) shall be maintained in the patient's medical record.

TTUHSC El Paso shall retain signed HIPAA authorizations for six (6) years from the date of signature or the date when it was last in effect, whichever is later.

Knowledge of a violation or potential violation of this policy must be reported directly to the Institutional Privacy Officer or the Fraud and Misconduct Hotline at (866) 294-9352 or [www.ethicspoint.com](http://www.ethicspoint.com) under Texas Tech University System.

### **Frequency of Review**

This policy will be reviewed on each even-numbered (ENY) by the Institutional Privacy Officer and the HIPAA Privacy and Security Committee.

Questions regarding this policy may be addressed to the Institutional Privacy Officer or Institutional Compliance Officer.

**Review Date:** January 18, 2024

**Revision Date:** January 15, 2015, June 14, 2016, July 17, 2018, January 25, 2022, January 23, 2024