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Owner Tarra Carey: Sys Dir Privacy and Integrity
 Area Organizational Integrity
 Applicability PeaceHealth Systemwide
 Tags Policy

Patient Privacy Rights Policy

SCOPE

This policy applies to all PeaceHealth settings and services in the location(s) checked below:

✓ Ambulatory Surgery Center	✓ PeaceHealth Medical Group
✓ Cottage Grove Medical Center	✓ Sacred Heart RiverBend
✓ Ketchikan Medical Center	✓ Southwest Medical Center
✓ Ketchikan Long Term Care	✓ St. John Medical Center
✓ Peace Harbor Medical Center	✓ St. Joseph Medical Center
✓ Peace Island Medical Center	✓ System Services Center
✓ PeaceHealth Home & Community	✓ United General Medical Center
PeaceHealth Laboratories	

PURPOSE

The purpose of this policy is to provide an overview of patients' privacy rights under the Health Insurance Portability and Accountability Act (HIPAA) and state laws regarding patient privacy rights.

DEFINITIONS:

- **Breach:** The acquisition, access, use, or disclosure of protected health information in a manner that (1) is not permitted under the HIPAA Rules and (2) compromises the privacy or security of the PHI, as determined by a risk assessment. [45 CFR 164.402](#)

- **Designated Record Set:** Any item, collection, or grouping of information that includes PHI and is maintained, collected, used, or disseminated by or for a covered entity. It includes any group of records maintained by or for a covered entity including:
 - Medical and billing records. This includes the documentation of the healthcare services provided to an individual by a healthcare provider whether oral or recorded in any form or medium, that identifies or can readily be associated with the identity of a patient, and (i) relates to a patient's health care; (ii) is obtained in the course of a patient's health care from a health care provider from the patient, from a member of the patient's family or an individual with whom the patient has a close personal relationship, or from the patient's legal representative.
 - The enrollment, payment, claims adjudication, and case or medical management record systems maintained by or for a health plan; or
 - Information used, in whole or in part, by or for the covered entity to make decisions about individuals.
- **Health Insurance Portability Accountability Act (HIPAA) of 1996 Rules:** The Privacy Rule, Security Rule, and Breach Notification Rule issued under HIPAA, set forth in 45 CFR [Part 160](#) and [Part 164](#). US law designed to provide privacy standards to protect patients' medical records and other health information provided to health plans, doctors, hospitals and other health care providers. Developed by the Department of Health and Human Services, these standards provide patients with access to their medical records and more control over how their personal health information is used and disclosed.
- **Personal Representative:** A person who, under applicable law, has authority to act on behalf of an individual (patient) in making decisions related to health care. This includes, but is not limited to, a parent or legal guardian.
 - In Washington if a patient has a Mental Health Advanced Directive (MHAD) form on file, the individual named on the form may be considered the personal representative under HIPAA.
- **Protected Health Information (PHI):** Individually identifiable health information relating to past, present, or future physical or mental health condition, provision of health care or payment for health care, created/received by provider, plan, employer or clearinghouse, in any medium (written or electronic or verbal). Protected health information excludes individually identifiable health information:
 - In education records covered by the Family Educational Rights and Privacy Act,
 - In employment records held by a covered entity in its role as employer; and
 - Regarding a person who has been deceased for more than 50 years.

POLICY

It is the policy of PeaceHealth that patients have privacy rights under HIPAA regarding their protected health information (PHI). Patients will receive a description of their individual privacy rights in PeaceHealth's Notice of Privacy Practice (NPP).

Patients have the right to:

1. Access and/or receive copies of their PHI:

- a. Patients have a right to review and obtain a copy of their PHI in their designated record set. Access is provided in accordance with [Patient Privacy Rights: Access to Protected Health Information Procedure](#) and [45 CFR 164.524](#).
- b. PeaceHealth may deny access or copies of PHI on a case by case basis with limited circumstances.

2. Request restrictions on the use and disclosure of PHI:

- a. Patients may request that PeaceHealth restrict the use or disclosure of their PHI for treatment, payment or healthcare operations including:
 - i. disclosures to persons involved in their healthcare, unless required by law
 - ii. payment for healthcare
 - iii. Opt-out of facility directories
 - iv. Opt-out of receiving fundraising communications
- b. PeaceHealth Privacy Officer will approve or deny the restriction request. The process for handling a patient's request to restrict the use or disclosure of their PHI is outlined in [Patient Privacy Rights: Restrictions on the Use of or Disclosure of Protected Health Information Procedure](#); [Opt-Out from Facility Directory](#) and [45 CFR 164.522](#).

3. Receive an accounting of disclosures:

- a. Patients may request an accounting of disclosures of their PHI by PeaceHealth or its business associates, going back six years from the date of the request, for any disclosures made for purposes other than treatment, payment and healthcare operations. The procedure for providing an accounting of disclosures is described in [Patient Privacy Rights: Accounting of Disclosures Procedure](#) and [45 CFR 164.528](#).

4. Request confidential means of communication:

- a. Patients may request that communication from PeaceHealth be made by alternative means or at alternative locations as described in [Patient Privacy Rights: Confidential or Alternate Communication and Detailed Messaging Procedure](#) and [45 CFR 164.522](#).
- b. PeaceHealth may deny a request for alternative communications if the patient request is unreasonable.

5. Request that PeaceHealth amend their PHI in their medical record (designated record set).

- a. The procedure for receiving and processing a patient's amendment request is described in [Patient Privacy Rights: Amendment of Protected Health Information Policy](#) and [45 CFR 164.526](#).
- b. PeaceHealth administers these rights in accordance with federal law and is not required to agree to all requests.

6. Revoke an authorization to use or disclose PHI at any time if:

- a. The revocation is in writing, or

- b. To the extent that the PHI has not already been disclosed.
 - c. In accordance with policy [Access, Use, and Disclosure of Protected Health Information \(PHI\) Policy](#), [Patient Written Authorization for Use and Disclosure of Protected Health Information Procedure](#) and [45 CFR 164.508](#).
- 7. **Submit a complaint:**
 - a. If patients believe that their privacy rights have been violated, they may submit a complaint to PeaceHealth [System Privacy Officer](#) or the [Secretary of the Department of Health and Human Services](#) in accordance with [45 CFR 164.530](#).
 - b. Patients will be notified of the right to submit a complaint in PeaceHealth's Notice of Privacy Practice, in accordance with policy [Patient Privacy Rights- PeaceHealth Notice of Privacy Practices \(NPP\)](#).
 - c. PeaceHealth's System Privacy Officer or designee will investigate the concern and respond to the patient in writing.
- 8. **Receive notification of a breach of their PHI in accordance with [45 CFR 164.404](#). Notification must be in writing and include:**
 - a. A brief description of what happened, including the date of the breach and the date of the discovery of the breach, if known
 - b. A description of the types of unsecured protected health information that were involved in the breach (such as whether full name, social security number, date of birth, home address, account number, diagnosis, disability code, or other types of information were involved);
 - c. Any steps individuals should take to protect themselves from potential harm resulting from the breach;
 - d. A brief description of what PeaceHealth is doing to investigate the breach, to mitigate harm to individuals, and to protect against any further breaches; and
 - e. Contact procedures for individuals to ask questions or learn additional information, which shall include a toll-free telephone number, an e-mail address, Web site, or postal address.

HELP

Further information may be obtained by contacting the Network [Privacy Officer](#).

RELATED MATERIAL

Policies & Procedures:

- [Access to, Use, and Disclosure of Protected Health Information \(PHI\) Policy](#)
- [Investigation of Privacy/Security Incident and Breach Notification of Protected Health Information \(PHI\) Procedure](#)
- [Patient Access: Registering Patients with Requested Restricted Disclosures Procedure](#)

- [Patient Privacy Rights: Accounting of Disclosures Procedure](#)
- [Patient Privacy Rights: Access to Protected Health Information Procedure](#)
- [Patient Privacy Rights: Amendment of Protected Health Information Policy](#)
- [Patient Privacy Rights: Confidential or Alternate Communication and Detailed Messaging Procedure](#)
- [Patient Privacy Rights: PeaceHealth Notice of Privacy Practices \(NPP\)](#)
- [Patient Privacy Rights: Restrictions on the Use of or Disclosure of Protected Health Information Procedure](#)
- [Opt-Out from Facility Directory](#)

REFERENCES

- Patient Communication Preference

Formerly known as document number 900.1.273

All Revision Dates

11/17/2023, 11/17/2023, 10/19/2022, 6/22/2020, 12/20/2016, 1/1/2015, 9/5/2013, 5/6/2010, 2/17/2010

Approval Signatures

Step Description

Approver

Date

Shaina Hogan: Dir Policy
Admin

12/15/2023

Applicability

PeaceHealth Cottage Grove Community Medical Center, PeaceHealth Home and Community, PeaceHealth Ketchikan Medical Center, PeaceHealth Medical Group, PeaceHealth Peace Harbor Medical Center, PeaceHealth Peace Island Medical Center, PeaceHealth SHMC at RiverBend, PeaceHealth Southwest Medical Center, PeaceHealth St John Medical Center, PeaceHealth St Joseph Medical Center, PeaceHealth System Services, PeaceHealth United General Medical Center

Standards

No standards are associated with this document