



MEMORANDUM

Date: September 22, 2009

To: ALL ALAMEDA COUNTY BEHAVIORAL HEALTH CARE SERVICES PROVIDERS

From: Marye L. Thomas, MD, Director

cc: Barbara Majak, PHN, MPH; Peter Alevizos, PhD, MBA; Carolyn Novosel, LCSW; Kyree Klimist, MFT; Gary Spicer, MBA; Marlene Gold

Re: **HIPAA Notice of Privacy Practices Policy Update**

In accordance with Federal Code of Regulations, Title 45 (CFR 45), also known as HIPAA, health plans and their business associates must provide a Notice of Privacy Practices (NPP) in the following situations;

- Upon request of any person
- Available on the health plan website
- To members covered by the health plan upon entry
- Provide information of the availability of the NPP every 3 years to persons enrolled in the plan

According to the Alameda County Health Care Services NPP, the provider must provide the member a copy (with signature verification of receipt) of the Notice of Privacy Practices upon entry into the program and notify members of the continued availability of the NPP for their review. In addition, ACBHCS may adopt additional policy consistent with CFR 45.

In order to assure full compliance with CFR 45, ACBHCS requires providers to notify enrolled members of their services about the availability of the NPP for their review *every three years*. Programs are not required to notify members at their three-year anniversary, but simply notify all members who are enrolled in the program at every three year marker (2009, 2012, 2015, etc.). The verification of this notice may be accomplished by:

- Obtain the member's dated initials on the original NPP signed by them upon entry into the program.
- If the member is enrolled over several consecutive three year markers, assure the dated initial is obtained on the original NPP each time.

This notification process is not applicable to members who began receiving a provider's services in 2009, unless a member was not provided with the NPP upon admission.

As a courtesy, the ACBHCS Quality Assurance Office began issuing a reminder notice to providers in 2006 and every three years thereafter. Implementation of this requirement should be complete by December 31, 2009. In order to assure system compliance, ACBHCS will begin measuring compliance to this requirement beginning in January 2010.

This memorandum serves as the notice for 2009.

If you have questions regarding this requirement, please contact the Quality Assurance Administrator, QA Office, at 510-567-8105 or qainformingmaterials@acbhcs.org.