

What is the Notice of Privacy Practices?

The Privacy Rule requires that USC gives all patients an important document called the Notice of Privacy Practices (**Notice**). The Notice explains to patients the ways USC is allowed to use their health information and lists the rights patients have with respect to their health information.

USC must give each patient a copy of the Notice before USC can use that patient's health information to:

- Treat the patient,
- Get paid for treatment, or
- Conduct health care operations (defined later).

Here are some additional facts regarding the Notice:

- USC must give the Notice to its patients at the first clinical encounter (e.g., at the doctor's office or outpatient clinic).
- USC only needs to provide the Notice to its patients once. For example, if a USC doctor gives a patient the Notice, Keck Hospital of USC does not need to give a Notice to the patient if the patient is subsequently admitted to the hospital.
- Some patient rights that must be included in the Notice include the right to:
 - Get copies of medical records;
 - Request an amendment or accounting; or
 - File a complaint regarding a privacy matter.
- The patient must sign a written acknowledgment that he or she received the Notice.
- The Notice should be posted at each clinic service site. The information also is available on the USC Office of Compliance website.
- All of USC's clinical units should use USC's template Notice, which can be found on the USC policies website or through the USC Compliance Office.

Common Questions regarding the Notice of Privacy Practices

1. *If the Notice describes each and every use of patient information by USC, won't it be extremely long?*

The Notice does not describe each and every possible use USC will make of the information. Instead, the Notice will describe the general types of uses and provide an example of each type of use. USC has attempted to make the Notice as patient friendly as possible while also meeting the specific requirements set forth in the Privacy Rule as to what must be contained in a valid Notice.

2. *What if USC adopts a new type of use or disclosure that is not described on the Notice?*

The Notice includes a statement notifying patients that USC has a right to change the privacy practices described on the Notice. Whenever USC changes its privacy practices, it will revise the Notice and make the revised Notice available at each practice site.

3. *What if a patient refuses to sign the acknowledgment?*

The Privacy Rule requires the healthcare practitioner to make a *good faith* effort to obtain a written acknowledgment. If a patient refuses to sign the acknowledgment, you should document in the medical record the fact that you tried to obtain an acknowledgment and the reason you are unable to do so. Protected health information still may be used for purposes of treatment, payment and health care operations (as discussed later in this chapter) in this case.

4. *Can the Notice of Privacy Practices be posted in a central location, or does every patient need to receive their own copy?*

Each patient must receive their own copy of the Notice. In addition, it will be posted in a prominent location at each service site and on the USC Office of Compliance website.

5. *Can USC treat a patient in an emergency without providing the Notice of Privacy Practices and asking the patient to sign the acknowledgment?*

If the patient needs emergency treatment, USC is permitted to treat the patient for the duration of the emergency situation. USC must provide the Notice of Privacy Practices and obtain the patient's acknowledgment once the emergency has passed, provided the patient is still in USC's care at the time.

6. *What if the patient is unable to read or understand the Notice?*

USC employees should try to communicate with patients who have varying needs including patients who speak different languages or patients who have difficulty reading or speaking. If a patient cannot sign the acknowledgment, the circumstances should be documented in the medical record by the provider or individual(s) who attempted to communicate the contents of the Notice to the patient. The Notice may be translated into other languages to meet the needs

of the health care provider's patient population. For example, USC has a template version available in Spanish.

7. *What if USC provides the health care service without direct contact with the patient (for example, a pathology consult for an outside health care provider)?*

USC is not required to obtain an acknowledgment if USC has only an indirect treatment relationship with the patient. An indirect treatment relationship exists where the health care provider delivers health care services to the individual based on the orders of another, outside health care provider (for example, a physician not treating a patient at a USC healthcare facility) and reports the outcome of the services back to the ordering health care provider and not directly to the patient.

Please Note: Where a USC health care provider delivers health care services to an individual based on the orders of another health care provider who is treating the patient at a USC healthcare facility, the ordering health care provider should provide the USC Notice to the patient and should obtain his or her acknowledgement.

Examples:

- If a radiologist interprets x-rays on the request of an outside treating physician and reports the results back to the treating physician, the radiologist need not provide a Notice or obtain an acknowledgment.
- If the first contact is by phone simply to set up an appointment, the Notice can be provided at the first in-person visit.
- If the first contact is by phone and the patient is provided treatment advice at that time, a Notice must be mailed to the patient that day with an acknowledgment for the patient to return.

Additional Information Notice of Privacy Practices

- Please refer to USC Policy [CLIN-200](#) for additional information on Notice of Privacy Practices
- Contact the Office of Compliance if you have further questions.