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|  | Chapter: Privacy | | Mountain Youth Academy Operating Procedure # 12.3 |
| | Subject: Notice of Privacy Practices | | Pages: 3 |
| | Revision Date: 09/23/11 | Supersedes: new Effective Date: 09/23/11 | |
| References: | | | |
| Approved by CEO: | | | |

I. STATEMENT OF OPERATIONAL GUIDELINES AND PURPOSE:

Mountain Youth Academy will distribute Notices of Privacy Practices to students that will provide notice of the uses and disclosures of protected health information (“PHI”) that may be made by Mountain Youth Academy, as well as the student’s rights and Mountain Youth Academy’s duties with respect to PHI as required under HIPAA.

II. DEFINITIONS:

Terms not defined in this Policy or the *HIPAA Terms and Definitions* maintained by the UHS Compliance Office (available through hyperlinks in the HIPAA policies, online, and from the UHS Compliance Office) will have the meaning as defined in any related State or Federal privacy law including the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191 (“HIPAA”) and regulations promulgated thereunder by the U.S. Department of Health and Human Services (“HHS”) at 45 CFR Part 160 and 164, Subparts A and E (“Privacy Regulations” or “Privacy Rule”) and Subparts A and C (“Security Regulations” or “Security Rule”), the Health Information Technology for Economic and Clinical Health Act (“HITECH”) privacy and security provisions of the American Recovery and Reinvestment Act (Stimulus Act) for Long Term Care, Public Law 111-5, the American Recovery and Reinvestment Act of 2009 (“ARRA”), Title XIII and related regulations.

III. PROCEDURE:

Mountain Youth Academy will provide students with a notice of privacy practices (“Notice”) that clearly explains students’ privacy rights under HIPAA and will document student acknowledgement of receipt of the Notice using the procedure described below.

UHS has developed the following templates for these Notices that are included as an attachment to this Policy:

- Notice of Privacy Practices – Behavioral Health Division (English and Spanish)
- Notice of Privacy Practices – Acute Care Division (English and Spanish)

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- Notice of Privacy Practices – Behavioral Health facilities participating in a limited Organized Health Care Arrangement
- Notice of Privacy Practices – Acute Care facilities participating in a limited Organized Health Care Arrangement.

State law may impose additional requirements (such as specifying font size or other requirements). The Mountain Youth Academy Privacy Officer will consult with the UHS Privacy Officer if there are any questions about the additional state requirements applicable to them, and to make revisions to Mountain Youth Academy’s Notice.

Distribution of the Notice:

Mountain Youth Academy will distribute the Notices as follows:

- Make the Notice available on Mountain Youth Academy’s website;
- Make the Notice available to any individual who requests it;
- Prominently post the Notice in a location where it is reasonable to expect individuals seeking service from Mountain Youth Academy will be able to see and read it;
- Provide a copy of the Notice no later than the date of the first service delivery;
- Have copies of the Notice available where the health care services are rendered for individuals to take with them; and
- Provide Notices in English and Spanish formats (Spanish available upon request)

Mountain Youth Academy may email the Notice if the individual agrees to receive an electronic Notice.

Emergency Situations:

In an emergency situation, the Notice will be provided as soon as reasonably practicable once the emergency has ended.

Acknowledgment of Receipt of the Notice:

Mountain Youth Academy will make a good faith effort to obtain a written or electronic acknowledgement of receipt of the Notice from every individual prior to the date of the first delivery of services to the extent practicable (in emergency situations, this may be delayed).

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Only the student or authorized personal representative can provide acknowledgment of receipt of the Notice. Inability to obtain an acknowledgment will be clearly documented. **In no event will treatment be conditioned on the student’s acknowledgement of the receipt of the Notice.**

Amendment of the Notice

If the Notice is amended, the Notice must be made available by Mountain Youth Academy upon request on or after the effective date of the amendment. However, a new student acknowledgement is not required – a good faith effort to obtain an individual’s acknowledgment is only required at the first service delivery.

Retention of the Notice

The Notice will be retained by Mountain Youth Academy Privacy Officer or their designee for six (6) years.

References:

- 45 C.F.R. Parts 160 and 164
- 45 C.F.R. § 160.520
- ARRA, Title XIII, Subtitle D

| RESPONSIBILITY |
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| <p style="text-align: center;"> Director of Human Resources Director of Quality Assurance/Risk Management UHS Compliance Committee CEO </p> |