



MEMORANDUM

Date: December 12, 2006

To: ALL ALAMEDA COUNTY BEHAVIORAL HEALTH CARE SERVICES PROVIDERS

cc: Barbara Majak, PHN, MPH; Peter Alevizos, PhD, MBA; Carolyn Novosel, LCSW; Pat Vengarick, RN, MS; Damon Bennett, LCSW; Gary Spicer, MBA; Marlene Gold; Karl Adler, MD

From: Marye L. Thomas, MD, Director

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
- And provide information of the availability of the Notice 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 their Notice of Privacy Practices. In addition, ACBHCS may adopt additional policy consistent with CFR 45.

In order to assure full compliance to CFR 45, ACBHCS requires providers to make available to enrolled members information as to the availability of the NPP *every three years*. Programs are not required to notify the member on his or her three year anniversary, but simply notify all member who are enrolled in the program at every three year marker. The verification of this notice will be accomplished by obtaining the initials of the member and date of initial on the NPP signed by the member upon entry into the program. If the member is enrolled over many consecutive three year markers, assure the initial is obtained on the original NPP each time.

As a courtesy, the ACBHCS Quality Assurance Office will issue a reminder notice to providers in 2006 and every three years thereafter. Implementation of this requirement should be complete within three months of receiving the notice from ACBHCS. In order to assure system compliance, ACBHCS will begin measuring compliance to this requirement beginning in 2009.

This memorandum serves as the notice for 2006.

If you have questions regarding this requirement, please contact Damon Bennett, QA Office, directly at 510-567-8105 or dbennett@acbhcs.org.