



HIPAA Notice of Privacy Practices (NOPP) Policy

Effective Date 05/2004
Revised Date 10/17/2022

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Policy It is the policy of the Department of Behavioral Health (DBH) to provide a [Notice of Privacy Practices \(NOPP\) handout \(also in Spanish\)](#), to each new and continuing client, in accordance with the Health Insurance Portability and Accountability Act (HIPAA) *Standards for Privacy of Individually Identifiable Health Information* (Privacy Rule), as well as 42 Code of Federal Regulations (CFR) §2.22 (Notice to patients of federal confidentiality requirements).

Purpose To ensure DBH staff are informed regarding NOPP requirements, which includes ensuring clients are informed of their privacy rights, communicate to clients that DBH has a responsibility to protect the confidentiality and privacy of their PHI, provide them information on when DBH is required under state or federal law to use or disclose their PHI, and to ensure adherence to the Privacy Rule and 42 CFR Part 2.

Definition(s) **Notice of Privacy Practices (NOPP):** A document mandated by federal Privacy Regulations and 42 CFR §2.22 that must explain, in plain language, the individual's rights related to their protected health information (PHI).

Protected Health Information (PHI): Individually identifiable health information relating to the past, present or future physical or mental health or condition of a client; the provision of health care to a client; or the past, present or future payment for the provision of health care to a client transmitted or maintained in any form or medium (electronic, paper, microfiche or verbal).

Notice of Privacy Practices (NOPP) The NOPP must describe in plain language, DBH privacy practices, including a client's rights related to their PHI, as well as legal duties of DBH with regarding use and disclosure of PHI. This notice contains an [Acknowledgement of Receipt of Notice of Privacy Practices form](#) the client is to fill out, sign, and return to DBH.

Note: The NOPP form can be found on the Department's intranet and internet sites.

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Issuance and Acknowledgement of NOPP

The following are actions to be taken depending on client status:

Client Status	DBH Obligations
New or Returning (has not been seen since before September 23, 2013)	<ul style="list-style-type: none"> • Provide the client with the NOPP handout no later than the first date of service; • Obtain a signed copy of the Acknowledgement of Receipt of NOPP form; • File the acknowledgement form in the client's chart under legal section;
Emergency	<ul style="list-style-type: none"> • Provide the client with the Notice of Privacy Practices handout as soon as client is stable; • Obtain a signed copy of the Acknowledgement of Receipt of NOPP form; • File the acknowledgement form in client's chart under legal section;
Client requests a paper copy	<ul style="list-style-type: none"> • DBH staff will provide a paper copy of the NOPP.

Important: In circumstances when the client refuses to sign the acknowledgement, or signature cannot be obtained, all efforts to obtain a signature must be documented, including the reason for not obtaining a signature.

Requirements

The notice shall provide adequate information on:

- Uses and disclosures of PHI that DBH may make;
- Legal obligations of DBH with respect to handling PHI;
- Rights of the individual with respect to their PHI, and
- Procedures to request further information on DBH privacy policies or submit complaints.

The following are requirements of all DBH clinics and service delivery sites:

- Keep NOPP available at front desk;
- Post current NOPP in a prominent location where clients are able to see and read notice;
- Replace NOPP with revised versions promptly on effective date, and
- Post the NOPP on the DBH website and make it electronically available through the website.

Note: Copies of the NOPP and each subsequent revision are to be permanently kept on file by the DBH Office of Compliance.

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**Related Policy
or Procedure**

[DBH Standard Practice Manual:](#)

- Confidentiality of Protected Health Information (PHI) (COM0905)
 - Unauthorized Access of Confidential Medical Records Policy (COM0907)
 - Authorization to Release Confidential PHI Policy (COM0912)
 - Authorization to Release Confidential PHI Procedure (COM0912-1)
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Reference(s)

Code of Federal Regulations, Title 42, Section 2.22
Code of Federal Regulations, Title 45, Section 160-164
U.S. Department of Health and Human Services, Office of Civil Rights,
[Federal Registry](#) – Final Rule
California Medical Information Act, California Civil Code Section 56 *et seq.*
