

HIPAA Notice of Privacy Practices Required Elements

The HIPAA Privacy Rule requires health plans and covered health care providers to develop and distribute a notice, referred to as a Notice of Privacy Practices (NPP), that clearly explains the entity's privacy practices and the rights individuals have related to the privacy of their protected health information (PHI).

Required Content

An NPP must be written in plain language and contain all of the following elements:

- The following statement, prominently displayed: "This notice described how medical information about you may be used and disclosed and how you can get access to this information. Please review it carefully."
- A description, including at least one example, of the types of disclosures that the entity is permitted to make for treatment, payment, and health care operations;
- A description of the purposes for which the entity may or must use or disclose PHI without authorization;
- A description of the types of uses and disclosures that require the patient's authorization;
- A statement that uses and disclosures not described in the NPP require written authorization; and
- A statement that the individual may revoke an authorization.

If the entity intends to engage in certain activities, such as fundraising, the notice must include a separate statement informing individuals of such activities.

Individual Rights and Covered Entity Responsibilities

The NPP must describe the following individual rights and briefly describe how to exercise those rights:

- The right to request restrictions on certain uses and disclosures of PHI, including a statement that the entity is not required to agree to a requested restriction, except as required by the Privacy Rule;
- The right to receive confidential communications of PHI as applicable;
- The right to inspect and copy PHI, to amend PHI, and to receive an accounting of disclosures of PHI; and
- The right to obtain a paper copy of the NPP from the entity upon request.

The NPP must contain statements informing individuals of the following:

- The entity is legally required to maintain the privacy of PHI, to notify individuals of the entity's legal duties and privacy practices with respect to PHI, and to notify affected individuals after a breach of unsecured PHI;
- The entity is required to abide by the terms of the notice currently in effect;
- The entity reserves the right to change the terms of its notice and make new provisions effective for all PHI it maintains. This statement must describe how the entity will provide individuals with a revised notice;
- That an individual may complain to the entity and to the Secretary of Health and Human Services if the individual believes that their privacy rights have been violated. This statement must describe how to file a complaint with the entity and state that the individual will not be retaliated against for filing a complaint;
- The telephone number and the name or title of a person or office to contact for further information; and
- The date on which the notice is first in effect.

For more information on state and federal laws related to privacy, see www.healthinfo.org/topics/63. For more information about HIPAA, see www.healthinfo.org/federal-law/HIPAA. Follow us on Twitter at [@HealthInfoLaw](https://twitter.com/HealthInfoLaw)

The website content and products published at www.HealthInfoLaw.com are intended to convey general information only and do not constitute legal counsel or advice. Use of site resources or documents does not create an attorney-client relationship.