

Notice of Privacy Practices – General Information

As a direct treatment provider, pharmacies have to follow the Notice of Privacy Practices (NPP) as outlined below. The pharmacy will need to establish a system to insure that all patients have received a NPP. The best way will be for the pharmacy to use a system where the pharmacy dispensing software has a notation if the patient has acknowledged receipt of the NPP. Transcribing the information from a logbook containing the acknowledgement to the dispensing software can do this. A more progressive method would be to use an electronic signature device that places the information into the dispensing software.

164.520 Notice of privacy practices for protected health information

Standard: Notice of privacy practices An individual has a right to adequate notice of the uses and disclosures of protected health information that may be made by the covered entity, and of the individual's rights and the covered entity's legal duties with respect to protected health information.

Implementation specifications: Content of notice. The covered entity must provide a notice that is written in plain language and that contains the elements required by this paragraph (The table below outlines the elements.)

Information to Include in a Notice of Privacy Practices (NPP)	
Header	The NPP must contain the following statement: "THIS NOTICE DESCRIBES HOW MEDICAL INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY."
Examples of how the pharmacy may use and disclose PHI	PHI may be disclosed for or to: <ul style="list-style-type: none"> • Treatment • Payment • Health care operations • Business associates • Others involved in patient care • U.S. Food and Drug Administration • Worker's compensation • Public health • Law enforcement • As required by law • Others
Other uses and disclosures of PHI	A statement that the pharmacy will obtain written authorization for other uses and disclosures of PHI
Patient health information rights	Patients have the right to: <ul style="list-style-type: none"> • Obtain a paper copy of the notice • Request restrictions on certain uses and disclosures of protected health information (PHI) • Inspect and obtain a copy of PHI • Request an amendment of PHI • Receive an accounting of disclosures of PHI • Request communications of PHI by alternative means or at alternative locations
Pharmacy's duties	Statements saying: <ul style="list-style-type: none"> • Pharmacy is required by law to maintain privacy of PHI and provide notice to patients • Pharmacy is required to abide by terms of notice • How changes in privacy practices will be announced.
Complaints - For more information or to report a problem	A statement explaining to patients how to obtain more information or to report a problem if they believe their privacy rights have been violated
Effective date	The effective date of the notice

Implementation specifications: Provision of notice. Health care providers with direct treatment relationships would:

- 1) Provide a copy of the notice to an individual at the time of first service delivery to the individual or in the case of an emergency as soon as possible after. There has to be a good faith effort to obtain written acknowledgement of receipt of the notice. If written acknowledgement is not received there should be documentation of why.
- 2) Make the notice available at the service delivery site for individuals to request and take with them;
- 3) Post the notice in a clear and prominent location in a clear and prominent location where it is reasonable to expect individuals seeking service from the covered health care provider to be able to read the notice;
- 4) Whenever the content of the notice is revised, make it available upon request and post it, if required by this section, in a location where it is reasonable to expect individuals seeking services from the provider to be able to read the notice;
- 5) Patients do not have to acknowledge revised notices.
- 6) Further, if the CE maintains a Website, a hyperlink to the NPP would be posted at each Webpage.

Implementation specifications: Documentation. A covered entity must document compliance with the notice requirements by retaining copies of the notices and retain acknowledgements and good faith efforts notations for six years.

DHHS' intent of having the direct provider obtain signed-acknowledgements from patients that they have received the NPP is to promote awareness of the CE's use and disclosures practices with regard to PHI. Further, in the Preamble to the Privacy rules, DHHS notes some of the difficulties in obtaining a signed-acknowledgement, and that is one of the reasons that it asks for "good faith efforts". Given that intent, a pharmacist is permitted to have the individual sign or initial an acknowledgment within a logbook. The pharmacy could use the logbook that patients already sign when they pick up prescriptions. However, individuals must be clearly informed on the logbook of what they are acknowledging and the acknowledgment is not also used as a waiver or permission for something else (such as a waiver to consult with the pharmacist). A better approach would be to have a separate logbook just for this purpose.

In the case of homebound patients, alternate solutions might easily satisfy the HIPAA intents. Pharmacists might provide an NPP to the person who "picks-up" the medication, and have that person sign a logbook (as described above). **If done in this manner, the NPP should state that type of possibility.** Pharmacists could also call the patient, and let the patient know what has happened, and make a note of that communication and attach it to the prescription. The person who "picked-up" the prescription might bring the patient an NPP and an acknowledgement form, have the patient sign it, and bring it back to the pharmacist when returning for the next refill. As we grow into the use of the Internet, it too could be used to (remotely) obtain the patient's acknowledgement.

Many hospital or clinic based outpatient pharmacies will be the point of initial contact within the health-system for many patients because they are coming in for refill prescriptions between doctor appointments. In some instances they may bring in prescriptions from providers located outside the system. For these type situations, the pharmacy could be incorporated into the health-system NPP for the entire system and included in the program that the system used to track the NPP actions. Because the pharmacy may have some special requirements for the NPP, it may need its own NPP and the ability to track the NPP within the pharmacy. It all depends upon the level of activity of the pharmacy and the range of patients seen by the pharmacy.