



# SAINT LOUIS UNIVERSITY

## NOTICE OF PRIVACY PRACTICES (Content of Notice)

**Policy Number: OUC-042**

**Version Number: 2.0**

**Effective Date: 04/14/2003**

**Responsible University Official: Privacy Officer**

**Approved By: Executive Staff**

Legal and Compliance Committee

### 1.0 INTRODUCTION

Saint Louis University (hereinafter the “University”) is committed to provide services in compliance with all state and federal laws governing its operations, incorporating the highest levels of business and professional ethics. The HIPAA Privacy Rule requires health plans and covered health care providers to develop and distribute a notice that provides a clear explanation of individuals’ rights with respect to their personal health information and the entity’s privacy practices. It must describe the uses and disclosures of protected health information as well as the individual’s rights and a covered entity’s legal duties with respect to protected health information.

### 2.0 PURPOSE

This policy is designed to give guidance and to ensure compliance with all laws and regulations regarding the content of the HIPAA Notice of Privacy Practices.

### 3.0 PERSONNEL AFFECTED

This policy applies to all regular full-time and part-time faculty and staff and volunteers within all divisions of the University, including employees, professional staff members, residents, agents, representatives and consultants working with the privacy provisions of HIPAA, including the University Health Plan.

### 4.0 DEFINITIONS

**Protected Health Information (PHI):** Any individually identifiable health information transmitted or maintained in any form or medium, including oral, written, and electronic. Individually identifiable health information relates to an individual’s health status or condition, furnishing health services to an individual or paying or administering health care benefits to an individual. Information is considered PHI where there is a reasonable basis to believe the information can be used to identify an individual.

### 5.0 POLICY

Saint Louis University will give adequate notice to individuals regarding the use or disclosure of their protected health information, their rights with respect to such use or disclosure, and Saint Louis University’s legal duties pursuant to 45 CFR 164.520.

## 6.0 PROCEDURES

1. Notice given to an individual regarding the use and disclosure of protected health information must be written in plain language and contain the statement prominently displayed:

“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.”

2. The notice must contain descriptions in sufficient detail to place the individual on notice of the uses and disclosure that are permitted or required by HIPAA and other applicable laws, including:
  - a. A description and at least one example, of the types of uses and disclosures that Saint Louis University is permitted by law to make for each of the following purposes: treatment, payment, and health care operations.
  - b. A description of each the other purpose for which Saint Louis University is permitted or required by the Privacy regulations to use or disclose protected health information without the individual’s written consent or authorization;
  - c. Information which Saint Louis University will disclose protected health information without the individual’s written consent or authorization including:
    - Uses and disclosure required by law
    - Uses and disclosures for public health activities
    - Disclosures about victims of abuse, neglect or domestic violence
    - Uses and disclosures for health oversight activities
    - Disclosures for judicial and administrative proceedings
    - Disclosures for law enforcement purposes
    - Uses and disclosures about decedents
    - Uses and disclosures for cadaver, organ, eye or tissue donation purposes
    - Uses and disclosures for research purposes
    - Uses and disclosures to avert a serious threat to health or safety
    - Users and disclosures for specialized government functions
    - Disclosure for workers compensation
3. If a use or disclosure described in parts (a) and (b) or procedure 2 are prohibited or materially limited by other laws, the description of the disclosure must reflect the more stringent law.

4. The notice must also contain the following statements or information:
  - a. A statement indicating the other uses and disclosures will be made only with the individual's written authorization and that the individual may revoke such authorization as permitted by the individual's rights under HIPAA;
  - b. A statement of the individual's rights with respect to protected health information and a brief description of how the individual may exercise those rights:
    - i. The right to request restrictions on certain uses and disclosures of protected health information;
    - ii. A statement that Saint Louis University is not required to agree to a requested restriction;
    - iii. The individual's right to receive confidential communications of protected health information, as applicable;
    - iv. A statement and a brief description of how the individual may exercise his/her right to inspect, copy, amend, and receive and accounting of disclosure of protected health information;
    - v. A statement and a brief description of how the individual may exercise his/her right to obtain a paper copy of the notice from Saint Louis University, even if the individual has agreed to receive the notice electronically;
  - c. A statement that the Saint Louis University is required by law to maintain the privacy of protected health information and to provide individuals with notice of its legal duties and privacy practices with respect to protected health information;
  - d. A statement that Saint Louis University is required to abide by the terms of the notice that is currently in effect;
  - e. A statement indicating that, for protected health information that it has created or received prior to issuing a revised notice, Saint Louis University reserves the right to change the terms of its notice and to make the new notice provisions effective for all protected health information that it maintains;
  - f. A statement that Saint Louis University will promptly revise and distribute its notice whenever there is a material change to the uses or disclosures, the individual's rights, the University's legal duties, or other privacy practices state in the notice, and how it will provide individuals with the revised notice;
  - g. A statement that individuals may complain to Saint Louis University and to the Department of Health and Human Services if they believe their privacy rights have been violated;

- h. A brief description of how an individual may file a complaint with Saint Louis University;
  - i. A statement that the individual will not be retaliated against for filing a complaint;
  - j. The name, or title, and telephone number of a person or office within the University to contact for further information concerning the notice of privacy practices;
  - k. The date on which the notice is first in effect, which is not be earlier than the date on which the notice is printed or otherwise published.
- 5. If applicable, the description in the notice of the types of uses and disclosures that the University is permitted to make for purposes of treatment, payment, and health care operations (see procedure 2(a)) must also include separate statement indicating that:
  - a. Saint Louis University may contact the individual to raise funds for the University.
  - b. Saint Louis University may contact the individual to provide appointment reminders or information about treatment alternatives or other health related benefits and services that may be of interest to the individual.
- 6. If Saint Louis University chooses to apply and describe more limited uses or disclosure in its notice than required, then it will ensure that it does not include in the notice a limitation affecting its right to make a use or disclosure that is required by law or permitted to avert a serious threat to health and safety.
- 7. The University will promptly revise and redistribute its notice whenever there is a material change to the users or disclosures, the individual's rights, the University's legal duties, or other privacy practices stated in the notice.
- 8. Saint Louis University will not implement a material change to any term of the notice prior to the effective date of the notice in which such material change is reflected, except when required by law.
- 9. Upon making a change to a notice and policies and procedures, due to a change in law, Saint Louis University may use the notice revision date as the new effective date.
- 10. Knowledge of a violation or potential violation of this policy must be reported directly to the Privacy Officer, Compliance Officer, or to the employee compliance hotline.

## 7.0 SANCTIONS

Individuals who fail to comply with this policy and the procedures associated with it will be subject to disciplinary actions guided by the University's Staff Performance Management Policy, Faculty Manual, or Student Guidelines.

Non-compliance in this Policy can result in disciplinary action, including but not limited to, restricted incentive payments, suspension or termination. It may also result in the enforcement of a corrective action plan, as well as notification of the suspected misconduct and/or violation to government regulatory agencies.

This Policy does not limit the University's ability to impose greater sanctions or impose immediate action against serious violations. Disciplinary actions appropriate to the severity of the infraction will be carried out as needed.

## 9.0 CHANGES TO THIS POLICY

Changes to this policy may be necessary from time to time. At a minimum, the policy and all other program policies, procedures and guidelines will be reviewed on an annual basis.

## 10.0 RELATED POLICIES & DOCUMENTS

- Notice of Privacy Practices Policy (Provision)
- SLU Notice of Privacy Practices (form)

## REVISION HISTORY

EFFECTIVE DATE	VERSION NUMBER	MODIFICATION
4/14/2003	1.0	New Policy
7/01/2008	1.1	Review & Change Format
3/01/2015	1.2	Review & Change Format
	2.0	Ownership Shifted from Provost to General Counsel