PICKAWAY COUNTY BOARD OF DEVELOPMENTAL DISABILITIES

9.35 INDIVIDUAL'S RIGHT TO NOTICE OF PRIVACY PRACTICES PROCEDURE

Purpose: To specify the contents, mechanics of provision and recordkeeping requirements for the Board's Notice of Privacy Practices as required by Policy 9.1 HIPAA/FERPA/IDEA Privacy & Confidentiality Policy.

Definitions:

A. All definitions used for this Procedure and corresponding policies are detailed in Policy 9.0 Definitions for Confidentiality and Computer Security Policies and Procedures.

Legal Notes:

A. FERPA and IDEA require an annual notice. HIPAA requires a one-time notice, with redistribution upon change. HIPAA requires signed acknowledgement of receipt.

Procedure:

1) **Drafting of Notice**. The Privacy Officer shall draft a notice which is compliant with the requirements of the HIPAA, FERPA and IDEA regulations as well as OAC 3301-51-04(C). This shall include translations as necessary based on the language needs of the individuals served. Further, the notice shall be consistent with the Board's privacy practices as detailed in these procedures.

2) **Updating Notice.** The Privacy Officer shall update the Notice as necessary based on changes in the Board's privacy policies and/or the legal requirements as necessary. Upon update, the website and notices posted at each facility (see below) shall be updated. Additionally, an updated copy will be provided to all individuals receiving services and/or parents.

3) **Distribution of Notice.**

   A) All individuals will be given a copy of the Notice of Privacy Practices annually.

   B) While the individual is under age 18, the IDEA/FERPA notice is included in the document *Whose IDEA is This?* and is distributed annually to all parents annually as outlined in the Ohio Department of Education Special Education Model Policies and Procedures.

   C) An additional copy of the Notice shall further be provided upon request by an individual or parent.

4) **Posting of Notice.** The Privacy Officer shall insure that the Notice is posted:

   A) **Website.** On the Board's website.

   B) **At Each Facility.** At each facility, in a place where individuals served can be reasonably expected to see the notice, such as the reception areas of all Board facilities.

References:

45 CFR 164.520 Notice of privacy practices for protected health information
45 CFR 164.502(i) Uses and disclosures consistent with notice
34 CFR 99.7 Notice (FERPA)
34 CFR 300.612 Notice (IDEA Part B)
34 CFR 303.404 Notice (IDEA Part C)
ORC § 1347.08(A)(3) (Personal Information Systems)
OAC 3301-51-05
OAC § 5123:2-1-02(I) County Board Administration – Records, Informing individuals about policies
34 CFR 99.7 FERPA Annual Notification

Forms used with this procedure:

PCBDD:HIPAA:003 Notice of Privacy Practices