

**DEPARTMENT OF HEALTH SERVICES
COUNTY OF LOS ANGELES**



SUBJECT: IMPLEMENTING CHANGES TO PRIVACY-RELATED POLICIES

POLICY NO: 361.22

PURPOSE:

The purpose of this Policy is to establish procedures for implementing changes to Department of Health Services policies and procedures developed to comply with Standards of the Health Insurance Portability and Accountability Act (HIPAA) of 1996, 45 Code of Federal Regulations Parts 160 and 164.

POLICY:

DHS will take steps to ensure that it implements changes to Privacy-Related Policies as necessary to comply with changes in applicable law.

DEFINITIONS:

Disclose and Disclosure means, with respect to PHI, the release of, transfer of, provision of access to, or divulging in any manner of, PHI outside of DHS internal operations or to other than its Workforce Members.

Protected Health Information ("PHI") means information that (1) is created or received by a Health Care Provider, Health Plan, employer or Health Care Clearinghouse; (2) relates to the past, present or future physical or mental health or condition of an individual; the provision of Health Care to an individual, or the past, present or future Payment for the provision of Health Care to an individual; and (3) identifies the individual (or for which there is a reasonable basis for believing that the information can be used to identify the individual).

Use or Uses means, with respect to PHI, the sharing, employment, application, utilization, examination or analysis of such information within the DHS' internal operations.

Workforce or Workforce Members means employees, volunteers, trainees, and other persons whose conduct, in the performance of work for the department, its offices, programs or facilities, is under the direct control of the department, office, program or facility, regardless of whether they are paid by the entity.

APPROVED BY:

EFFECTIVE DATE: April 14, 2003

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PROCEDURE:

I. Location of Policies and Procedures

Each DHS facility must be responsible for maintaining all Privacy-Related Policies. Such policies and procedures must be maintained in a manual and must be available for all of DHS' Workforce Member's to review.

II. Changes To Policies And Procedures Due To Changes In Law

- A. The DHS must promptly make changes to Privacy-Related Policies whenever a change in law necessitates such a revision. The Privacy Officer or designee must be responsible for keeping abreast of changes in the law that could affect the DHS Privacy-Related Policies. The Privacy Officer must timely notify each DHS facility of any such changes.
- B. DHS, in consultation with the DHS legal counsel, is responsible for promptly making changes to Privacy-Related Policies and sending the revised policies to the Privacy Officer for review. If the Privacy Officer approves the changes, DHS must be responsible for implementing changes to the relevant Privacy-Related Policies in accordance with this Policy.
- C. DHS is responsible for notifying and training all of the DHS Workforce whose duties are affected by the changes in the Privacy-Related Policies, in accordance with DHS Policy No. 361.24, "Privacy and Confidentiality Training."
- D. If a change in law materially affects the contents of the DHS Notice of Privacy Practices ("Notice"), DHS must promptly make the appropriate changes to the Notice, DHS must promptly distribute the Notice in accordance with DHS Policy No. 361.2, "Notice of Privacy Practices."

III. Changes in Privacy Practices Stated in the DHS Notice of Privacy Practices

- A. If DHS makes a change to a privacy practice that is stated in the Notice DHS must:
 - 1. Promptly revise the Notice as set forth above.
 - 2. Make the corresponding change to the Privacy-Related Policies and ensure such policies comply with HIPAA;

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3. Document the revised Privacy-Related Policies in accordance with DHS Policy No. 881, "Retention of Medical Records and X-Ray Films;" and
4. Revise and distribute the Notice in accordance with DHS Policy No. 361.2, "Notice of Privacy Practices." DHS is responsible for ensuring that a change to a Privacy-Related Policy that affects the contents of the Notice is not implemented prior to the effective date of the revised Notice.

B. DHS may make changes to a privacy practice that will become effective for PHI that it created or received prior to the effective date of the Notice revision in accordance with the provision in the Notice in which DHS reserve the right to make changes to its privacy practices.

IV. Other Changes To Policies Or Procedures

- A. DHS may change, at any time, a Privacy-Related Policy that does not affect the contents of the Notice if the following requirements are met:
1. The revised Policy complies with all other requirements in this Policy; and
 2. The revised Policy is documented in accordance with DHS Policy No. 881.
 3. DHS is responsible for reviewing all proposed changes to Privacy-Related Policies to determine if they comply with the requirements of this Section. If a proposed change complies with this Section, DHS must be responsible for making such change. If a proposed change does not meet the requirements of this Section, DHS must only make the change as otherwise permitted by this Policy.

V. Contact For Questions

If a Workforce Member has any questions about implementing changes to Privacy-Related Policies, such Workforce Member should contact the DHS facility Privacy Coordinator.

REFERENCES:

45 Code of Federal Regulations Parts 160 and 164.
DHS Policy No. 361.2, "Notice of Privacy Practices"
DHS Policy No. 361.24, "Privacy and Confidentiality Training"
DHS Policy No. 881, "Retention of Medical Records and X-Ray Films"

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