

HEALTH LAW

Update

NEWS FOR THE CLIENTS AND FRIENDS OF BASS, BERRY & SIMS PLC

Important HIPAA Reminder for Health Plans: Notification of Availability of Privacy Notice Must be Sent to Health Plan Subscribers and Enrollees by April 14, 2006

April 2006

Under the HIPAA Privacy Rule, health plans must provide all plan subscribers and enrollees written notice of the uses and disclosures of protected health information that may be made by the plan (known as the plan's "Notice of Privacy Practices"). In addition, health plans must notify their subscribers and enrollees at least every three years that the plan's Notice of Privacy Practices is available and how to obtain a copy of the notice. Since health plans (other than small health plans) were first required to distribute their Notice of Privacy Practices to subscribers and enrollees by April 14, 2003, these health plans must provide the additional notification regarding the availability of the notice by **April 14, 2006**. For small health plans, which had until April 14, 2004 to first distribute their Notices of Privacy Practices, the compliance date for the triennial reminder notice requirement is **April 14, 2007**. This requirement to send a triennial reminder notice applies to all health plans covered by the Privacy Rule, including employer-sponsored group health plans.

On March 3, 2006, the U.S. Department of Health and Human Services Office for Civil Rights (OCR) issued a Frequently Asked Question (FAQ) reminding health plans of their obligation under the HIPAA Privacy Rule to notify subscribers and enrollees about the availability of the plan's Notice of Privacy Practices.

The FAQ provides some guidance as to how health plans may satisfy this notice requirement. For instance, health plans may: (1) send a copy of their Notice of Privacy Practices to all plan enrollees and subscribers; (2) mail a reminder to all subscribers and enrollees concerning the availability of the Notice of Privacy Practices along with information on how they might obtain a copy; or (3) include in a plan-produced newsletter or other publication, information about the availability of the Notice of Privacy Practices and how to obtain a copy. The FAQ may be accessed on the OCR website at <http://healthprivacy.answers.hhs.gov>, Answer ID 1065.

The deadline for distributing the reminder notice to health plan subscribers and enrollees is fast approaching. Please feel free to call any of the attorneys in our Healthcare Practice Area if you have any questions concerning this requirement, or if you need any assistance preparing or distributing your reminder notice. For a copy of the FAQ, contact Clevonne M. Gaillard, Healthcare Practice Area, Bass Berry & Sims, PLC (615) 742-7769 or vgaillard@bassberry.com.

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