



## POLICY AND PROCEDURE MANUAL

SUBJECT Notice of Privacy Practices	ACCOUNTABILITY	Effective Date: 8/24/23	Pages: 2
REQUIRED BY 45 CFR 164.520	NMRE Employees and Providers	Last Review Date: 6/29/23	Past Review Date:
Policy: <input checked="" type="checkbox"/> Procedure: <input type="checkbox"/>	Review Cycle: Annually  Author: Compliance Director	Responsible Department: Compliance.	Reviewers: Compliance and Quality

### Definitions

**Beneficiary:** A person served by the publicly funded behavioral health and substance use disorder system or his/her representative (also "consumer" or "member").

**Network Provider:** Any provider that receives Medicaid funding directly or indirectly to order, refer, or render covered services as a result of the state's contract with the NMRE, its member CMHSPs, and the substance use disorder provider panel. For the purposes of this policy, a "Network Provider" is a "Business Associate."

**Northern Michigan Regional Entity (NMRE):** The PIHP for Region 2, the 21-counties located in Michigan's northern lower peninsula.

**Notice of Privacy Practices (NPP):** HIPAA-mandated notice that covered entities must give to patients and research subjects that describes how a covered entity may use and disclose their protected health information and informs them of their legal rights regarding Protected Health Information (PHI).

**Prepaid Inpatient Health Plan (PIHP):** A term contained in federal regulations from the Centers for Medicare & Medicaid Services. Michigan has ten (10) PIHPs, responsible for managing the Medicaid resources for behavioral health and intellectual/developmental disabilities services for Medicaid and Healthy Michigan enrollees.

**Protected Health Information (PHI):** Individually identifiable information that is transmitted by electronic media, maintained in electronic media, or transmitted or maintained in any other form or medium.

## Purpose

This policy provides guidelines to ensure that members have the right to adequate notice of the use and disclosure of PHI that may be made by the NMRE, and of the member's rights and the NMRE's legal duties with respect to PHI and how to provide members with the agency's Notice of Privacy Practices (NPP) as required by 45 CFR §164.520(b)(1)(i-viii).

## Policy

1. The NPP will contain the following information in plain language:
  - a. How the NMRE may use and disclose members' PHI,
  - b. The member's rights to their PHI and how they may exercise these rights, including how they may file a complaint with the NMRE or MDHHS,
  - c. The NMRE's legal duties as required by law to maintain privacy, confidentiality, and integrity of the PHI,
  - d. Whom members may contact for further information about the NMRE's privacy policies,
  - e. The effective date of the NPP.
2. The NMRE will ensure that its network providers furnish a copy of the written NPP to every member during registration/intake process, when privacy practice changes, and at least every three years, or upon request. In the case of an emergency service, staff will provide the NPP to members when reasonably practicable.
3. In the event of a material change to the NMRE's NPP, Members will be notified of the change through the provider network. The NMRE will ensure that its providers notified Members appropriately through its annual monitoring process.
4. The NMRE and its network providers will post a copy of the NPP on their websites so that members can access it as the need arises without any delay.

## References:

- 45 CFR 164.520 - Notice of privacy practices for protected health information.
- NMRE Employee Handbook
- NMRE Code of Ethics

## Approval Signature:



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NMRE Chief Executive Officer

8/24/23

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Date