

<p>12. Secure the right to use or disclose PHI. For purposes of treatment, payment, and health care operations (TPO), your good faith attempt to secure an Acknowledgement of receipt of your Notice of Privacy Practices will suffice. Otherwise, secure a written Authorization as required by HIPAA.</p>		
<p>13. Plan to use PHI information by applying the minimum necessary standard, which will often require that you make reasonable effort to request, use or disclose only the information that is needed to accomplish the intended purpose.</p>		
<p>14. Know what patients' federal rights are established by HIPAA and develop process to ensure that you will honor those rights (e.g. rights to access and copy protected health information; the right to amend a patient record; the right to an accounting of disclosures and the right to confidential communication.)</p>		
<p>15. Implement compliant systems.</p>		
<p>16. Know the HIPAA marketing rules and follow them.</p>		
<p>17. Limit the consequences if there is a breach of confidentiality by you and/or your business associate.</p>		
<p>18. Develop and implement a HIPAA privacy self audit program to make sure your compliance efforts are working.</p>		
<p>19. Document, document, document!</p>		
<p>20. In Wisconsin, please distribute the Wisconsin Consent form and ADA Acknowledgement of Receipt of Notice of Privacy Practices form to each patient for their signature. (In Wisconsin the Consent form is optional, however the WDA strongly recommends that members obtain consent by having them sign the Wisconsin Consent form).</p>		

<p>21. In Wisconsin, <u>if your office chooses not to use the Wisconsin Consent form</u>, additional documentation will be required. Wisconsin allows use and disclosure of protected health information (PHI) for treatment and payment purposes without consent. However, when the patient has not signed a Wisconsin consent form, dental offices are required to log all uses and disclosures of a patient’s PHI made without patient consent.</p>		
<p>22. In Wisconsin, a patient’s written permission is required for family members or others who request access to protected health information. (This category does not include parents and/or legal guardians of a minor or a personal representative.¹)</p>		
<p>23. In Wisconsin, please note that a true personal representative may have access to the patient’s records under both Wisconsin law and the HIPAA Privacy Rule as necessary for them to discharge their duties as personal representative.</p>		
<p>24. In Wisconsin, the provider must document each time a patient, and/or a patient’s personal representative comes to their office to inspect their own records. This documentation shall include the date and time of the inspection, the name of the person conducting the inspection and the records inspected.</p>		
<p>25. In Wisconsin, health care facilities that may use and disclose protected health information without patient consent for select “health care operations” functions, including management audits, financial audits, program monitoring and evaluation, health care services reviews or accreditation carried out by facility staff committees, accreditation or healthcare services review organizations. Typically only larger dental offices or offices associated with clinics/and or hospitals will engage in these operations.</p>		

¹ Personal representative is defined as a parent of a minor, guardian, active health care agent, other person with legal authority to make health care decisions on behalf of the patient.

<p>26. In Wisconsin, there are also public policy circumstances whereby use and disclosure of protected health information is allowed without patient consent. Current practice in dental offices relating to child abuse, diseases or other disclosures for public policy purposes should not be affected.</p>		
<p>27. In Wisconsin, our dental office has posted the additional Wisconsin Confidentiality Notice in conjunction with the Notice of Privacy Practices. These notices are posted in plain viewing site for patients to review.</p>		