

HHS Publishes Model HIPAA Notice of Privacy Practices

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On September 13, HHS published model notices of privacy practices that healthcare providers and health plans may use to comply with their obligations under the HIPAA privacy rules. The model notices along with instructions are available for download at <http://www.hhs.gov/ocr/privacy/hipaa/modelnotices.html>.

The model notices contain changes mandated by the HIPAA omnibus rules. HHS has provided model notices for both health care providers and health plans. In each case, HHS has provided different templates; the content is essentially the same, but the formatting varies. Providers and plans wishing to use the forms may input their additional information according to the instructions.

Providers and plans are not required to use the model forms. Indeed, covered entities may prefer to use the notices they have already developed rather than create and distribute new forms. Among other reasons, HHS's model forms are fairly lengthy and emphasize patient rights. Covered entities may opt for their own forms that track regulatory requirements but may not be as prone to emphasize or engender the active exercise of certain individual rights or trigger corresponding obligations. For more information about regulatory requirements for HIPAA notices and a checklist for compliance, see our recent Health Law Update.

For questions regarding this update, please contact

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