

# **DMA ADMINISTRATIVE LETTER NO: 20-03, HIPAA Notice Of Privacy Practices**

**DATE:** MARCH 4, 2003

**SUBJECT:** Health Insurance Portability and  
Accountability Act of 1996 (HIPAA)  
Notice of Privacy Practices

**DISTRIBUTION:** County Directors of Social Services  
Medicaid Supervisors  
Medicaid Caseworkers

## **I. BACKGROUND**

In February the Division issued a Dear County DSS Director letter regarding the privacy and protection of health information as required by the Health Insurance Portability and Accountability Act of 1996 (HIPAA). A "Notice of Privacy Practices" has been finalized by HIPAA staff and is now available for distribution to Medicaid recipients. A copy of the notice is attached and is available on-line at <http://info.dhhs.state.nc.us/olm/forms/dma/>. The form number is [DMA-2188](#).

The Notice of Privacy Practices is being translated into Spanish. The final language for the notice was not available in time for a Spanish version to be included with this letter. You will be notified when the Spanish version is completed and it will be available on-line at <http://info.dhhs.state.nc.us/olm/forms/dma/>.

The purpose of this letter is to provide instructions for ensuring that all Medicaid applicants and recipients (Family & Children, Aged, Blind, Disabled and MQB-Q, B, & E) receive the HIPAA Notice of Privacy Practices whether they apply in person at the DSS agency or by mail-in application.

For NCHC applicants and recipients, the State Employees Health Plan will send a "Notice of Privacy Practices."

## **II. NOTIFICATION PROCEDURES**

### **A. Ongoing Medicaid Recipients**

The Notice of Privacy Practices will be mailed to the casehead of all active Medicaid cases as of February 28, 2003. This includes Work First and State/County Special Assistance caseheads. The notices will be mailed beginning Wednesday, March 5, 2003. The mailing of notices will be staggered. The last mailing of notices will be completed by Thursday, April 10, 2003.

**Once the DMA-2188, Notice of Privacy Practices, is given at application the DMA-2188 does not have to be given to the client again. If there is a change in the notice, DMA will be responsible for ensuring all applicable persons are notified of the change.**

A report will be available in XPTR listing the caseheads who were or will be mailed the notice. The report name is "DHREJA HIPAA PRIVACY NOTICE." The report is sorted by county and casehead last name. The following information is included on the report:

- Case head Name
- Case ID
- County Name and Number
- Total Number of Letters Mailed by County
- Total Number of Letters Mailed Statewide

## **B. Walk-in Applicants**

Effective upon receipt of this letter, individuals who apply for Medicaid in person at the DSS agency must be given the [DMA-2188](#), HIPAA Notice of Privacy Practices, at the time they complete the face-to-face interview.

## **C. Mail-in Applicants**

Individuals who complete a mail-in application will receive the DMA-2188, Notice of Privacy Practices, when the application for Medicaid is approved. The process used to mail out the North Carolina Medicaid handbooks to newly approved applicants will also be used to mail the HIPAA Notice.

1. A [DMA-2188](#), HIPAA Notice of Privacy Practices, will be mailed by EIS, to the MIC casehead when the indicator on the DSS-8124 "HOW APP RECEIVED" is "H" or "M".
2. For mail-in MAF and MPW applicants, mail the [DMA-2188](#) when approving the case.

## **D. SSI Application Approvals**

A [DMA-2188](#), HIPAA Notice of Privacy Practices, will be mailed to individuals receiving MAA, MAB, and MAD if the SSI indicator is "Y".

## **III. REVISION OF THE MEDICAID HANDBOOKS**

The Medicaid handbooks, *A Consumer's Guide to North Carolina Medicaid Health Insurance Programs for the Aged, Blind, and Disabled*, *A Consumer's Guide to Medicare Savings Programs Within North Carolina Medicaid*, and *A Consumer's Guide to North Carolina Medicaid Health Insurance Programs for Families and Children* are to be revised and reissued in July 2003. At this revision, the HIPAA Notice of Privacy Practices will be added to the handbooks.

Once the revised handbooks are available, the requirement to provide the Notice of Privacy Practices will be met via the handbooks. We will notify you when you can stop giving a walk-in applicant the DMA-2188 and just give him the appropriate consumer guide. We will also notify you when you can stop mailing the DMA-2188 to (mail in) MAF and MPW approvals and just mail *A Consumer's Guide to Medicaid Health Insurance Programs for Families and Children*.

#### **IV. REVISION OF MEDICAID APPLICATIONS**

Medicaid applications will be modified to add a statement indicating by his signature that the applicant/recipient received or will receive the [DMA-2188](#).

If you have questions, please contact your Medicaid Program Representative.

Nina M. Yeager  
Director

[This material was researched and prepared by Beverly Miles, Policy Consultant, Medicaid Eligibility Unit.]

[DMA-2188S, Notice of Privacy Practices – Spanish Version](#)