

# HIPAA Privacy Reminder Due

## By April 14, 2007

April 6, 2007

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The Health Insurance Portability and Accountability Act ("HIPAA") requires that health plans, healthcare providers, and health clearinghouses provide notice to their participants of how they comply with the HIPAA Privacy Rule.

This Notice was first required to be sent out by April 14, 2004, for small health plans (a plan that pays less than \$5 million in annual premiums if it is an insured plan or a plan that pays claims and expenses of less than \$5 million per year). The regulations under the Privacy Rule require that participants be reminded of the manner in which the health plan complies with the Privacy Rule at least once every three (3) years. Therefore, for those plans that sent out the initial Privacy Notice on or before April 14, 2004, a reminder notice must be sent out by April 14, 2007.

Plans may satisfy this reminder requirement by sending another copy of the notice to participants or mailing a reminder of the availability of the Privacy Notice to the participants. The reminder must explain how participants may obtain a copy of the Privacy Notice. The health plan or healthcare provider should maintain a record of how participants were notified. Health plans and healthcare providers may have already met this requirement by sending notices in annual communications to participants or if the health

plan has changed its practices, a revised Privacy Notice should have been sent to participants in which case the three (3) year period would commence from the time that the revised Privacy Notice was sent to participants.

If you have any questions regarding the application of or compliance procedures with the HIPAA Privacy Notice reminder to participants, please contact Attorneys Jack C. Davis, Michael H. Rhodes, or James F. Anderton, V, of this office.

*Notice: The information contained in this newsletter should not be construed as legal advice. This newsletter is meant as a service to inform our clients about changes in the law. This newsletter does not purport to represent the laws covered by this Article in their entirety. It is recommended that you seek legal advice if situations arise that require exercise of any of the laws discussed in this newsletter.*

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