



POLICY No.: K-6

DATE ADOPTED: SEPTEMBER 19, 2012

DATE UPDATED: NOV. 18, 2015

## **TOWN OF WEST BOYLSTON BOARD OF SELECTMEN POLICY**

### **HEALTH INSURANCE PORTABILITY & ACCOUNTABILITY ACT ("HIPAA") POLICY**

#### **Policy:**

A. The Town will comply with the Privacy and Security Regulations of the federal Health Insurance Portability and Accountability Act (HIPAA) of 1996, as amended. In compliance with HIPAA's legal requirements, the Town shall limit the use of and access to Protected Health Information which is held by the Town or its lawful agents. Protected Health Information is any written, oral or electronic form of information relating to a person's past, present or future health condition, delivery or payment of health services that identifies an individual or where there is a reasonable basis to believe the information could be used to identify an individual.

Administrative, technical and physical safeguards established to limit use and access to protected health information are stated as an integral part of this policy, established as part of daily operating procedures and will be maintained by all responsible staff and representatives of lawful agents and business associates of the Town.

B. To ensure compliance with HIPAA's privacy and security considerations, the Town Administrator designates a Privacy Contact for the Town who shall have the responsibility:

1. To ensure that the Town Administrator is kept informed of all changes, updates, requirements, responsibilities, claims, etc. concerning HIPAA's privacy and security requirements;
2. To ensure that documentation of the Town's efforts to comply with HIPAA privacy regulations is maintained;
3. To ensure that the Town's group health plan subscribers are sent privacy notices and new enrollees receive said notices;
4. To ensure that any protected health information disclosures are tracked and breach notification requirements are met;
5. To ensure that authorizations for disclosure and use of protected health information are properly processed;
6. To resolve complaints from participants about possible privacy violations;
7. To ensure that appropriate Town liaisons are maintained with the group health insurance program third party administrator, relevant business associates, and health insurance carriers, communicating the Town's commitment and securing the commitment of these entities to the privacy and security of protected health information;

8. To ensure that all required authorizations, agreements, etc. relative to the protected health information of group health insurance program participants are maintained; and
9. To monitor the Town's compliance with HIPAA privacy regulations on a regular basis.

C. Only those Town officials with a legitimate business purpose and bona fide need to know for operations, treatment of payment purposes may be given access to protected health information in order to legally perform the position duties and administer Town programs.

D. As an employer, the Town may use protected health information in its possession without specific authorization from the employee for treatment, payment, quality assessment, medical review and auditing, studies to improve the group's health care quality or reduce health care costs, compiling civil/criminal proceedings, and any other use required by law, including, but not limited to, for public health, communicable disease, abuse or neglect, or food and drug administration purposes.

E. Information which is normally maintained in the employment record which is not classified as protected health information includes all forms, responses, inquiries and data relative to the Family Medical Leave Act, drug screenings, fitness for duty, workers compensation, disability, life insurance, the Occupational Safety and Health Act and sick leave.

F. Protected employee health information may be released for other purposes only with the employee's written authorization. The use and/or disclosure of protected health information is limited to the specific information for the specific purpose, to and from the specific individual and/or entity for a specific time period as delineated by the employee's written authorization. Group health insurance program participants are allowed to review their protected health information that is held by the Town and to correct errors.

G. The Town separates protected health information from the employment record and retains such information in a locked file accessible only to authorized personnel. All entities which could receive protected health information (third party administrator, ambulance billing company, fully insured plan providers, legal counsel, actuaries and consultants) must enter into a written business associate agreement with the Town committing to compliance with HIPAA's Privacy and Security Regulations, including, but not limited to, providing assurances that the business associate will appropriately safeguard the protected health information and that breach notification requirements are met.

H. Individuals that believe they have been aggrieved by the unauthorized use or disclosure of protected health information may file a written grievance with the Privacy Contact. The grievance must delineate the specifics of the complaint, including but not limited to:

1. What unauthorized protected health information was released;
2. Who received the protected health information and/or is knowledgeable of the protected health information;
3. When was the protected health information released and/or when did the complainant become aware of the unauthorized knowledge of the protected health information; and
4. What was the result of the release of the unauthorized protected health information.

I. The Privacy Contact will meet with the complainant as soon as possible after the receipt of the grievance. During this meeting the Privacy Contact will discuss the issue brought forward with the complainant. The Privacy Contact will investigate the allegations of the complaint with the full support and assistance of Town management and, if necessary, legal counsel. The Privacy Contact will provide a written report of his/her findings and recommended action, if warranted, to the Town Administrator and the complainant within ten (10) days from the date of the meeting with the complainant. If for some reason the Privacy Contact is unable to conduct this meeting and/or investigation the Town Administrator shall appoint an alternate senior manager to perform these duties.

J. Complainants may also contact the United States Department of Health and Human Services, Office of Civil Rights directly to file a complaint.

K. The Town will comply with HIPAA's Privacy and Security requirements established under federal law and requires its employees to observe and comply with this policy and all legal requirements relative to the use and disclosure of individuals' protected health information. Employees found to have breached protected health information security will be subject to disciplinary action, up to and including termination, as well as potential criminal and civil sanctions under HIPAA.