

Red Cliff Health Services

Policy and Procedure for Receiving and Handling HIPAA Complaints

PURPOSE: To establish the policy and procedure for receiving and handling complaints regarding the HIPAA privacy regulations.

POLICY: All complaints regarding HIPAA violations shall be addressed to the Red Cliff Health Services Privacy Officer. The complaints and their disposition, if any, must be documented.

PROCEDURE:

A. Filing a Complaint

1. A client may write or present in person to the Privacy Officer the alleged privacy violation or complaint.
2. The Privacy Officer will summarize the complaint on the HIPAA Complaint Form.

B. Investigation of Complaint

1. The Privacy Officer promptly will facilitate the investigation of the complaint.

C. Response to Complaint

1. A written response will be provided to the client within 60 days from the date the complaint was filed.
2. A written summary of the complaint and action taken will be filed by the Privacy Officer.

D. Translators, interpreters, and readers who meet the communication needs of the client will be provided as appropriate during the complaint process. Occurrences representing potential liability claims will be referred to Risk Management.

E. Clients who request an outside agency to review their complaint may contact the Secretary of the federal Department of Health and Human Services at 200 Independence Avenue, S.W.; Washington, DC 20201, or by phone at (202) 690-7000.

F. Documentation

1. All complaints received must be documented.
2. All complaint dispositions must be documented.
3. The documentation will be retained for six years.

SANCTIONS: Employees and other workforce members will be subject to sanctions for failure to comply with the HIPAA privacy regulations or Red Cliff Health Services

policies and procedures under HIPAA. Sanctions could range from re-training on the privacy rule to termination depending on the level of violation. A knowing and willful violation of the HIPAA regulations can result in criminal prosecution. All employees will be made aware of these policies and procedures during training.

The Red Cliff Health Services will not invoke sanctions against employees or other workforce members under the following condition:

- a. Whistleblower- if an employee discloses PHI, provided he or she believes in good faith that the Red Cliff Health Services has engaged in conduct that is in violation of HIPAA or otherwise unlawful, or otherwise violates clinical or professional standards or that the care, services, or conditions provided by the Red Cliff Health Services potentially endangers one or more clients, workers or members of the public and the disclosure is to:
 - (i) A health agency authority or public health authority authorized by law to investigate or otherwise oversee the relevant conduct or conditions of the Red Cliff Health Services or to an appropriate health care accreditation organization for the purpose of reporting the allegation of failure to meet professional standards or misconduct by the Red Cliff Health Services; or.
 - (ii) An attorney retained by or on behalf of the employee or other workforce member for the purpose of determining his or her legal options with regard to the Red Cliff Health Services' conduct.
- b. Victims of Crime - Disclosure by employees or other workforce members who are victims of a criminal act to a law enforcement official, provided that the PHI disclosed is about the suspected perpetrator of the criminal act and the PHI disclosed is limited to the following:
 - i. Name and address;
 - ii. Date and place of birth;
 - iii. Social Security number;
 - iv. ABO blood type and Rh factor;
 - v. Type of injury;
 - vi. Date and time of treatment;
 - vii. Date and time of death, if applicable; and
 - viii. A description of distinguishing physical characteristics including height, weight, gender, race, hair and eye color, presence or absence of facial hair, scars, and tattoos.

MITIGATION: If the Red Cliff Health Services becomes aware of possible violation of the use or disclosure of PHI by an employee, other workforce member or business associate, it shall mitigate to the extent practicable, the harmful effects of the disclosure or violation.

REFRAINING FROM INTIMIDATION OR RETALIATION: The Red Cliff Health Services shall not intimidate, threaten, coerce, discriminate against, or take retaliatory action against any individual, including employees or other workforce members, for exercising their rights under HIPAA, or for participating in any process established under the privacy regulations or:

- Filing complaints with the Secretary, DHHS;
- Testifying, assisting or participating in an investigation, compliance review, proceeding or hearing; or
- Opposing any act or practice made unlawful under the privacy regulations and the manner of opposition is reasonable and does not involve a disclosure of PHI in violation of the privacy regulations.

WAIVER OF RIGHTS: The Red Cliff Health Services will not require individuals to waive their rights to file complaints with the Secretary or their rights under HIPAA as a condition for the provision of treatment, payment, eligibility, or other benefits.

