

1. POLICY SUMMARY

This policy describes the basic privacy protections and rights that apply to protected health information (PHI) held by CHRISTIAN HEALTH ASSOCIATES, in addition to the permitted ways in which such PHI can be used and disclosed by CHRISTIAN HEALTH ASSOCIATES.

2. PURPOSE

To comply fully with the requirements regarding disclosure of protected health information as provided in the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

3. SCOPE/ APPLICABILITY

This applies to all direct hire employees, volunteers, business associates and other staff members working at CHRISTIAN HEALTH ASSOCIATES. It applies to all Protected Health Information and other confidential and private information protected by law.

4. REGULATORY CATEGORY, TYPE, LEGAL REGULATORY REFERENCE

Privacy Rule, 45 CFR §164.500 et seq.

5. POLICY AUTHORITY, ENFORCEMENT

CHRISTIAN HEALTH ASSOCIATES [PRESIDENT/CEO/EXECUTIVE DIRECTOR] and Privacy Officer (PO) are responsible for monitoring and enforcement of this Policy and Procedures.

6. POLICY

I. Definitions. For purposes of this policy, the following definitions apply:

Privacy Officer (PO). The PO for purposes of this Policy oversees all activities related to the development, implementation, and maintenance of CHRISTIAN HEALTH ASSOCIATES's policies and procedures covering the privacy of protected health information. This person is the key compliance officer for all federal and state laws that apply to the privacy of protected health information.

HIPAA. Health Insurance Portability and Accountability Act of 1996, a federal law pertaining to protected health information of clients.

“Minimum-Necessary” Standard. CHRISTIAN HEALTH ASSOCIATES uses and discloses the amount of PHI that is the minimum necessary to accomplish its intended purposes. In addition, the CHRISTIAN HEALTH ASSOCIATES Use and Disclosures Procedures identify and provide for the minimum necessary access by CHRISTIAN HEALTH ASSOCIATES personnel to PHI.

Participant. For purposes of this policy, the term “Participant” includes the Participating users of the CHRISTIAN HEALTH ASSOCIATES Health Information Exchange and the patients of those Participants.

PHI (HIPAA Protected Health Information). Information about CHRISTIAN HEALTH ASSOCIATES Participants becomes “protected” upon its creation or receipt by a CHRISTIAN HEALTH ASSOCIATES Participant. PHI applies to information in any form—electronic, written or verbal as follows: PHI means information that is created or received by CHRISTIAN HEALTH ASSOCIATES or a Participant and relates to the past, present, or future physical or mental health or condition of a Participant; the provision of health care to a Participant; or the past, present, or future payment for the provision of health care to a Participant; and that identifies the Participant or for which there is a reasonable basis to believe the information can be used to identify the Participant. HIPAA-PHI includes information of persons living or deceased, until 50 years after the date of death.

Use and Disclosure. CHRISTIAN HEALTH ASSOCIATES **will** use and disclose PHI only as permitted under HIPAA. The terms “use” and “disclosure” are defined as follows:

- Use. The sharing, employment, application, utilization, examination, or analysis of individually identifiable health information by any CHRISTIAN HEALTH ASSOCIATES personnel, or by a Business Associate of CHRISTIAN HEALTH ASSOCIATES.
- Disclosure. For protected health information, disclosure means any release, transfer, provision or access to, or divulging in any other manner of individually identifiable health information.

US/DHHS. United States Department of Health and Human Services.

I.

II. General Statement.

It is the policy of CHRISTIAN HEALTH ASSOCIATES to comply fully with the requirements of HIPAA. To that end, all CHRISTIAN HEALTH ASSOCIATES employees must comply with this Policy.

III. Mitigation of Inadvertent Disclosures of PHI

Employees must report any improper use or disclosure of PHI of which they become aware to the PO. The PO will determine the reasonable and appropriate steps that can be taken which may mitigate the harm to the Participant. The method of mitigation will depend on the facts and circumstances of the unauthorized use or disclosure as determined in the discretion of the PO.

IV. Sanctions for Violations of PHI Privacy

All of CHRISTIAN HEALTH ASSOCIATES’s covered workforce must comply with this Policy when using or disclosing PHI. Sanctions for using or disclosing PHI in violation of this Policy will be imposed in accordance with CHRISTIAN HEALTH ASSOCIATES policies regarding employee disciplinary action. The severity of the sanction will depend on the facts and circumstances of the violation and may include discipline up to and including immediate termination of employment.

V. Documentation

CHRISTIAN HEALTH ASSOCIATES shall maintain copies of HIPAA compliance documents for a period of at least six (6) years from the date the documents were created or were last in effect, whichever is later, as described in the CHRISTIAN HEALTH ASSOCIATES Use and Disclosure Procedures.

VI. Training

All CHRISTIAN HEALTH ASSOCIATES employees will complete HIPAA training upon employment commencement and thereafter yearly. Proof of training completion will be kept in a separate file.

VII. Uses and Disclosures of PHI

A. **Permitted Uses and Disclosures of PHI by CHRISTIAN HEALTH ASSOCIATES: Treatment, Payment and Health Care Operations**

Disclosure of PHI is completed by CHRISTIAN HEALTH ASSOCIATES as permitted under HIPAA and other applicable privacy laws.

B. **Mandatory Disclosures**

HIPAA requires disclosure of information in certain circumstances, including but not limited to requests from an individual and requests from the U.S. Department of Health and Human Services. These required disclosures are described further in the CHRISTIAN HEALTH ASSOCIATES Use and Disclosure Procedures and all CHRISTIAN HEALTH ASSOCIATES staff shall comply with such disclosure requests.

C. **Disclosure of PHI to Business Associates**

All uses and disclosures by a Business Associate of CHRISTIAN HEALTH ASSOCIATES must be made in accordance with a valid business associate or a contract including HIPAA compliant business associate language, subject to the requirements of this Policy and the CHRISTIAN HEALTH ASSOCIATES Use and Disclosure Procedures.

VIII. Verification of Identity of Those Requesting PHI

Employees must take steps to verify the identity of individuals who request access to PHI. They must also verify the authority of any person to have access to PHI, if the identity or authority of such person is not known. The process for verifying an individual's identity is described further in CHRISTIAN HEALTH ASSOCIATES's Use and Disclosure Procedures.

IX. Complying with Individual Rights

HIPAA provides patients with individual rights that shall be recognized and enforced by CHRISTIAN HEALTH ASSOCIATES.

The CHRISTIAN HEALTH ASSOCIATES PO shall develop procedures describing these rights and how to recognize these rights. The following rights shall be recognized in accordance with such procedures:

- A. Access
- B. Amendment
- C. Accounting of Disclosures of PHI
- D. Confidential Communications
- E. Requests for Restrictions on Uses and Disclosures of PHI

X. Complaints

A. **Internal Submission of a Complaint.**

Any individual who believes his/her rights under HIPAA have been violated may file a complaint regarding the alleged violation. Any privacy-related complaint made by an individual at any time must be forwarded to the PO. The PO will investigate the alleged privacy violations. If an CHRISTIAN HEALTH ASSOCIATES employee is determined to be in violation of this Policy, s/he will be subject to discipline, up to and including termination of employment.

B. **External Submission of a Complaint.**

An individual also may file a complaint with the Secretary of the U.S. Department of Health and Human Services (“DHHS”).