

**IOWA COUNTY PERSONNEL DEPARTMENT
HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT
(HIPAA) DEPARTMENT POLICY & PROCEDURES**

APRIL 14, 2004

POLICY OBJECTIVE

The primary objective and key provisions of the Health Insurance Portability and Accountability Act of 1996 were committed to protecting employees who change or lose jobs and wish to maintain health coverage by requiring subsequent employers to accept them into health plans.

A subset of administrative simplification rules were developed to accompany these changes to health insurance coverage, which impact employers such as Iowa County. Those rules cover three basic areas: Electronic Standard Transactions, Privacy, and Security, all of which apply to some degree to Iowa County Personnel Department operations. At the time of this Policy's initial implementation, Iowa County's Personnel Department does not transmit any HIPAA-covered transactions electronically

The primary objective of this policy and accompanying procedures is to ensure that Iowa County's Personnel Department is compliant with HIPAA regulations. It is recognized that portions of this Policy will need to be modified and added to as final regulations are released.

PRIVACY OFFICER

The Privacy Officer for Iowa County's dental plan is the Personnel Director. Note, this position has been identified to allow the Personnel Department to achieve a reasonable degree of compliance with HIPAA Act within set deadlines, but it is not intended to replace or substitute the County's need for a designated Privacy Officer.

The County's Privacy Officer is the County Corporate Counsel.

INVESTIGATION OF REPORTS OF MISUSE OF PHI

Any employee who feels that he/she has experienced a breach of protection of *Protected Health Information (PHI)* as the result of the Personnel Department's handling of PHI should address the matter immediately with the Iowa County Personnel Director in his/her role as the Department's Privacy Officer. If an employee has reason to believe that the Personnel Director is personally responsible for the breach in privacy related to their PHI, then it is their responsibility to contact the Chairperson of the Salary & Personnel Committee, in his/her role as the Personnel Director's supervisor.

All complaints of alleged breach of protection of PHI will be promptly and thoroughly investigated, including anonymous complaints. Any violations of the ***Iowa County Personnel Department HIPAA Policy*** will be treated as a serious disciplinary infraction, and the provisions of "Just Cause" discipline will be applied, consistent with the ***Employee Discipline*** section ***The Iowa County Personnel Policies for Management and***

Non-Represented Employees. Depending upon the nature of the violation, violating the provisions of the Health Insurance Portability and Accountability Act of 1996, sanctions could result in formal discipline up to and including termination.

It is the affirmative duty of each employee to cooperate with and not impede any investigation(s) of the use of or disclosure of PHI. Iowa County prohibits any employee from retaliating or discriminating in any way against anyone who has articulated any concern about potential of unauthorized use or disclosure of PHI.

CODE of CONDUCT

1. Verbal discussion of Protected Health Information (PHI) will occur only within the confines of the Personnel Director's office, and only with persons on an absolute need to know basis.
2. Written PHI provided to the Personnel Department by an employee or applicant will be viewed exclusively by Personnel Department employees.
3. All written employee PHI records will be retained in individual medical records, maintained separately from regular employee personnel files, stored in a locked file cabinet, which is located within a locked office. Only Personnel Department employees will possess keys to these locked file cabinets.
4. Personal computer monitors will not have PHI displayed on their screen without being attended to by a Personnel Department employee, and that monitor can not be positioned in such a way that any other person would be able to read that PHI. User ID's and passwords must be secure at all times, preventing any opportunity for access to stored files of PHI in personal computer memory.
5. PHI will be disposed of through shredding in compliance with federal regulations.
6. Minimum Necessary Standard: Iowa County's Personnel Department will limit its access and retention of PHI to the minimum necessary to accomplish the intended purpose in the following situations:
 - a. The Personnel Department will be responsible for enrollment and disenrollment of employees in health insurance plans as a *sponsor* of those plans, but the County does *not* request or receive PHI for this purpose.
 - b. The Personnel Department will be responsible for enrollment and disenrollment of employees into its own self-funded dental insurance plan, making Iowa County a *health plan* under HIPAA, but PHI is *not* necessary for this purpose. The Personnel Department does not access PHI during the enrollment process but does so during the billing process. Only Personnel Department employees have access to this particular example of PHI.
 - c. Employees' medical information that is required for life insurance enrollment, or disability insurance enrollment and claims processing is not considered PHI unless that information is generated by the County's health plan.

- d. Physical examinations, psychological examinations and drug screen analyses are required for a small percentage of the Iowa County employees as part of the pre-placement selection process managed by the Personnel Department. **These three examples are not PHI. Regardless of that, only those members of management with a direct role in the selection process will have access to that data.**
- e. Drug screen analyses are conducted on current employees as part of a random testing procedure, or in some cases as part of a post-accident or reasonable suspicion discipline incident. **These test results are not PHI. Regardless of that, only those members of management who have a direct role in the County's drug testing program and/or with a post-accident or reasonable suspicion incident will have access to those results. Note, the Highway Department's Employee Assistance Program is considered a covered entity under HIPAA.**
- f. Medical practitioner's evaluations are required for approval of family and/or or medical leaves of absence, and to support Americans with Disabilities Act –based claims. **These evaluations are not PHI. Only Personnel Department employees and the employee's immediate supervisor will have access to those evaluations. A copy of that evaluation will be restricted to the employee's medical file secured in the Personnel Department.**
- g. Disclosures of PHI for public health or law enforcement purposes **are** permitted when required or permitted by law.

EMPLOYEES RIGHTS REGARDING PROTECTED HEALTH INFORMATION

1. Employees who desire further information about privacy rights are concerned that the Personnel Department has violated their privacy rights or disagree with a decision the Department made about access to their PHI may contact the Personnel Director. The employee may also file a written complaint with the Director, Office for Civil Rights of the U.S. Department of Health and Human Services. Upon request, the Personnel Director will provide you with the correct address for the Director. We will not retaliate against you if you file a complaint with us or the Civil Rights Office.
2. Employees may request restrictions on the Personnel Department's use and disclosures of their PHI (1) for treatment, payment and health care operations, (2) to individuals (such as family member, other relative, close personal friend or any other person identified by you) involved with your care or with payment related to your care, or (3) to notify or assist in the notification of such individuals regarding your location and general condition. While the Department will consider all requests for additional restrictions carefully, it is not required to agree to a requested restriction. If an employee wishes to request additional restrictions, a request form may be obtained from the Personnel Department and submitted to the Personnel Director, who in turn will send a written response to the employee.
3. Employees may request, and the Personnel Department will accommodate, any

reasonable written request for the employee to receive their PHI by alternative means of communication or at alternative locations.

4. Employees may revoke any written authorization obtained in connection with their Highly Confidential Information, except to the extent that the Department has taken action in reliance upon it, by delivering a written revocation statement to the Personnel Director.
5. Employees may request access to their medical record file and billing records maintained by the Department in order to inspect and request copies of the records. Under limited circumstances, the Department may deny access to a portion of the employee's records. If the employee desires access to their records, they may do so by obtaining a record request form from the Personnel Department and submitting the form to the same office. If copies are requested, the Department will charge the employee 25 cents for each page, in addition to postage costs if the employee requests that the copy is mailed to them.
NOTE: Employees should take note that, if they are a parent or legal guardian of a minor, certain portions of the minor's medical record will not be accessible to them (for example, records relating to abortion, contraception and/or family planning services) based upon by State law.
6. Employees have the right to request that the Personnel Department amend PHI maintained in their medical record file or billing records. If the employee desires to amend their records, they must submit a written request for an amendment to the Personnel Department. The Department will comply with their request unless they believe that the information that would be amended is accurate and complete or other special circumstances.
7. Upon request, employees may obtain an accounting of certain disclosures of their PHI made by the Personnel Department during any period of time prior to the date of the request provided such period does not exceed six years and does not apply to disclosures that occurred prior to April 14, 2004. If the employee requests an accounting more than once during a twelve month period, the Department will charge them 25 cents per page of the accounting statement.
8. Upon request, an employee may obtain a paper copy of the County's *Notice of Privacy Practices*, even if they have agreed to receive such notice electronically.