

<b>COMMUNITY MENTAL HEALTH PARTNERSHIP OF SOUTHEASTERN MICHIGAN</b>		<b><i>Policy and Procedure</i></b>	
Department HIPPA	# of Pages: 3		
Policy Name <b>SANCTIONS FOR BREACHES OF SECURITY OR CONFIDENTIALITY</b>	Type of Policy:  <input type="checkbox"/> WCHO <input checked="" type="checkbox"/> Regional <span style="margin-left: 150px;">Network</span> <input checked="" type="checkbox"/>		
Policy Number  13.006	Effective Date	Revision Date	Approval Date  3/03
<b>Administrative/Board of Directors Sign Off</b>			
Administrative Signature:		Date:	
Board of Directors Signature:		Date:	

## I. PURPOSE

To protect the confidentiality and integrity of confidential medical and other sensitive information, establish sanctions for the violation of WCHO policies protecting the confidentiality and integrity of its consumers' personal information, and comply with the Health Insurance Portability and Accountability Act of 1996, other relevant laws, codes of professional ethics, and accreditation requirements.

## II. APPLICATION

All WCHO staff, students, and volunteers: and the staff, students, and volunteers of those organizations under contract to WCHO.

## III. DEFINITIONS

None

## IV. POLICY

WCHO has adopted policies requiring all staff, students and volunteers, and those of organizations under contract to WCHO, to protect the integrity and confidentiality of medical and other sensitive information pertaining to its clients. WCHO will not tolerate violations of those policies, and such violations will constitute grounds for disciplinary action up to and including termination, professional discipline, criminal prosecution, and or civil action to recover any fines or penalties levied against WCHO that result from a failure to comply with those policies.

## **V. EXHIBITS**

None

## **VI. REFERENCES**

None

## **VII. PROCEDURES**

- A. All WCHO employees, students, and volunteers shall be apprised of its policies and procedures protecting the confidentiality and integrity of its clients' personal medical information, and other sensitive information and asked to sign a Confidentiality Statement.
- B. Any WCHO staff, student, or volunteer who believes that another staff member, student, or volunteer has breached the confidentiality or integrity of a client's personal medical information, or other sensitive information shall immediately report that breach to his or her supervisor or to the WCHO Privacy Officer.
- C. The WCHO Privacy Officer shall conduct a thorough and confidential investigation of the allegation and recommend corrective action to the WCHO Executive Director.
- D. WCHO shall inform the complainant of the results of the investigation and any corrective action taken.
- E. WCHO will not retaliate against or permit reprisals against any staff, student, or volunteer who reports a suspected violation of its policies protecting the confidentiality and integrity of its clients' personal medical information. Allegations not made in good faith, however, may result in discharge or other discipline.
- F. Individuals who violate this policy are subject to discipline up to and including termination from employment, in accordance with union contract and County policies, professional discipline, or criminal prosecution in accordance with state and federal law. This policy does not mandate the use of progressive discipline or the imposition of lesser sanctions before WCHO terminates an employee, student, or volunteer for violating its policies protecting the confidentiality and integrity of its clients' personal medical information. At the discretion of the Executive Director, WCHO may terminate an employee, student, or volunteer for the first, substantiated breach of its confidentiality and security policies if warranted by the seriousness of that breach. An individual could expect to lose his or her job for a willful or grossly negligent breach of confidentiality, willful or grossly negligent destruction of computer equipment or data, or knowingly or grossly negligent violation of the Health Insurance Portability and Accountability Act of 1996, its implementing regulations, or any other federal or state law protecting the confidentiality of client information, and he or she may lose his or

her job for a negligent breach of WCHO standards for protecting the integrity and confidentiality of client information. For less serious breaches, management may impose a lesser sanction, such as verbal or written warning, verbal or written reprimand, loss of access, suspension without pay, demotion or other sanction. In addition, WCHO will seek to include such violations by contractors as a ground for termination of the contract and/or imposition of contract penalties.

- G. Substantiated violations of WCHO policies protecting the confidentiality and integrity of its consumers' personal medical information may constitute a criminal offense under the Health Insurance Portability and Accountability Act of 1996, or other federal laws. Any individual or contractor who violates such a criminal law will be reported to appropriate law enforcement personnel and the WCHO will cooperate with any law enforcement investigation or prosecution.
- H. Further, substantiated breaches of confidentiality and violations of WCHO policies protecting the confidentiality and integrity of its consumers' personal medical information may constitute violations of professional ethics and be grounds for professional discipline. Any individual subject to professional ethics guidelines and/or professional discipline will be reported to the appropriate licensure/accreditation agencies and the WCHO will cooperate with any professional investigation or disciplinary proceedings.