

WCHO	<i>Policy and Procedure</i>		
Department HIPPA	# of Pages: 2		
Policy Name PRIVACY AND SECURITY OF PROTECTED HEALTH INFORMATION - CONSUMER COMPLAINTS	Type of Policy: [] WCHO [] Regional [] Network		
Policy Number 13.005	Effective Date	Revision Date	Approval Date 3/18/03
Administrative/Board of Directors Sign Off			
Administrative Signature:		Date:	
Board of Directors Signature:		Date:	

I. PURPOSE

To establish a policy and procedure for the handling of consumer complaints against WCHO Board members, staff, students, or volunteers for failure to comply with established policies protecting the confidentiality and security of consumers' protected health information.

II. APPLICATION

All WCHO Board members, staff, students, volunteers and those of organizations under contract with the WCHO.

III. DEFINITIONS

Complainant - A consumer, or anyone acting on behalf of a consumer, who files a complaint that the consumer's right to confidentiality and security of protected information has been violated.

Protected Health Information - Medical and mental health information that is individually identifiable and that is transmitted in any form or medium.

IV. POLICY

WCHO has adopted policies requiring all Board members, staff, students, volunteers and those of organizations under contract with the WCHO, to protect the confidentiality and security of its consumers' protected health information. Specific allowable uses of protected health information have been set forth in a Notice of Privacy Practices which is

provided to each consumer, or have been authorized by the proper execution of an Authorization for Release of Information. A consumer who feels that his/her confidentiality has been violated, or his/her protected health information has been improperly used, has the right to a thorough and confidential investigation.

V. EXHIBITS

None

VI. REFERENCES

- A. Confidentiality and Access to Clinical Records
- B. Ethics Policy
- C. Health Insurance Portability and Accountability Act of 1996 (45 CFR. Parts 160 and I(I64)
- D. Security of Consumer Related Information

VII. PROCEDURES

- A. All WCHO Board members, employees, students and volunteers shall be apprised of its policies and procedures protecting the confidentiality and integrity of its consumers' protected health information and be asked to sign a Confidentiality Statement.
- B. The WCHO will designate a Privacy Officer to receive complaints concerning the WCHO's policies and procedures related to protecting the confidentiality and security of protected health information, or its compliance with such policies and procedures.
- C. A consumer, or anyone acting on behalf of a consumer, who feels that any WCHO Board member, employee, student or volunteer or those of organizations under contract with the WCHO, has violated the confidentiality and security of their protected health information should contact the WCHO Privacy Officer to file a complaint.
- D. The Privacy Officer will maintain a system for logging all complaints received and for the secure storage of all investigative documents and evidence.
- E. The Privacy Officer will conduct a thorough and confidential investigation of the allegation in a timely manner, and will recommend corrective action to the WCHO Executive Director. Investigations will be conducted in a manner that will not violate employee rights. E.g. the Bullard-Plawecki Employee Right to Know Act.
- F. The Privacy Officer will inform Washtenaw County's Risk Manager at the time a complaint is received, and notify the Risk Manager of the results of the investigation and any corrective action taken.

- G. The Privacy Officer will inform the complainant in writing of the results of the investigation and any corrective action taken, and will ensure the complainant understands that he/she also has the option of contacting the Secretary of Health and Human Services to file a complaint against the WCHO.
- H. The WCHO will not retaliate against or permit reprisals against any consumer, or any person acting on behalf of a consumer, who reports a suspected violation of its policies protecting the confidentiality and integrity of protected health information. Nor will the WCHO require consumers to waive their right to a complaint to the Secretary of Health and Human Services as a condition of receiving treatment.
- I. The Privacy Officer will provide a quarterly aggregate report of complaints and investigations to the Security Committee for the purpose of trend analysis.
- J. The Privacy Officer will maintain documentation related to an investigation, and any corrective action taken, for a minimum of six years from the date of its creation or the date it was last in effect, whichever is later.