

PRIVACY OFFICER

Initial: 1/1/03

Page 1 of 2

Revised:

PURPOSE:

In compliance with the Health Insurance Portability and Accountability Act (HIPAA), this office has appointed a "privacy officer" to be responsible for development, implementation and dissemination of information regarding our privacy and security policies and procedures. The privacy officer also serves as the contact for any complaints regarding our privacy practices.

POLICY:

PRIVACY AND SECURITY MONITORING

The privacy officer will identify, develop, and implement administrative, technical, and physical safeguards to protect the integrity of our patients' health information. In addition, the privacy officer is responsible for the ongoing evaluation of this office's privacy policies and procedures to ensure full compliance with all state and federal laws.

- The privacy officer will monitor development of the Security requirements under HIPAA and will initiate any measures necessary for compliance as this rule becomes finalized.
- The privacy officer will ensure that access to our patients' protected health information (PHI) is limited to staff members who need the information in the course of their assigned duties. To meet this task, the privacy officer will create and maintain a decision tree for determining access to PHI. See also, *Privacy Practices Overview* policy and procedure.

PRIVACY AND SECURITY COMPLAINTS/SANCTIONS

- Any concerns or complaints about this office's privacy and/or security practices, whether from a patient, staff member, or any other person(s), will be brought to the privacy officer's attention. Under no circumstances will anyone making a complaint regarding privacy be subjected to intimidation, threats, coercion, discrimination, or any other retaliatory action for filing that complaint. This protection extends to staff making internal complaints, anyone who files a complaint with government authorities, and those who testify or assist in an investigation of this office by government authorities.
- The privacy officer, working in cooperation with office management, will apply appropriate sanctions against any physician or employee who fails to comply with the privacy policies and procedures of this office. Such sanctions will be documented in the privacy officer's records as well as the employee's/physician's record.

STAFF EDUCATION REGARDING PRIVACY AND SECURITY

- The privacy officer will attend educational seminars as necessary to keep abreast of changes in state and federal law regarding privacy and security issues.

PRIVACY OFFICER

Initial: 1/1/03

Page 2 of 2

Revised:

- The privacy officer will assist with the establishment of an annual budget for ongoing staff/physician education regarding privacy and security issues, and will monitor and manage the attendance of appropriate employees at educational seminars or internal classes.
- The privacy officer will offer educational programs for the physician(s) and all staff members, instructing them on this office's privacy practices, policies and procedures, and how to implement practices to assure quality patient care while maintaining privacy. These educational programs will be ongoing, but in particular, will be offered to address any future changes in practices, policies and procedures. The privacy officer will offer similar educational programs for any new employee of this practice. All privacy and security training will be documented in each employee's file.

COMMUNICATION WITH PRACTICE PHYSICIANS

- At all times the privacy officer will keep the physician(s) and management informed of issues regarding privacy and security in the office, including any anonymous communication from staff.
- At all times the privacy officer is expected to communicate freely to the physician(s) and management about questions and concerns regarding privacy and/or security and, if appropriate, communicate those concerns directly to the office's attorney.
- At no time will the privacy officer be disciplined or retaliated against for the appropriate communication of concerns or actions taken to protect the integrity of this office.

DOCUMENTATION OF PRIVACY AND SECURITY ISSUES

The privacy officer is responsible for the oversight of documentation and maintenance of the following:

- Patient requests to amend medical records, including the response given and any documents pertaining to any disputes.
- Patient requests for an accounting of disclosures of health information, as well as a copy of the accounting provided to the patient.
- Current and historical versions of the office's *Notice of Privacy Practices*.
- Business Associate agreements including any complaints made regarding privacy lapses and steps taken to mitigate these lapses.

NOTICE: The Office of the General Counsel of the Texas Medical Association provides this information with the express understanding that 1) no attorney-client relationship exists, 2) neither TMA nor its attorneys are engaged in providing legal advice and 3) that the information is of a general character. You should not rely on this information when dealing with personal legal matters; rather legal advice from retained legal counsel should be sought.