

## **HIPAA COMPLIANCE POLICY**

Sharon Springs Central School, as a sponsor of a self-insured group health plan (the "Plan"), is required under the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") to implement policies and procedures relating to the privacy of individually identifiable health information of Plan enrollees.

This Policy applies to all Sharon Springs Central School personnel who have access to Protected Health Information ("PHI") in the course of their duties relating to Sharon Springs Central Schools' group health plans, including flexible spending plans for medical reimbursement, regardless of whether the employee is directly involved in the administration of health plan benefits or services.

This Policy does not pertain to information that the Sharon Springs Central School District may receive, create, or transmit in relation to Workers' Compensation, FMLA, fitness for duty, ADA, OSHA, employee drug screening, life insurance, or disability insurance.

### **Protected Health Information**

For purposes of this Policy, PHI is defined as individually identifiable health information, including demographic information, that is created, received, transmitted or maintained by the Sharon Springs Central School in relation to a group health plan, regardless of form (oral, written, or electronic), if the information relates to:

- the past, present or future physical or mental health or condition of an individual;
- the provision of health care services to an individual; or
- the past, present, or future payment for the provision of health care to an individual.

PHI includes but is not limited to treatment records, billing records, consultant reports, and laboratory or other diagnostic testing results.

### **Confidentiality of PHI**

Employees may not divulge, copy, transfer, alter, or destroy any PHI, or remove any PHI from the premises, except as authorized by the Sharon Springs Central School District or by the individual who is the subject of the information. Employees must strictly comply with all applicable federal and state laws and regulations and all policies and procedures established by the Sharon Springs Central School District relating to the confidentiality and protection of PHI an employee's responsibility to safeguard the confidentiality of PHI continues after termination of his or her employment with the Sharon Springs Central School District.

### **Administrative Safeguards**

The Sharon Springs Central School District has implemented appropriate administrative, technical, and physical safeguards to protect the privacy of PHI and to safeguard PHI from any uses and disclosures that would be in violation of HIPAA. Applicable Notice(s) of Privacy Practices reflect the Sharon Springs Central School District procedures in relation to use and disclosure of PHI.

Files containing PHI, on paper or in electronic media, must be maintained in a manner which guards against unauthorized access and disclosure. Employees must hold in strictest confidence any and all access codes, passwords, and other authorizations that enable access to computer systems in which PHI is maintained by the Sharon Springs Central School District.

### **Minimum Necessary Disclosure**

Employees may use PHI only as necessary to perform their duties in relation to the Plan, and for no other purpose whatsoever. When using, disclosing, or accessing PHI, employees may only use, disclose or access the minimum PHI necessary to perform their duties. When PHI must be shared with others, it must be shared in a manner consistent with the intended purpose, taking precautions to minimize the risk of disclosure beyond the minimum necessary for the intended recipient or purpose. All employees whose duties involve access to PHI are required to undergo training in safeguards concerning use and disclosure of PHI.

### **Mitigation of Harmful Effects**

In the event of disclosure of PHI in violation of HIPAA, the Sharon Springs Central School District has a duty to mitigate any known harmful effect of that violation, to the extent practicable. Any employee who becomes aware of an activity that may jeopardize the confidentiality of PHI should promptly report that activity to the Sharon Springs Central School District's Privacy Official.

### **Individual Rights**

Under HIPAA, an individual is entitled to certain rights concerning his or her protected health information. Those individual rights are described in and administered in accordance with a Notice of Privacy Practices. The Notice of Privacy Practices is applicable for Plan enrollees as of April 14, 2003, and thereafter to new enrollees upon initial enrollment. No less frequently than once every three years.

### **Non-Retaliation and Non-Wavier of Rights**

The Sharon Springs Central School District will not discriminate against, intimidate, threaten, coerce, or take any other retaliatory action against any employee or retiree for exercising the right to file a complaint with the Privacy Official, or with the United States Secretary of the Department of Health and Human Services, or for testifying, assisting or participating in an investigation, compliance review, proceeding, or hearing regarding an alleged violation under HIPAA. In addition, the Sharon Springs Central School District will not require an employee or retiree to waive his or her rights under HIPAA as a condition of the provision of treatment, payment, enrollment in a health plan, or eligibility for benefits.

### **Administrative Sanctions**

Any violation of this policy or violation of any applicable federal or state law relating to the protection of PHI may subject an employee to disciplinary action, in accordance with the applicable policies and procedures and agreements with employee bargaining units of the Sharon Springs Central School District.

### **Complaint Process**

The Sharon Springs Central School District has a process by which individuals may make complaints concerning the policies and procedures of the Plan in relation to the confidentiality of PHI. Complaints regarding the inappropriate use or disclosure of PHI may be made in writing to the Privacy Official of the Sharon Springs Central School District. Complaints may also be made to the United States Secretary of the Department of Health and Human Services.

### **Privacy Official**

The Privacy Official may be contacted at the following office address:

Sharon Springs Central School  
PO Box 218  
Sharon Springs, NY 13459