

<b>ADAMHS BOARD FOR MONTGOMERY COUNTY</b>	<b>BP # 504</b>	
<b>TITLE:</b> Sanctions for Breach of Privacy and Security of PHI	<b>SUBJECT</b> HIPAA	
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**PURPOSE:** The Health Insurance Portability and Accountability Act of 1996 (HIPAA) granted individuals the right to receive adequate notice of the uses and disclosures of their protected health information (PHI) that may be made by a covered entity, and the individual's rights and the entity's legal duties with respect to PHI. This policy has been developed to assist the Alcohol, Drug Addiction and Mental Health Services Board for Montgomery County to comply with the law and to guide Board staff in protecting the confidentiality and integrity of confidential protected health information as required by law, professional ethics, and accreditation requirements.

**POLICY:**

1. All Alcohol, Drug Addiction and Mental Health Services Board for Montgomery County officers, employees, and agents shall preserve the integrity and the confidentiality of individually identifiable health information (IIHI) pertaining to each member/client. This IIHI is protected health information (PHI) and shall be safeguarded to the highest degree possible in compliance with the requirements of the security and privacy rules and standards established under the Health Insurance Portability and Accountability Act of 1996 (HIPAA).
2. The Board will not tolerate violations of HIPAA statutory requirements nor its policies and procedures in place to uphold them. Any violation of HIPAA rules or agency policy and procedures shall constitute grounds for disciplinary action up to and including termination, professional discipline and criminal prosecution.
3. Any officer, employee or agent of the Alcohol, Drug Addiction and Mental Health Services Board for Montgomery County who believes another officer, employee or agent of the Alcohol, Drug Addiction and Mental Health Services Board for Montgomery County has breached the facility's privacy or security policies and/or procedures or otherwise breached the integrity or confidentiality of member/client or other sensitive information shall immediately report such breach to his or her superior or to the Privacy/Security Officer.
4. At the discretion of management, the Alcohol, Drug Addiction and Mental Health Services Board for Montgomery County may terminate an employee for the first breach of the Alcohol, Drug Addiction and Mental Health Services Board for Montgomery County's privacy or security policies if the seriousness of the offense warrants such action.

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5. The Alcohol, Drug Addiction and Mental Health Services Board for Montgomery County will not retaliate against nor permit reprisals against any employee who reports a breach to the integrity or confidentiality of member/client or other sensitive information.
6. All officers, employees, and agents of the Alcohol, Drug Addiction and Mental Health Services Board for Montgomery County shall comply and cooperate with the enforcement of this policy.

## **DEFINITIONS**

- 1.1 Health Insurance Portability and Accountability Act of 1996 (HIPAA). HIPAA is comprehensive law enacted by the United States government. The law has several subparts providing such benefits as guaranteed portability and renewal of insurance benefits between employers, tax provisions for medical savings accounts and administrative simplification to improve the efficiency and effectiveness of the health care system. During the latter part of the 1990's, the Secretary of the Department of Health and Human Services drafted regulations for standardizing the electronic interchange of administrative and financial data and protecting the security and privacy of personal health information. HIPAA requires health care providers, health plans and health care clearinghouses to transition to the use of standard code sets and "electronic data interchange (EDI) and to maintain reasonable and appropriate administrative, technical, and physical safeguards to insure the integrity and confidentiality of healthcare information; to protect against reasonably foreseeable threats and hazards to the security or integrity of the information; and, to protect against unauthorized uses or disclosure of the information. Compliance with the first of the HIPAA rules is scheduled for early 2003. HIPAA also provides criminal penalties for failure to comply with the regulations.
- 1.2 Individually Identifiable Health Information (IIHI). A subset of health information, including demographic information collected from an individual and that is created or received by a health care provider and relates to the past, present, or future physical or behavioral health or condition of an individual, the provision of health care to an individual, or the past, present or future payment for the provision of health care to an individual, and which identifies the individual, or with respect to which there is a reasonable basis to believe that the information can be used to identify the individual.

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- 1.3 Protected Health Information (PHI). The final rule defines PHI as individually identifiable health information that is transmitted by electronic media; maintained in any electronic medium such as magnetic tape, disc, optical file; or transmitted or maintained in any other form or medium (i.e. paper, voice, Internet, fax etc.).