**HIPAA PRIVACY POLICY**

**Objective**

The \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ County Road Commission (“Road Commission”) hereby adopts a policy that protects the privacy and confidentiality of protected health information (PHI) whenever it is used by Road Commission representatives. The private and confidential use of such information will be the responsibility of all individuals with job duties requiring access to PHI in the course of employment.

**Protected Health Information Defined**

PHI refers to individually identifiable health information received by the Road Commission’s group health plan or received by a health care provider, health plan or health care clearinghouse that relates to the past or present health of an individual or to payment of health care claims. PHI information includes all medical conditions, health status, claims experience, medical histories, physical examinations, genetic information and evidence of disability.

**HIPAA Privacy Official**

The Road Commission has designated \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ as the HIPAA Privacy Official, and any questions or issues regarding PHI should be presented to the HIPAA Privacy Official for resolution. The HIPAA Privacy Official is also charged with the responsibility for:

* Issuing procedural guidelines for access for PHI;
* Developing a list of personnel who will need access to PHI and the rights they have been granted with respect to PHI; and,
* Developing guidelines for describing how and when PHI will be maintained, used, transferred, or transmitted.

**Activities Necessitating Use of PHI**

Annually or more frequently as necessary, the Road Commission performs enrollment, changes in enrollment and payroll deductions; provides assistance in claims problem resolution and explanation of benefits issues; and assists in coordination of benefits with other providers. Some or all of these activities may require the use of transmission of PHI. Thus, all information related to these processes will be maintained in confidence, and employees will not disclose PHI from these processes for employment-related actions, except as provided by administrative procedures approved by the HIPAA Privacy Official.

Disclosures that do not qualify as PHI-protected disclosures include:

* Disclosure of PHI to the individual to whom the PHI belongs;
* Requests by providers for treatment or payment;
* Disclosures requested to be made to authorized parties by the individual PHI holder;
* Disclosures to government agencies for reporting or enforcement purposes; and,
* Disclosures to workers’ compensation providers and those authorized by the workers’ compensation providers.

Information regarding whether an individual is covered by a plan for claims processing purposes may be disclosed.

Information external to the health plan is not considered PHI if the information is being furnished for claims processing purposes involving workers’ compensation or short- or long-term disability and medical information received to verify Americans with Disabilities Act (ADA) or Family and Medical Leave Act (FMLA) status.

**Notice of Breach**

The HIPAA Privacy Official will notify affected individuals in the event of a breach of confidentiality involving or potentially involving their unsecured health information and inform them of what steps they may need to take to protect themselves. In addition to notifying affected individuals, the Privacy Official will notify the Secretary of HHS by visiting the HHS website and filling out and electronically submitting a breach report form.

**Complaints**

The Privacy Official will be the Road Commission’s contact person for receiving complaints. The Privacy Official, and/or his or her designee, will be responsible for investigating such complaints. Employees who are found to have used or disclosed PHI in violation of this HIPAA Privacy Policy will be subject to disciplinary action, up to and including termination from employment.

**Records Retention**

Personnel records and disclosures of PHI will be maintained for a period of six years as required by federal law unless a state law requires a longer retention period. Records that have been maintained for the maximum period will be destroyed in a manner to ensure that such data are not compromised in the future in accordance with the Road Commission’s record destruction policy.

**Non-Retaliation**

The Road Commission shall not intimidate, threaten, coerce, discriminate against, or take any other form of retaliatory action against any person who has reported a HIPAA violation.