ADAMHS	BOARD FOR MONTGOMERY COUNTY	<b>BP #</b> 506		
TITLE:	Complaint	SUBJECT: HIPAA		
Page 1 of 4		EFFECTIVE DATE 4/14/2003	SUPERSEDES DATE	

**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 Board to comply with the law and to guide Board staff in providing a process for a member/client to file a complaint if the client feels his or her privacy rights have been violated.

## POLICY

- 1. The Alcohol, Drug Addiction and Mental Health Services Board for Montgomery County shall provide a process for a client to file a complaint if the client feels his or her privacy rights have been violated. The client may also file a complaint concerning the Board's privacy policies and procedures, even without alleging a violation of rights.
- 2. The Alcohol, Drug Addiction and Mental Health Services Board for Montgomery County shall designate the Client Rights Officer or designee as being responsible for receiving complaints and shall establish a process for receiving, investigating and responding to member/client complaints. The Board also recognizes the member's/client's right to file a complaint with the federal Department of Health and Human Services, Office of Civil Rights. The Board shall cooperate with any federal investigation of the client's complaint.
- 3. Any intimidation of or retaliation against clients, families, friends, or other participants in the complaint process is prohibited. Employees who violate this policy are subject to disciplinary action, up to and including termination.
- 4. If the member's/client's rights have been violated, employees who violated those rights are subject to disciplinary action, up to and including termination. The Board shall mitigate, to the extent feasible, any known harmful effects of the violation.
- 5. Clients who request an outside agency to review their complaint may contact the Secretary of the federal Department of Health and Human Services at 200

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Independence Avenue, S.W.; Washington, DC 20201, or reach the Secretary by phone at (202) 690-7000.

## **DEFINITIONS**

- Health Insurance Portability and Accountability Act of 1996 (HIPAA). HIPAA is 1.1 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.
- 1.3 <u>Protected Health Information (PHI).</u> 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.).

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## **CLIENT COMPLAINT REPORT FORM**

Member/Client Name			Telephone Number:			
Address						
Person Reporting (if othe	er than client)					
Relationship to Member/Client			Telephone Number:			
Address:						
Date Received:		Time Received:		Received by:		
Report Received:	In Person		Telephone		Mail (please attach)	
Specifics of Report						
Summary of Investigation	n:					

## **RESPONSE FORM**

Respondent:		Date:		Time:	
Method of Response:	In Pers	son:	l elephone		Mail
Detail of Response (Attach if writter	)				