

Lee County
Self-Funded Insurance
Group Health Plan
Privacy Policies
and Procedures
for
Health Insurance
Portability and Accountability
Act of 1996
“HIPAA”

This notice describes how medical information about you may be used and disclosed and how you can get access to this information. Please review it carefully.

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INTRODUCTION

STATUTORY BACKGROUND

Congress recognized the importance of protecting the privacy and health information given the rapid evolution of health information systems in the Health and Insurance Portability and Accountability Act of 1996 (HIPAA). HIPAA's Administrative Simplification provisions of the statute were designed to improve the efficiency and effectiveness of the health care system by facilitating the electronic exchange of information with respect to certain financial and administrative transactions carried out by health plans, health care clearinghouses and health care providers who transmit information electronically in connection with such transactions. To implement these provisions the statute directed HHS to adopt uniform, national standards for transaction, unique health identifiers, code sets for the data elements of the transactions, security of health information and electronic signature.

At the same time, Congress recognized the challenges to the confidentiality of health information presented by the increasing complexity of the health care industry, and by advances in the health information systems technology and communications. Thus, the Administrative Simplification provisions of HIPAA authorized the Secretary to promulgate standards for the privacy of individually identifiable health information if Congress did not enact health care privacy legislation by August 21, 1999. HIPAA also required the Secretary of HHS to provide Congress with recommendations for legislating to protect the confidentiality of health care information. The Secretary submitted such recommendations to Congress on September 11, 1997, but Congress did not pass such legislation within its self-imposed deadline.

With respect to these regulations, HIPAA provided that the standards, implementation specifications, and requirements established by the Secretary not supersede any contrary State law that imposes more stringent privacy protections. Additionally, Congress required that HHS consult with the National Committee on Vital and Health Statistics, a Federal advisory committee established pursuant to section 306(k) of the Public Health Service Act (42 U.S.C. 242k(k)), and the Attorney General in the development of HIPAA privacy standards.

After the Department adopted a set of HIPAA Administrative Simplification standards, HIPAA provided HHS with authority to modify the standards as deemed appropriate, but not more frequently than once every 12 months. However, modifications are permitted during the first year after adoption of the standards if the changes are necessary to permit compliance with the standards. HIPAA also provides that compliance with modifications to standards or implementation specifications must be accomplished by a date designated by the Secretary, which may not be earlier than 180 days after the adoption of the modification.

The Privacy Rule establishes, for the first time, a foundation of Federal protections for the privacy of protected health information. The Rule does not replace Federal, State, or other law that grants individuals even greater privacy protections, and covered entities are free to retain or adopt more protective policies or practices.

PREEMPTION OF STATE LAW

The HIPAA privacy provisions govern the use and disclosure of an individual's personal health information, also known as "protected health information" (PHI). In the event state law or Lee County policy is more restrictive than the HIPAA privacy regulations, the more restrictive law or policy will apply.

**POLICY AND PROCEDURE:
Use and Disclosure of Individual
Protected Health Information**

"What Lee County Can Disclose"

POLICY

A copy of our current Notice of Privacy Practices will be posted at www.leecounty.org.

To preserve the confidentiality of protected health information (PHI), Lee County shall only disclose PHI for reasons identified and in the format developed in the Health Insurance Portability and Accountability Act of 1996. The Lee County shall only disclose PHI for the following reasons.

PERMITTED USES AND DISCLOSURES

Lee County is permitted to use and disclose (PHI):

- 1) To the individual §164.502(a);
- 2) For treatment, payment or health care operations §164.502(a);
- 3) Incident to a use or disclosure permitted or required by HIPAA privacy provisions §164.502(a);
- 4) Pursuant to and in compliance with a valid authorization §164.502(a)
- 5) When required by the Secretary to investigate and determine County compliance §164.502(a);
- 6) To a family member or individual identified by the individual §164.510(b);
- 7) For disaster relief purposes §164.510(b)(4);
- 8) For public health activities §164.512(b);
- 9) For disclosures about victims of abuse, neglect or domestic violence §164.512(c);
- 10) For disclosures for health oversight activities §164.512(d);
- 11) For disclosures for judicial and administrative proceedings §164.512(e);
- 12) For disclosures for law enforcement purposes §164.512(f);
- 13) About decedents §164.512(g);
- 14) For research purpose §164.512(i);
- 15) To avert a serious threat to health or safety §164.512(j);
- 16) For specialized government functions §164.512(k);
- 17) For workers compensation §164.512(l);
- 18) For a limited data set §164.514(e);
- 19) For fundraising §164.514(f); and
- 20) For underwriting and related purposes §164.514(g).

MINIMUM NECESSARY STANDARD §164.502(b) See Minimum Necessary Policy

When using or disclosing PHI or when requesting PHI from another covered entity, Lee County must make reasonable efforts to limit PHI to the minimum necessary to accomplish the intended purpose of the use, disclosure or request.

The minimum necessary standard does not apply to the following:

- 1) Disclosures to or requests by a health care provider for treatment;
- 2) Uses and disclosures made to the individual;
- 3) Uses or disclosures made pursuant to an authorization;
- 4) Disclosures made to the Secretary to determine County compliance, or

- 5) Uses or disclosures that are required by law, including, compliance with HIPAA privacy provisions.

PHI SUBJECT TO AND AGREED UPON RESTRICTION §164.502(c) See Request for Privacy Policy
 If Lee County agrees to a restriction pursuant to §164.522, Lee County may not use or disclose PHI in violation of that restriction.

DE-IDENTIFIED INFORMATION §§164.502(d) & 514

Lee County may use PHI to create information that is not identifiable health information or disclose PHI only to a business associate for such purpose. Lee County can disclose PHI in its “de-identified form,” as long as it can only be re-identified by Lee County. PHI is considered “de-identified” when the following items are eliminated:

Names	Electronic Mail Addresses
Address, City, County, Precinct	Social Security Numbers
Zip code (other than first three digits)	Medical Records Numbers
Dates (other than year)	Health Plan Beneficiary Numbers
Telephone Numbers	Account Numbers
Fax Numbers	Certificate/License Numbers
Vehicle Identifiers	Device Identifiers and Serial Numbers
Web Universal Resource Locators (URLs)	Internet Protocol Address Numbers
Biometric Identifiers	Photographic images
Other identifying number, characteristic or code	

Lee County may assign a code or other means of record identification to allow de-identified information to be re-identified by Lee County, provided that the code is not easily translated so as to identify the individual. In addition, Lee County cannot disclose the code or mechanism for re-identification.

PROCEDURE

- 1) Determine if Lee County is permitted to disclose the PHI.
- 2) Determine if the use or disclosure of the PHI meets the minimum necessary standard.
- 3) Determine if there are any restrictions on the use or disclosure of the PHI.
- 4) Determine if the PHI can be de-identified.

**POLICY AND PROCEDURE:
Use and Disclosure of Individual
Protected Health Information**

"How Lee County May Use and To Whom Lee County May Disclose"

POLICY

To ensure protected health information (PHI) is used and disclosed only to those individuals who are allowed access, Lee County will only disclose PHI in accordance to the Health Insurance Portability and Accountability Act of 1996. Lee County will disclose information only to those identified below.

REQUIRED TO DISCLOSURES §164.502(a)(2)

Lee County is required to disclose protected health information to:

- 1) The individual, when requested and
- 2) Secretary of Health and Human Services to determine County compliance.

DISCLOSURES TO BUSINESS ASSOCIATES §164.502(e) See Business Associate Policy

Lee County may disclose PHI to a Business Associate and may allow a Business Associate to create and receive PHI on its behalf, if Lee County obtains satisfactory assurance that the Business Associate will appropriately safeguard the information. These satisfactory assurances must be documented in the form of a Business Associate Agreement. This standard does not apply to disclosures:

- 1) By Lee County to a health care provider concerning treatment of the individual;
- 2) With respect to disclosures by a group health plan to a plan sponsor; or
- 3) With respect to uses and disclosures by Lee County (health plan), if the eligibility for, or enrollment in, the health plan is determined by an agency other than Lee County.

DECEASED INDIVIDUALS §164.502(f)&(g)

Lee County must comply with HIPAA privacy provisions with respect to PHI of deceased individuals.

PERSONAL REPRESENTATIVE'S ACCESS TO PHI §164.502(g)

Lee County must treat a personal representative as the individual for purposes of the HIPAA privacy provisions. A personal representative must have legal authority to act on behalf of an individual who is an adult or a minor child in making decisions related to health care. Lee County may elect not to treat a person as a personal representative of an individual if Lee County reasonably believes, in its professional judgment, that the individual has been or may be subjected to domestic violence, abuse or neglect by such person or if treating the person as a personal representative could endanger the individual.

In addition, Lee County must treat an executor or administrator of a deceased individual's estate as a personal representative with respect to relevant PHI.

USES AND DISCLOSURES TO FAMILY MEMBERS §164.510(b) See Opportunity to Object Policy

In the event of an emergency or an individual's incapacity, Lee County may disclose PHI to a family member, close friend or any other person identified by the individual if the PHI is relevant to such person's involvement with the individual's care or payment related to the individuals' health care. If the individual is present, Lee County must obtain the individual's agreement to release PHI to a family member or close friend.

MINIMUM NECESSARY FOR USES OF PHI §164.514(d)(2) See Workforce Designation

Lee County must identify those persons or classes of persons, as appropriate, in its workforce, who need access to PHI to carry out their duties. For each person or class of persons, Lee County must identify the category or categories of PHI to which access is needed and the conditions appropriate for such access. Lee County must make reasonable efforts to limit the access of each person or class of persons.

VERIFICATION §164.514(h) See Verification Policy

Lee County shall verify the identity of a person requesting PHI and the authority of such person to have access to PHI, if the identity or authority of the person is not known to Lee County. This can include oral or written verification.

PROCEDURE

- 1) Determine if the information to be used or disclosed is to an individual or entity that has a right to access the information.
- 2) Determine if there is any other policy that prohibits use or disclosure. (Verify that an agreement is in place or no objection has been made to the use or disclosure.)

POLICY AND PROCEDURE: Authorizations

POLICY

To ensure the integrity of individual protected health information (PHI), Lee County will only disclose information pursuant to an authorization unless otherwise directed by the Health Insurance Portability and Accountability Act of 1996. Lee County will follow the requirements as outlined below.

INVALID AUTHORIZATIONS §164.508(b)

An authorization will not be valid if it passes the expiration date; if it has not been filled out completely; if revoked or if any material information is known by Lee County to be false.

CONDITIONING AUTHORIZATIONS §164.508(b)(4)

Lee County may condition enrollment or eligibility for benefits on provision of an authorization requested by Lee County prior to the individual's enrollment:

- 1) If the authorization is sought for the health plan's eligibility or enrollment determinations relating to the individual; or
- 2) For its underwriting or risk rating determinations

REVOCACTION §164.508(b)(5)

An individual may revoke an authorization at any time, provided that the revocation is in writing, except, to the extent that:

- 1) Lee County has taken action in reliance on the authorization, or
- 2) The authorization was a condition of obtaining insurance coverage.

Lee County will document and retain any signed authorization for a period of six (6) years.

VALID AUTHORIZATIONS §164.508(c)

- 1) Specific and meaningful description of the information to be used or disclosed;
- 2) Name or other specific identification of the person(s) or class of persons, authorized to make the requested use or disclosure;
- 3) Name or other specific identification of the person(s), or class of persons, to whom Lee County may make the requested use or disclosure;
- 4) A description of each purpose of the requested use or disclosure. The statement "at the request of the individual" is a sufficient description of the purpose when an individual initiates the authorization and does not, or elects not to, provide a statement of the purpose;
- 5) An expiration date or expiration event that relates to the individual for the purpose of the use or disclosure;
- 6) Signature of the individual and date. If the individual's personal representative signs the authorization, a description of the representative's authority to act for the individual must be provided.

In addition to the above core elements, the authorization must also contain the following statements that adequately put the individual on notice:

- 1) The individual's right to revoke the authorization in writing;

- 2) The exceptions to the right to revoke or a reference to Lee County's privacy notice if the exceptions to revocation are listed in it;
- 3) The ability of Lee County to condition treatment, payment, enrollment and/or eligibility for benefits on the authorization by stating the consequences to the individual of a refusal to sign the authorization; and
- 4) The potential for information disclosed to be subject to re-disclosure by the recipient.

Further, the authorization will be written in plain language and a copy of the signed authorization will be given to the individual.

PROCEDURE

- 1) Determine if an authorization is required to disclose the PHI.
- 2) Review the purpose of the authorization with the individual.
- 3) Ask the individual to read, complete, sign and date the authorization.
- 4) Explain to the individual that the authorization can be revoked, in writing, at any time, the exceptions to revocation and the consequence of the revocation.
- 5) Explain to the individual that they have the right to not sign the authorization and the consequences of not signing the authorization.
- 6) Give a signed copy of the authorization to the individual.
- 7) Give the individual a copy of Lee County's Notice of Privacy Practices.
- 8) Place the completed authorization in the individual's designated record set.

**POLICY AND PROCEDURE:
Uses And Disclosures That Require
An Opportunity To Object**

POLICY

To ensure the confidentiality of individual protected health information (PHI), Lee County will only disclose information in certain situations only after the individual has had an opportunity to agree or object to the disclosure pursuant to the Health Insurance Portability and Accountability Act of 1996. Lee County will follow the requirements as outlined below.

INDIVIDUAL'S RIGHT TO AGREE OR OBJECT §164.510

Lee County may use or disclose PHI, provided that the individual is informed in advance of the use or disclosure and has the opportunity to agree to or prohibit or restrict the following uses or disclosures:

- 1) Lee County may disclose to a member of the individual's family, a relative, a close friend or any other person identified by the individual, the individual's PHI that directly relates to that person's involvement in the individual's health care.
- 2) Lee County may use or disclose PHI to notify or assist in notifying a family member, personal representative or any other person that is responsible for the individual's care of the individual's location, general condition or death.
- 3) If the individual is not present, or the opportunity to agree or object to the use or disclosure cannot practicably be provided because of the individual's incapacity or an emergency circumstance, Lee County may, in the exercise of professional judgment, determine whether the disclosure is in the best interest of the individual, if so, disclose only the PHI that is directly relevant to the person's involvement in the individual's care.
- 4) Lee County may use or disclose PHI to an authorized public or private entity authorized by law or by its charter to assist in disaster relief efforts and to coordinate with those entities uses and disclosures to family or other individuals involved in individual's health care.

FORM OF AGREEMENT OR OBJECTION

Lee County may orally inform the individual and receive oral agreement or objection to the use or disclosure.

PROCEDURE

- 1) Determine whether the use or disclosure requires an opportunity for the individual to agree or object.
- 2) Disclose only that PHI which is relevant to the person's role in the individual's healthcare.
- 3) Document the individual's oral agreement or objection in the individual's designated record set.

**POLICY AND PROCEDURE:
Uses And Disclosures That Do Not Require
Authorization Or Opportunity To Object**

POLICY

To ensure the confidentiality of individual protected health information (PHI), Lee County will only disclose information as required by the Health Insurance Portability and Accountability Act of 1996. Lee County will follow the requirements as outlined below. PHI pursuant to these provisions can be disclosed without an authorization or an opportunity to agree or object.

REQUIRED BY LAW §164.512(a)

Lee County may use or disclose PHI to the extent that the use or disclosure is required by law. Lee County will notify an individual, as required by law, of any such uses or disclosures.

PUBLIC HEALTH §164.512(b)

Lee County may disclose PHI for public health activities and purposes that may include:

- 1) Collecting and receiving information, by a public health authority, for the purpose of preventing or controlling disease, injury or disability;
- 2) Disclosures to a public health authority authorized to receive child abuse or neglect reports;
- 3) Activities related to the quality, safety or effectiveness of FDA-related products or activity;
- 4) Contacting individuals, if authorized by law, who may have been exposed to a communicable disease or may otherwise be at risk of contracting or spreading the disease; or

ABUSE OR NEGLECT §164.512(c)

Lee County may disclose PHI to a public health authority that is authorized by law to receive reports of child abuse or neglect. In addition, Lee County may disclose PHI, to the governmental entity or agency authorized to receive such information, if it believes an individual has been a victim of abuse, neglect or domestic violence. The disclosure will be made consistent with the requirements of federal and state laws. Lee County will notify the individual of the disclosure unless, in the exercise of professional judgment, Lee County believes informing the individual would place them at risk of serious harm.

HEALTH OVERSIGHT §164.512(d)

Lee County may disclose PHI to a health oversight agency for activities authorized by law, such as audits, investigations and inspections.

LEGAL PROCEEDINGS §164.512(e)

Lee County may disclose PHI in the course of any judicial or administrative proceeding, in response to an order of a court or administrative tribunal (to the extent such disclosure is expressly authorized), in certain conditions in response to a subpoena, discovery request or other lawful process.

LAW ENFORCEMENT §164.512(f)

Lee County may disclose PHI for law enforcement purposes, in the following situations:

- 1) If required by law (ex. reporting wounds or pursuant to a subpoena);
- 2) Limited information requests for identification and location purposes, to identify or locate a suspect, fugitive, material witness or missing person.
- 3) Pertaining to an actual or suspected victims of a crime;
- 4) Suspicion that death has occurred as a result of criminal conduct;
- 5) In the event that a crime occurs on county premises, and

- 6) Medical emergency if it is likely that a crime has occurred.
- 7) In response to a court, grand jury or administrative order, warrant or subpoena.

JUDICIAL AND ADMINISTRATIVE PROCEEDINGS

Lee County may disclose medical information about you in the course of any judicial or administrative proceedings in response to an order of the court or administrative tribunal. Lee County also may disclose medical information about you in response to a subpoena, discovery request, or other legal process but only if efforts have been made to tell you about the request or to obtain an order protecting the information to be disclosed.

USES AND DISCLOSURES ABOUT DECEDENTS §164.512(g)

1) *Coroners and Medical Examiners*

Lee County may disclose PHI to a coroner or medical examiner for identification purposes, determining cause of death or for the coroner or medical examiner to perform other duties authorized by law.

2) *Funeral Directors*

Lee County may disclose PHI to a funeral director, as authorized by law, in order to permit the funeral director to carry out their duties. Lee County may disclose PHI in reasonable anticipation of death.

RESEARCH §164.512(i)

Lee County may disclose PHI to researchers when their research has been approved by an Institutional Review Board or a Privacy Board that has reviewed the research proposal and established protocols to ensure the privacy of the PHI.

AVERTING SERIOUS THREAT TO HEALTH OR SAFETY §164.512(j)

Consistent with applicable federal and state laws, Lee County may disclose PHI, if in good faith, it believes that the use or disclosure is necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the public. Lee County may also disclose PHI if it is necessary for law enforcement authorities to identify or apprehend an individual.

SPECIALIZED GOVERNMENT FUNCTIONS §164.512(k)

1) *Military and Veterans Activities*

Lee County may disclose PHI of individuals who are Armed Forces personnel for activities deemed necessary by appropriate military command authorities. Lee County, as a component of the Department of Veterans Affairs, may disclose PHI for the purpose of determining eligibility for benefits. Lee County may disclose PHI of an individual who is foreign military personnel to foreign military authority.

2) *National Security and Intelligence Activities*

Lee County may disclose PHI to authorized federal officials for conducting national security, and intelligence and counter-intelligence activities authorized by law, including for the provision of protective services to the President of the United States, certain other federal officials, or others legally authorized.

3) *Correctional Institutions and Other Law Enforcement Custodial Situations*

Lee County may disclose to a correctional institution or law enforcement official PHI for the purposes of providing health care; for the purpose of health and safety of an individual, other inmates or correctional employees; for the purpose of law enforcement on the premises of the correctional institution or for the administration and maintenance of safety, security and other good order of the correctional institution.

4) *Government Entities Providing Public Benefits*

A County that is a health plan may disclose PHI relating to eligibility for enrollment in the health plan to another agency administering a government program providing public benefits if the sharing of eligibility or enrollment information among such agencies or the maintenance of such

information in a single combined data system accessible to all such agencies is required. In addition, a County that is a health plan may disclose PHI relating to the program to another covered entity that is a government program providing public benefits if the programs serve the same or similar populations and the disclosure of PHI is necessary to coordinate functions of the programs or improve administration and management.

WORKERS' COMPENSATION §164.512(l)

PHI may be disclosed by Lee County as authorized to comply with workers' compensation laws and other similar legally-established programs.

INMATES

Lee County may use or disclose PHI about an inmate of a correctional facility if the County created or received the PHI in the course of providing care to the inmate.

REQUIRED USES AND DISCLOSURES

Lee County must make disclosures to the individual to whom the PHI pertains when requested by the individual and when required by the Secretary of the Department of Health and Human Services to investigate or determine County compliance with the HIPAA privacy provisions.

PROCEDURE

- 1) Determine if the use or disclosure falls into one of the categories that do not require an authorization or an opportunity to agree or object.
- 2) Notify the individual of the use or disclosure.

**POLICY AND PROCEDURE:
Minimum Necessary Uses And Disclosures
Of Protected Health Information**

POLICY

To ensure the confidentiality of individual protected health information (PHI), Lee County will only disclose the minimum necessary to meet the purpose of the requested use or disclosure pursuant to the Health Insurance Portability and Accountability Act of 1996. Lee County will follow the requirements as outlined below.

MINIMUM NECESSARY STANDARD §164.502(b)

When using or disclosing PHI or when requesting PHI from another covered entity, Lee County must make reasonable efforts to limit PHI to the minimum necessary to accomplish the intended purpose of the use, disclosure or request.

The minimum necessary standard does not apply to the following:

- 1) Disclosures to or requests by a health care provider for treatment;
- 2) Uses and disclosures made to the individual;
- 3) Uses or disclosures made pursuant to an authorization;
- 4) Disclosures made to the Secretary to determine County compliance, or
- 5) Uses or disclosures that are required by law, including, compliance with HIPAA privacy provisions.

ROUTINE AND RECURRING DISCLOSURES §164.514(d)

For any type of disclosure that Lee County makes on a routine and recurring basis, Lee County must implement procedures to limit the PHI disclosed to the amount reasonably necessary to achieve the purpose of the disclosure.

OTHER DISCLOSURES

For all other disclosures, Lee County has developed criteria designated to limit the PHI disclosed to the amount reasonably necessary to achieve the purpose of the disclosure and review requests for disclosure on an individual basis. Lee County may rely, if such reliance is reasonable under the circumstances, on a requested disclosure as the minimum necessary for the stated purpose when:

- 1) Making disclosures to public officials pursuant to §164.512, if the public official represents that the requested information is the minimum necessary;
- 2) The information is requested by another covered entity;
- 3) The information is requested by a professional who is a member of the workforce or is a business associate of Lee County for purposes of providing professional services to Lee County, if the professional represents that the information requested is the minimum necessary for the stated purpose.
- 4) Documentation or representations comply with §164.512(l) for purposes of research.

REQUEST FOR PHI

Lee County must limit any request for PHI to that which is reasonably necessary to accomplish the purpose for which the request is made, when requesting such information from other covered entities. For information requested on a routine or recurring basis, Lee County must limit the amount reasonably necessary to achieve the purpose for which the request was made. For all other requests, Lee County must develop criteria designated to limit the PHI requested to the amount reasonably necessary to achieve the purpose of the request and review requests for disclosure on an individual basis.

OTHER CONTENT REQUIREMENTS

For all uses, disclosures and requests, Lee County may not use, disclose or request an entire medical record unless the entire medical record is specifically justified as the amount that is reasonably necessary to accomplish the purpose of the use, disclosure or request.

PROCEDURE

- 1) Each request for disclosure shall be evaluated on an individual basis.
- 2) Determine if the information meets the purpose of the request.
- 3) Determine the minimum necessary to meet the purpose of the request.

POLICY AND PROCEDURE: Verification

POLICY

To ensure the confidentiality of individual protected health information (PHI), Lee County will only disclose PHI after verifying the individual or the entity the PHI is disclosed to pursuant to the Health Insurance Portability and Accountability Act of 1996. Lee County will follow the requirements as outlined below.

REQUIREMENTS §164.514(h)

Lee County shall verify the identity of a person requesting PHI and the authority of such person to have access to PHI, if the identity or authority of the person is not known to Lee County. This can include oral or written verification.

If Lee County conditions disclosure on particular documentation for verification, Lee County may rely, if such reliance is reasonable under the circumstances, on documentation that, on its face, meet the requirements. Verification may be satisfied by, for example, an administrative subpoena or a written statement that demonstrates that the requirement has been satisfied. Documentation must be signed and dated.

PUBLIC OFFICIALS

Lee County may rely on any of the following to verify identity when the disclosure for PHI is requested by a public official:

- 1) If the request is made in person, presentation of an agency identification badge or other official credentials;
- 2) If the request is in writing, the request is on appropriate government letterhead or a written statement of legal authority if a written statement is impracticable. A written statement of legal authority can include a subpoena or warrant.
- 3) If the disclosure is to a person acting on behalf of a public official, a written statement on appropriate government letterhead that the person is acting under the government's authority.

PROCEDURE

- 1) Obtain written documentation of the verification.
- 2) If written documentation is not available, document the oral communication verifying the identity of the individual requesting the disclosure.
- 3) Documentation that Lee County knows the individual requesting the disclosure if no other verification is required.

POLICY AND PROCEDURE: Individual Privacy Rights

POLICY

Lee County acknowledges individual's right to privacy and to that end will ensure those rights pursuant to guidelines established by the Health Insurance Portability and Accountability Act of 1996. Lee County is required by law to maintain the privacy of medical information about you and to provide individuals with notice of our legal duties and privacy practices with respect to medical information. We are required to abide by the terms of our Notice of Privacy Practices in effect at the time. Lee County will provide the following rights to individuals with regard to their protected health information (PHI):

Right to Receive a County's Notice of Privacy Practices

Notice of privacy practices is a document that Lee County must provide that explains to individuals how Lee County routinely manages its confidential data. If Lee County uses or discloses information, other than for purposes of treatment, payment or operations, the notice of privacy practices must include how the information is being used or disclosed.

Right to Access and Copy Protected Health Information

Individuals can request access to and copy certain medical records containing PHI. Lee County and the individual may either come to an agreement on how this information is to be shared or a copy of the records can be mailed to the individual. There are certain circumstances under which access can be denied. Lee County is permitted to charge a reasonable fee for this service.

Right to Request Restriction of the Uses and Disclosures of Protected Health Information

An individual can request that Lee County not disclose PHI to others. Lee County can stipulate that this request be in writing. If, for example, Sara, who is an 18-year old dependent covered under her father's health coverage, seeks medical attention from a provider or facility, Sara has the right to request that any information related to that service not be disclosed to specific persons.

To request a restriction, you may do so at the time you complete your consent form or at any time after that time. If you request a restriction after that time, you should do so in writing and tell us:

- 1) What information you want to limit;
- 2) Whether you want to limit use or disclosure or both; and,
- 3) To whom you want the limits to apply (for example, disclosures to your spouse).

Lee County is not required to agree to any requested restriction. However, if we do agree, we will follow that restriction unless the information is needed to provide emergency treatment. Even if Lee County agrees to a restriction, either you or Lee County can later terminate the restriction.

Right to Receive Confidential Communications

This gives an individual the right to receive communications of PHI by alternate means or at alternate locations. For instance, in the previous example, if Sara still lives with her parents and does not want communications sent to her home, she may request that a health care provider send the communications to an alternate location. Lee County must also accommodate a request for confidential communications, if the request is reasonable and provided the individual clearly states that disclosure of all or part of the information could endanger the individual. Lee County may require that these requests be made in writing.

Right to Request Amendment and Correction of Protected Health Information

An individual has the right to request revisions or corrections to any part of the record that the individual believes to be incorrect. Lee County has a specific time limit to act upon this request, but is not always obligated to revise the records. There are several valid reasons allowed for denying such a request. One reason for denying the request is that the records were not created by Lee County.

Right to an Accounting of the Disclosures of Protected Health Information

If Lee County discloses PHI outside of what is considered treatment, payment and health care operations, an individual has the right to receive an accounting of those disclosures. Lee County is not required to provide this accounting if the disclosures were either made directly to the individual or were authorized by the individual, whose PHI was disclosed.

POLICY AND PROCEDURE: Right To Notice Of Lee County Privacy Practices

POLICY

Lee County acknowledges the individual's right to notice of Lee County's privacy practices regarding PHI and will inform individuals of Lee County's privacy practices pursuant to the Health Insurance Portability and Accountability Act of 1996. Lee County will follow the requirements as outlined below.

INDIVIDUAL'S RIGHT TO NOTICE §164.520 **See Right to Notice of Privacy Practices Form**

Lee County shall provide individuals with a notice of the uses and disclosures of PHI that may be made by Lee County and of the individual's rights and Lee County's legal duties with respect to PHI.

INMATES

An inmate does not have a right to notice.

NOTICE REQUIREMENTS

- 1) Written in plain language.
- 2) Header: "This Notice Describes How Medical Information About You May Be Used and Disclosed and How You Can Get Access to This Information. Please Review It Carefully."
- 3) A description, including at least one example, of the types of uses and disclosures that Lee County is permitted to make for treatment, payment and health care operations.
- 4) A description of each of the other purposes for which Lee County is permitted to use or disclose PHI without the individual's written authorization.
- 5) A statement that the other uses or disclosures will only be made with the individual's written authorization and that the individual may revoke such authorization.
- 6) If a use or disclosure is prohibited or materially limited by other applicable law, the description of the use or disclosure must reflect the more stringent law.
- 7) If Lee County contacts individuals to remind them of appointments or to provide them with other information, Lee County must describe that on the notice.
- 8) A statement of the individual's rights with respect to PHI and a brief description of how the individual may exercise these rights.
 - a) The right to request restrictions on certain uses and disclosures and that Lee County is not required to agree to a requested restriction.
 - b) The right to receive confidential communications of PHI.
 - c) The right to inspect and copy PHI.
 - d) The right to amend PHI.
 - e) The right to receive an accounting of PHI disclosures.
 - f) The right to obtain a paper copy of the notice from Lee County.
- 9) A statement that Lee County is required to maintain the privacy of PHI and to provide the individual with notice of its legal duties and privacy practices with respect to PHI.
- 10) A statement that Lee County is required to abide by terms of the notice currently in effect.
- 11) A statement that Lee County reserves the right to change the terms of its notice and to make the new notice provisions effective for all PHI that it maintains. The statement must also describe how it will provide individuals with the revised notice.
- 12) A statement that the individual may complain to Lee County and to the Secretary if they believe their privacy rights have been violated, a brief description of how the individual may file

a compliant and a statement that the individual will not be retaliated against for filing a complaint.

- 13) The name or title and telephone number of the person or office to contact for further information.
- 14) A date on which the notice is first in effect.

OPTIONAL ELEMENTS

If Lee County elects to limit the uses or disclosures that it is permitted to make, Lee County may describe its more limited uses or disclosures in its notice. Lee County, however, cannot limit the individual's rights under this notice.

REVISIONS TO THE NOTICE §164.520(b)(3)

Lee County must promptly revise and distribute its notice whenever there is a material change to the uses and disclosures, the individual's rights, Lee County's legal duties or other privacy practices.

OUR RIGHT TO CHANGE NOTICE OF PRIVACY PRACTICES

Lee County reserves the right to change our privacy practices and the terms of this notice at any time, provided such changes are permitted by applicable law. Lee County reserves the right to make the new notice's provisions effective for all medical information that we maintain, including that created or received by Lee County prior to the effective date of the new notice. In the event that Lee County does make such changes, a new notice of privacy practices will be made available by appropriate means.

PROVISIONS FOR HEALTH PLANS §164.520(c)

A health plan must provide notice no later than the compliance date for the health plan, to the individuals then covered by the plan, thereafter at the time of enrollment, to the individuals who are new enrollees and within 60 days of a material revision to the notice. In addition, the health plan must notify individuals covered at least every three years on the availability of the notice and how to obtain the notice.

METHODS FOR PROVIDING NOTICE §164.520(c)(3)

A County that maintains a website about its customer services or benefits must prominently post its notice on the website. Lee County can provide the notice via email if the individual agrees to electronic transmission. An individual who is a recipient of an electronic notice maintains the right to request and obtain a paper copy from Lee County

DOCUMENT RETENTION §164.520(c)(e) See Acknowledgement of Receipt and Good Faith Effort

Lee County must document compliance with the notice requirements by retaining copies of the notices issued by Lee County and any written acknowledgments of receipt or the good faith efforts to obtain the acknowledgment of receipt.

PROCEDURE

- 1) Given individual copy of Notice of Privacy rights.
- 2) Retain copy and place in individual's designated record set.

POLICY AND PROCEDURE: Accessing Protected Health Information

POLICY

Lee County acknowledges the individual's right to access confidential information about themselves. To this end Lee County will disclose PHI, to the individual, pursuant to the Health Insurance Portability and Accountability Act of 1996. Lee County will follow the requirements as outlined below.

RIGHT TO ACCESS §164.524(a) See Individual Request for Disclosure

Individuals have a right of access to inspect and obtain protected health information (PHI) about the individual in a designated record set, for as long as the information is maintained by Lee County, except for:

- 1) Psychotherapy notes;
- 2) Information compiled in reasonable anticipation of a legal proceeding; or
- 3) PHI maintained by Lee County that is subject to or exempted from the Clinical Laboratory Improvements Amendments of 1988 (CLIA).

UNREVIEWABLE GROUNDS FOR DENIAL §164.524(a)(2)

Lee County may deny an individual access to PHI, without providing the individual an opportunity for review, for the following reasons:

1. The information requested is psychotherapy notes;
2. The County that is a correctional institution or a covered health care provider acting under the direction of a correctional institution has determined that the requested information would jeopardize the health, safety, security, custody or rehabilitation of the individual or other inmates, or the safety of a correctional employee or other person responsible for transporting the individual;
3. The information requested was obtained under a promise of confidentiality from someone other than Lee County and the inspection or copying will likely reveal the source of the information;
4. The requested information was compiled in reasonable anticipation of, or for use in, a legal proceeding;
5. If the PHI is obtained by Lee County in the course of research that includes treatment of the research participants, while such research is in progress. For this exception to apply, the individual must have agreed to the denial of access in conjunction with the individual's consent to participate in the research and the covered provider must have informed the individual that the right of access will be reinstated upon completion of the research;
6. The PHI requested is also subject to the Privacy Act.

REQUEST FOR ACCESS AND TIMELY ACTION §164.524(b) See Notice of Decision

Lee County will permit an individual to request access to inspect or to obtain a copy of the PHI about the individual that is maintained in a designated record set, by Lee County. The request for access must be in writing.

Lee County must act on a request for access within 30 days of receiving the request if the information is maintained or accessible on-site. Lee County must act on a request for access within 60 days of receiving the request if the information is not maintained or accessible on-site. If Lee County is unable to act on a request within the applicable deadline, it may extend the deadline by no more than 30 days by providing the individual with a written statement of the reasons for the delay and the date by which Lee County will complete its action on the request. This written statement describing the extension

must be provided within the standard deadline. Lee County may only extend the deadline once per request for access. The requirements for Lee County to comply with or deny a request for access, in whole or in part, are described below:

PROVISION OF ACCESS §164.524 (c)

Lee County, upon accepting a request for access, will notify the individual of the decision and of any steps necessary to fulfill the request; to provide the information requested in the form or format requested, if readily producible in such form or format; and to facilitate the process of inspection and copying. If the same PHI is maintained in more than one designated record set or at more than one location, Lee County is required to produce the information only once per request for access.

Lee County must provide the information requested in the form or format requested if it is readily producible in such form or format. Additionally, if the information is not available in the form or format requested, Lee County must provide the information in a readable hard copy or another form or format to which the individual and Lee County can agree. If the Individual agrees, including agreeing to any associated fees, Lee County may provide access to a summary of information rather than all PHI in a designated record set.

Lee County must provide the access requested in a timely manner, including arranging for a mutually convenient time and place for the individual to inspect the PHI or obtain a copy. If the individual requests that Lee County mail a copy of the information, Lee County must do so, and may charge certain fees for copying and mailing.

If the individual requests a copy of PHI, Lee County may charge a reasonable, cost-based fee for the copying, including the labor and supply costs of copying. Lee County may not charge any fees for retrieving or handling the information or for processing the request. If the individual requests the information to be mailed, the fee may include the cost of postage. If the individual requests an explanation or summary of the information provided, and agrees in advance to any associated fees, Lee County may charge for preparing the explanation or summary.

DENIAL OF ACCESS §164.524(d) See Notice of Decision

If Lee County denies access, in whole or in part, Lee County must, to the extent possible, give the individual access to any other PHI requested after excluding the PHI to which the County has a ground to deny access. Lee County, upon denying a request for access in whole or in part, will provide the individual with a written statement in plain language of the basis for the denial; how the individual may exercise the right of review and how the individual could make a complaint to Lee County or the Secretary of Health and Human Services.

If Lee County denies the request because it does not maintain the requested information, and Lee County knows where the requested information is maintained, Lee County must inform the individual where to direct the request for access.

REVIEW OF DENIAL REQUESTED

If the individual requests a review of a denial made, Lee County must designate a licensed health care professional to act as the reviewing official. This reviewing official must not have been involved in the original decision to deny access. Lee County must promptly refer a request for review to the designated reviewing official. The reviewing official must determine, within a reasonable period of time, whether or not to deny the access requested. Lee County must promptly provide the individual with written notice of the reviewing official's decision and otherwise carry out the decision in accordance with the requirements of this section.

DOCUMENTATION

Lee County must retain documentation of the designated record sets that are subject to access by the individual and the titles of the person(s) or offices responsible for receiving and processing requests for access by individuals.

PROCEDURE

- 1) Provide the individual with a Request to Access Protected Health Information Form.
- 2) Inform the individual that Lee County will notify the individual of its decision.
- 3) Inform the individual of the grounds on which Lee County can deny access.
- 4) Send the individual written notice of acceptance or denial.
- 5) If request is accepted, allow individual to obtain requested information.
- 6) Place all denials or acceptances in the individual's designated record set.

POLICY AND PROCEDURES: Amending Protected Health Information

POLICY

To ensure the accuracy and integrity of individual protected health information (PHI), Lee County will amend PHI pursuant to the Health Insurance Portability and Accountability Act of 1996. Lee County will follow the requirements as outlined below.

RIGHT TO AMEND §164.526(a) **See Request to Amend Form**

An individual has the right to have Lee County amend PHI or a record about the individual in a designated record set for as long as the PHI is maintained in the designated record set.

DENIAL OF AMENDMENT

Lee County may deny an individual's request for amendment, if it determines that the PHI or record that is subject to the request:

- 1) Was not created by Lee County, unless the individual can provide a reasonable basis to believe that the originator of the PHI is no longer available to act on the requested amendment;
- 2) Is not available for inspection under §164.524, or
- 3) Is accurate and complete.

REQUEST FOR AMENDMENT AND TIMELY ACTION §164.526(b)

Lee County must permit an individual to request that Lee County amend the PHI maintained in the designated record set. Lee County may require the individual to make the request in writing and to provide a reason to support a requested amendment, provided that it informs the individual in advance of this requirement. Lee County must act on the individual's request for amendment within 60 days of receiving the request.

If Lee County is unable to act on the amendment within 60 days, Lee County may extend the time for such action by no more than 30 days provided Lee County notifies the individual in writing within the 60 day period and provides the reason for the delay and the date by which Lee County will complete the action. Lee County can only have one such extension.

ACCEPTING THE AMENDMENT

If Lee County grants the amendment, in part or whole, it must make the appropriate amendment to the PHI or record or provide a link to the location of the amendment. Lee County must also inform the individual that the amendment was accepted and have the individual identify and agree to have Lee County notify the relevant persons with which the amendment needs to be shared.

NOTIFYING OTHERS

Lee County must make reasonable efforts to inform and provide the amendment within a reasonable time to:

- 1) Persons identified by the individual as having received PHI about the individual and needing the amendment; and
- 2) Person(s) including business associates, that Lee County knows have the PHI that is subject to the amendment and that may have relied, or could foreseeably rely, on such information to the detriment of the individual.

DENYING THE AMENDMENT

If Lee County denies the requested amendment in part or whole, Lee County must provide the individual with a timely, written statement of:

- 1) The basis for the denial;
- 2) The individual's right to submit a written statement disagreeing with the denial and how the individual can file the denial;
- 3) If the individual does not file a written statement of disagreement, the individual has the right to request Lee County provide the individual's request for amendment and the denial with any future disclosures of PHI that is subject to the amendment; and
- 4) The description of how the individual may file a complaint to Lee County or to the Secretary. The description must include the name, or title, and telephone number of Lee County's HIPAA Contact.

STATEMENT OF DISAGREEMENT

Lee County must permit the individual to submit a written statement disagreeing with the denial of all or part of the requested amendment. Lee County may reasonably limit the length of the statement of disagreement.

REBUTTAL STATEMENT

Lee County may prepare a written rebuttal to the statement of disagreement. If Lee County rebuts the statement of disagreement, a copy must be provided to the individual.

RECORDKEEPING

Lee County must, as appropriate, identify the record or PHI that is subject to the disputed amendment and append or otherwise link the individual's request, the individual's statement of disagreement, Lee County's denial and Lee County's rebuttal, if any, to the designated record set.

FUTURE DISCLOSURES §164.526(d)(5)

If a statement of disagreement has been submitted by the individual, Lee County must include material appended or at the election of Lee County, an accurate summary of any such information, with any subsequent disclosure of the PHI to which the disagreement relates.

If the individual has not submitted a written statement of disagreement, Lee County must include the individual's request for amendment and its denial, or an accurate summary of such information, with any subsequent disclosure of the PHI, if the individual follows the appropriate procedures.

ACTIONS ON NOTICES OF AMENDMENT §164.526(e)

If Lee County is informed by another covered entity of an amendment to an individual's PHI, Lee County must amend the PHI in designated record sets.

DOCUMENTATION §164.526(f)

Lee County must document titles of the persons or offices responsible for receiving and processing requests for amendments.

PROCEDURE

- 1) Have the individual complete the Request for Amendment Form.
- 2) Explain to the individual that the information will be reviewed and a decision will be made on whether the correction is accepted or denied.
- 3) If the amendment is accepted the PHI or designated record set must be amended or appended with the requested amendment.

- 4) Lee County must notify others affected by the amendment, including business partners.
- 5) Explain the individual's right to write a statement of disagreement for any denials and Lee County's right to rebut the statement of disagreement.
- 6) Place the completed form in the individual's designated record set and give a copy to the individual.
- 7) Lee County will retain the correction/amendment form for a period of 6 years.
- 8) Explain to the individual that this information will accompany the designated record set anytime a request is made to release information.
- 9) If a statement of disagreement is filed pursuant to Lee County's denial, attach to the individual's designated record set.
- 10) If a rebuttal statement is provided by Lee County, attach to the individual's designated record set.

POLICY AND PROCEDURE:
Request For Privacy
"Alternate Means and Location"

POLICY

To ensure the confidentiality of individual protected health information (PHI), Lee County will disclose PHI to an alternate location or through an alternate means pursuant to the Health Insurance Portability and Accountability Act of 1996. Lee County will follow the requirements as outlined below.

REQUESTING RESTRICTION §164.522 See Request for Confidential Communications Form

Lee County must permit an individual to request that Lee County restrict: §164.522

- 1) Uses and disclosures of PHI about the individual to carry out treatment, payment or health care operations; and
- 2) Disclosures made to family members pursuant to §164.510.

Lee County is not required to agree to the restriction. If Lee County does agree to restrict PHI it must not use or disclose PHI in violation of such restriction, except if the restricted information is needed in an emergency situation. If restricted information is disclosed during an emergency situation, Lee County must request that the health care provider not further use or disclose the restricted information. Lee County may not agree to a restriction on disclosure of PHI if the HIPAA privacy provisions require the disclosure.

TERMINATING A RESTRICTION §164.522(a)(2)

Lee County may terminate its agreement to a restriction, if:

- 1) The individual agrees to or requests the termination in writing;
- 2) The individual orally agrees to the termination and the oral agreement is documented; or
- 3) Lee County informs the individual that it is terminating its agreement to a restriction, except that such termination is only effective with respect to PHI created or received after it has so informed the individual.

CONFIDENTIAL COMMUNICATIONS §164.522(b)

A County who is a health care provider must permit individuals to request and must accommodate reasonable requests by individuals to receive communications of PHI from the County by alternate means or at alternate locations. The County cannot require an explanation from the individual as to the basis for the request as a condition of providing communications on the confidential basis.

A County who is a health plan must permit individuals to request and must accommodate reasonable requests by individuals to receive communications of PHI by alternate means and at alternate locations, if the individual clearly states that the disclosure of all or part of that information could endanger the individual.

CONDITIONS ON PROVIDING CONFIDENTIAL COMMUNICATIONS

Lee County may require an individual to make a request for a confidential communication in writing.

Lee County may condition the provision of a reasonable accommodation on:

- 1) When appropriate, information on how payment, if any, will be handled; and
- 2) Specification of an alternate address or other method of contact.

PROCEDURE

- 1) Provide the individual with appropriate forms.
- 2) If reasonable, change communications to alternate means or location.
- 3) Retain documentation to be included in the individual's designated record set.

POLICY AND PROCEDURE: Accounting Of Disclosures

POLICY

Lee County acknowledges an individual's right to an accounting of disclosures made by Lee County. Lee County will provide this accounting pursuant to the Health Insurance Portability and Accountability Act of 1996. Lee County will follow the requirements as outlined below.

RIGHT TO AN ACCOUNTING OF PHI §164.528(a)(1)

An individual has the right to receive an accounting of disclosures of protected health information (PHI) made by Lee County in the 6 years prior to the date on which the accounting was requested, except for disclosures:

- 1) To carry out treatment, payment and health care operations;
- 2) To individuals of PHI about them;
- 3) Incident to a use or disclosure otherwise permitted;
- 4) Pursuant to an authorization;
- 5) For national security or intelligence purposes;
- 6) To correctional institutions or law enforcement officials;
- 7) As part of a limited data set; or
- 8) If it occurred prior to the compliance date of April 14, 2003.

Lee County must temporarily suspend an individual's right to receive an accounting of disclosures to a health oversight agency or law enforcement official, at the request of a health oversight agency or law enforcement official, if they provide a written statement that such accounting would be reasonably likely to impede the agency's action. In addition, they must also state a time for which the suspension is required. If the statement is given orally, Lee County must document the statement including the agency's or official's identity and the suspension cannot be longer than 30 days.

CONTENT OF THE ACCOUNTING §164.528(b)

Lee County must provide the individual with a written accounting that includes the disclosures of PHI, other than the exceptions listed above, that occurred during the past 6 years (or shorter period if requested by the individual) prior to the date of the request for accounting, including disclosures to or by business associates of Lee County. The accounting must include the following for each disclosure:

- 1) Date of the disclosure;
- 2) Name of the entity or person who received the PHI and, if known, the address of such entity or person;
- 3) Brief description of the PHI disclosed; and
- 4) Brief statement of the purpose of the disclosure that reasonably informs the individual of the basis for the disclosure or, in lieu of such statement, a copy of a written request for the disclosure.

If, during the period covered by the accounting, Lee County has made multiple disclosures of PHI to the same person or entity for a single purpose, the accounting may, with respect to such multiple disclosures, provide the information listed above for the first disclosure. In addition, Lee County shall provide the frequency, periodicity or number of disclosures made during the accounting period and the date of the last such disclosure during the accounting period.

PROVISION OF THE ACCOUNTING §164.528(c)

Lee County must act on the individual's request for an accounting, no later than 60 days after the request is made, as follows:

- 1) Provide the individual with an accounting;
- 2) If Lee County is unable to provide the accounting within the time required, Lee County can extend the time to provide the accounting by no more than 30 days if Lee County provides the individual with a written statement with the reason for the delay and the date by which Lee County shall provide the accounting. Lee County may only have one extension.

Lee County must provide the first accounting to an individual for any 12-month period without charge. Lee County may impose a reasonable, cost-based, fee for subsequent requests for an accounting by the same individual within the 12 month period, provided that Lee County informs the individual in advance of the fee and provides the individual with an opportunity to withdraw or modify the request.

DOCUMENTATION §164.528(d)

Lee County must document and retain the documentation, which includes the written accounting provided to the individual and the titles of the person or offices responsible for receiving and processing requests for an accounting.

PROCEDURE

- 1) Provide the individual with a Request for Accounting Form.
- 2) Provide the necessary disclosures to the individual.
- 3) Retain documentation to be included in the individual's designated record set.

POLICY AND PROCEDURES: Business Associate Agreements

POLICY

In order to conduct business and perform health care operations while at the same time ensuring confidentiality of protected health information (PHI), Lee County will enter into agreements or memorandums of understanding with all Business Associates as defined under the Health Insurance Portability and Accountability Act of 1996. Lee County will follow the standards and requirements outlined below.

Lee County will obtain assurances that the Business Associate will safeguard PHI that Lee County discloses to it or it receives or creates on behalf of Lee County. An agreement between Lee County and a Business Associate will establish the permitted uses and disclosures of PHI. However, the agreement will not allow the Business Associate to use or further disclose PHI in violation of the HIPAA privacy provisions, except that the Business Associate may use and disclose PHI for the following purposes: §164.504(e)

- 1) Management and administration of the business associate,
- 2) Legal responsibilities, or
- 3) Data aggregation services relating to the health care component of Lee County.

**If the Business Associate, pursuant to the law or the agreement, uses or disclose PHI it receives, the Business Associate must obtain reasonable assurances from the person(s) to whom the information is disclosed that it will be held confidentially and used or further disclosed only as required by law.*

The agreement between Lee County and the Business Associate will also provide that the Business Associate will:

- 1) Agree not to use or further disclose PHI other than as permitted or required by law;
- 2) Agree to use appropriate safeguards to prevent use or disclosure of the PHI;
- 3) Agree to mitigate, to the extent practicable, any harmful effect that is known to the Business Associate of an unlawful use or disclosure of PHI by the Business Associate;
- 4) Agree to report to Lee County any use or disclosure of the PHI not provided for by the agreement;
- 5) Agree to ensure that any agents, including a subcontractor, to whom it provides PHI received from, or created or received by the Business Associate on behalf of Lee County agrees to the same restrictions and conditions that apply to the Business Associate with respect to such information;
- 6) Agree to provide Lee County with access to PHI in a designated record set, in the time and manner designated by Lee County or, as directed by Lee County, to an individual; §164.524
- 7) Agree to make any amendment(s) to PHI in a designated record set at the request of Lee County or an individual, and in the time and manner designated by Lee County;
- 8) Agree to make internal practices, books and records relating to the use and disclosure of PHI received from Lee County available to Lee County or to the Secretary, in a time and manner designated by Lee County or the Secretary, for purposes of determining County compliance;
- 9) Agree to document such disclosures of PHI as would be required for Lee County to respond to a request by an individual for an accounting of disclosures of PHI; §164.528
- 10) Agree to provide to Lee County or an individual, in time and manner designated by Lee County, information required for an accounting of disclosures of PHI. §164.528

TERMINATION OF AN AGREEMENT

In addition, the Business Associate shall agree to the following:

- 1) At termination of the agreement, if feasible, return or destroy all PHI received from, or created or received by the Business Associate on behalf of Lee County that the Business Associate still maintains in any form and retain no copies of such information. If return or destruction is not feasible, the protections of the agreement shall be extended and further uses and disclosures limited.
- 2) Authorize termination of the agreement by Lee County, if Lee County determines that the Business Associate has violated a material term of the agreement.

OTHER ARRANGEMENTS

Lee County can enter into a Memorandum of Understanding, containing the preceding conditions, with the Business Associate, if both entities are governmental entities.

GROUP HEALTH PLANS

Lee County may disclose summary health information to a plan sponsor.

POLICY AND PROCEDURES: Workforce Confidentiality

POLICY

To ensure that personal health information (PHI) is protected, Lee County will educate and train all employees on the privacy provisions of the Health Insurance Portability and Accountability Act of 1996. Lee County will support and require the following items.

COUNTY PRINCIPLES

- 1) All Lee County employees and persons associated with Lee County are responsible for protecting the confidentiality of all PHI that is obtained, handled, learned, heard or viewed in the course of their work or association with Lee County.
- 2) PHI shall be protected during its collection, use, storage and destruction within Lee County.
- 3) Use or disclosure of personal health information is acceptable only in the discharge of one's responsibilities and duties and based on the need to know. Discussion regarding PHI should not take place in the presence of persons not entitled to such information or in public places.
- 4) The execution of an employee confidentiality agreement (**see Employee Confidentiality Agreement**) is required as a condition of employment/contract/association/ appointment with Lee County. All Lee County employees and persons associated with Lee County are to sign the confidentiality agreement at the commencement of their relationship with Lee County. Lee County employees are to sign a confidentiality pledge on an annual basis.
- 5) Unauthorized use of disclosure or confidential information will result in a disciplinary action, which may include termination of employment.
- 6) All individuals who become aware of a use or disclosure of PHI that violates the HIPAA privacy provisions are to follow Lee County's reporting procedures.

PROCEDURE

- 1) An allegation of a breach of confidentiality of PHI may be made to the Self-Funded Insurance/Group Health Plan HIPAA privacy officer of Lee County. Any individual receiving an allegation of a breach of confidentiality or having knowledge or a reasonable belief that a breach of confidentiality of PHI may have occurred should immediately notify the Lee County Self-Funded Insurance/Group Health Plan privacy officer.
- 2) The Lee County Self-Funded Insurance/Group Health Plan privacy officer will decide whether to proceed with an investigation. It may be decided that a complaint does not require investigation if:
 - a) The length of time that has elapsed since the date of complaint makes an investigation no longer practicable or desirable.
 - b) The subject matter of the complaint is trivial or not made in good faith or is frivolous.
 - a) The circumstances of the complaint do not require investigation.

- 3) If the decision is made to proceed with an investigation, it is the responsibility of the Lee County Self-Funded Insurance/Group Health Plan's privacy officer to investigate the allegation and consult appropriate resources to make a determination if a breach of confidentiality of PHI has been made.
- 4) If a breach of confidentiality of PHI has occurred, the appropriate disciplinary action will be taken.
- 5) All incidents of a breach of confidentiality of PHI will be documented and filed with the Lee County Self-Funded Insurance/Group Health Plan's privacy officer.

POLICY AND PROCEDURE: Compliance Violations

POLICY

Lee County believes that an effective system of communication is important in identifying compliance violations of the privacy standards adopted by Lee County to protect the health information (PHI). To encourage communication of compliance concerns by members of the workforce and other agents doing business with Lee County, Lee County has implemented a reporting system that permits the workforce and other agents to report concerns openly or anonymously, verbally or in writing, in accordance with established procedures.

Lee County will make every reasonable effort to protect the identity of a reporting employee, unless the employee permits Lee County to reveal their identity. No disciplinary action or retaliation will be taken against an employee who makes a good faith report of a compliance concern. Any individual who retaliates against an employee for reporting a compliance concern will be subject to disciplinary action.

PROCEDURE

REPORT OF CONCERN

A report of concern may be made by anyone having knowledge or information about a known or suspected violation of Lee County's privacy standards or the laws and regulations governing Lee County. Reports or complaints may be made verbally or in writing to the Lee County Self-Funded Insurance/Group Health Plan's privacy officer or to the United States Secretary of Health and Human Services. All reports, whether verbal or written, will be documented on the *Confidential Report of Concern*.

REPORTING SYSTEM

Reports of compliance concerns can be made in any one of the following ways:

- 1) Verbal report by a named individual, in person or by telephone, made to the Lee County Self-Funded Insurance/Group Health Plan's privacy officer.
- 2) Written report by a named individual, by use of the *Confidential Report of Concern*, submitted to the Lee County Self-Funded Insurance/Group Health Plan's privacy officer.
- 3) Anonymous telephone report by an unidentified individual made to the Lee County Self-Funded Insurance/Group Health Plan's privacy officer or to the organization's anonymous reporting system.
- 4) Anonymous written report by an unidentified individual submitted by mailing a completed *Confidential Report of Concern* to the Lee County Self-Funded Insurance/Group Health Plan's privacy officer at P. O. Box 190; Fort Madison, Iowa 52627.
- 5) To file a complaint with the United States Secretary of Health or Human Services, send your report or complaint to: Office for Civil Rights, U.S. Department of Health and Human Services, 200 Independence Avenue SW, Washington, D.C.

INVESTIGATION OF REPORTS

The Lee County Self-Funded Insurance/Group Health Plan's privacy officer will investigate each report of concern. The findings of an investigation prompted by a report of concern will be recorded on the *Compliance Report Investigation Form*.

POLICIES AND PROCEDURES: Administrative Requirements

POLICY

PERSONNEL DESIGNATIONS §164.530

Lee County has designated a privacy official who is responsible for the development and implementation of the policies and procedures of Lee County. In addition, Lee County must designate a contact person or office who is responsible for receiving complaints and who is able to provide further information about matters covered under notice.

DOCUMENTATION OF DESIGNATED PERSONNEL §164.530(2)

Lee County must document the personnel designation.

TRAINING §164.530(b)(1)(2)

Lee County must train all members of its workforce on the policies and procedures with respect to PHI, as necessary and appropriate for the members of the workforce to carry out their function within Lee County.

Lee County must provide training to each member of Lee County's workforce by no later than the compliance date for Lee County, thereafter, to each new employee within a reasonable period of time after the person joins Lee County's workforce. In addition, Lee County must train each employee whose functions are affected by a material change in the policies and procedures, within a reasonable time after the material change becomes effective. Lee County must document the training

SAFEGUARDS §164.530(c)(1)

Lee County must have in place appropriate administrative, technical and physical safeguards to protect the privacy of PHI. These safeguards must reasonably protect PHI from intentional and unintentional use and disclosure that is in violation of HIPAA. In addition, Lee County must reasonably safeguard PHI to limit incidental uses and disclosures.

COMPLAINTS TO THE COUNTY §164.530(d)

Lee County must provide a process for individuals to make complaints concerning Lee County's policies and procedures or other requirements under HIPAA. Lee County must document all complaints received and their disposition, if any.

SANCTIONS §164.530(e)

Lee County must have and apply appropriate sanctions against employees who fail to comply with the privacy policies and procedures of Lee County or the other requirements under HIPAA. Lee County must document all sanctions applied. Lee County must mitigate, to the extent practicable, any harmful effect known to Lee County of a use or disclosure of PHI in violation of its policies and procedures by Lee County or its business associates.

REFRAINING FROM RETALIATION §164.530(g)

Lee County cannot intimidate, threaten, coerce, discriminate against or take any other retaliatory action against:

- 1) Individuals who exercise any right under HIPAA including filing a complaint, or
- 2) Individuals who file a complaint with the Secretary or assist, testify or participate in an investigation, compliance review, proceeding or hearing.

- 3) Individuals who opposes any act or practice, in which the person has a good faith belief the act or practice, is unlawful, and the manner of the opposition is reasonable and does not involve a disclosure of PHI.

WAIVER OF RIGHTS §164.530(h)

Lee County may not require individuals to waive their right, including the right to file a complaint, as a condition of treatment, payment, enrollment in a health plan or eligibility of benefits.

POLICIES AND PROCEDURES §164.530(I)

Lee County must implement policies and procedures with respect to PHI that are designed to comply with HIPAA privacy provisions. The policies and procedures must be reasonably designated, taking into account the size and type of activities that relate to PHI undertaken by Lee County to ensure such compliance.

Lee County must change its policies and procedures as necessary and appropriate to comply with changes in the law.

DOCUMENTATION AND RETENTION PERIOD §164.530(j)(1)&(2)

Lee County must document and retain the following information for six years from the date of its creation or the date it was last in effect:

- 1) Policies and procedures
- 2) All writings required by the HIPAA privacy provisions
- 3) Any action, activity or designation required by any HIPAA provision.

COMPLIANCE DATE §164.534

April 14, 2003

WORKFORCE DESIGNATION

Lee County must identify: §164.514(d):

- 1) Those persons or classes of persons, as appropriate, in its workforce who need access to protected health information (PHI) to carry out their duties; and
- 2) For each such person or class of persons, the category or categories of protected health information to which access is needed and any conditions appropriate to such access.

The following designations have been made:

Position/Job Title	PHI Access Required for Job Functions? Yes/No	Category or Categories of PHI to be accessed	Method of access to PHI
Lee County Auditor	Yes	All categories.	Verbal/written/electronic
Budget Director	Yes	All categories.	Verbal/written/electronic
Payroll/Benefits Clerk	Yes	All categories needed for payroll/benefits and payment of related claims.	Verbal/written/electronic
Accounts Payable Clerk	Yes	All categories needed for claims processing and payment of claims.	Verbal/written/electronic
Person designated to review and mail payments.	Yes	All categories needed for reviewing payment of claims.	Verbal/written/electronic
Person designated to process dental and visual benefits	Yes	All categories needed for dental/visual benefits.	Verbal/written/electronic
Deputy Auditors	Yes	All categories when deemed necessary.	Verbal/written/electronic

Lee County must make reasonable efforts to limit the access of such persons or class of persons identified in this designation.

HYBRID ENTITY DESIGNATION

Lee County has been designated as a Hybrid Entity. The following county departments and offices have been designated as healthcare components of Lee County and thus are subject to the HIPAA privacy provisions:

- Auditor's Office
- Health Department
- Central Point of Coordination Office/General Relief
- Self-Funded Insurance Group Health Plan

The following county departments and offices have not been designated as healthcare components of Lee County and thus are not subject to the HIPAA privacy provisions:

- Board of Supervisor's Office
- Treasurer's Office
- County Attorney
- Sheriff's Office
- Recorder's Office
- Assessor's Office
- Information Technology
- Secondary Roads Department
- Veteran's Affairs
- Conservation Office
- Empowerment
- Emergency Management Office

Lee County must ensure that if a member of its workforce performs duties for both a healthcare component and another office or department, that person may not use or disclose PHI created or received in the course of or incident to the member's work for the healthcare component.

COUNTY REQUEST FOR PHI §164.514(d)(3)

Lee County shall only request PHI that is reasonably necessary to accomplish the purpose for which the request is made, when requesting PHI from other covered entities.

If you have any questions or want more information concerning this Notice of Privacy Practices, please contact:

Lee County Self Funded Insurance/Group Health Plan
Lee County Board of Supervisors Office
Attn: Designated Benefits Coordinator
933 Avenue H
P. O. Box 488
Fort Madison, Iowa 52627-0488

Phone: 319/372-6557
Toll Free Phone: 1-866-577-6342
Fax: 319/372-8200

Lee County contracts with a third party administrator to administer our Self-Funded Insurance Group Health Plan. Carefully review the attached Privacy Practices Notice of the third party administrator.