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## HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT PRIVACY POLICY

The Chariho Regional School District, by vote of its Regional School Committee, will comply with the Privacy Regulations of the Health Insurance Portability and Accountability Act of 1996. The School District shall limit the use of and access to Protected Health Information, which is held by the School District or its lawful agents. Protected Health Information (PHI) is any written, oral or electronic form of information, relating to a person's past, present or future health condition, delivery or payment of health services that identifies an individual or where there is a reasonable basis to believe the information could be used to identify an individual. Administrative, technical and physical safeguards, established to limit use and access to protected health information are stated as an integral part of this policy, established as part of daily operating procedures and will be maintained by all responsible staff and representatives of lawful agents and business associates of the Chariho Regional School District.

To assure this commitment to compliance, the Regional School Committee shall designate a Privacy Officer who shall have the responsibility:

- to keep the Regional School Committee informed of all changes, updates, requirements, responsibilities, claims, etc. concerning the HIPAA privacy regulations,
- to maintain documentation of the School District's efforts to comply with HIPAA privacy regulations,
- to ensure that plan subscribers are sent privacy notices and new enrollees receive said notices,**
- to track any protected health information disclosures,
- to process authorizations for disclosure and use of protected health information,
- to resolve complaints from participants about possible privacy violations,
- to serve as the School District's liaison with the group health insurance program third party administrator, relevant business associates and health insurance carriers, communicating the School District's commitment and securing the commitment of these entities to the privacy and security of protected health information,
- to maintain all required authorizations, agreements, etc. relative to the protected health information of group health insurance program participants, and
- to monitor the School District's compliance with HIPAA privacy regulations on a regular basis.

The Privacy Officer will receive the total support of the Regional School Committee and senior management. The Privacy Officer of the Chariho Regional School District is covered under the School District's liability insurance in the legal performance of his/her duties and has access to the School District's legal counsel in the same regard.

In accordance with HIPAA, only the Chariho Regional School District, Privacy Officer (or designated other staff) may be given access to protected health information in order to legally perform the position duties and administer the School District's group health and dental insurance programs.

The Chariho School District communicates its commitment to HIPAA Privacy Regulations through:

- adoption of this policy by the Regional School Committee,
- distribution of this policy to and training of all department heads concerning the definition, security and authorization of protected health information,
- distribution of the privacy notices to all subscribers in the self-insured group health insurance plans,**
- posting of this policy on the Chariho Regional School District's Website, and
- including the privacy notice in the new employee benefits package.**

As an employer, the Chariho Regional School District may use protected health information in its possession without specific authorization from the employee for treatment, payment, quality assessment, medical review and auditing, studies to improve the group's health care quality or reduce health care costs, compiling civil/criminal proceedings, and any other use required by law for public health, communicable disease, abuse or neglect, or food and drug administration purposes. Information which is normally maintained in the employment record which is not classified as protected health information includes all forms, responses, inquiries and data relative to the family medical leave act, drug screenings, fitness for duty, workers compensation, disability, life insurance, the occupational safety and health act and sick leave.

Protected health information may be released for other purposes by the authorization of the employee submitting the established form in person to the Privacy Officer. The use and/or disclosure of protected health information is limited to the specific information for the specific purpose to and from the specific individual and/or entity for a specific time period as delineated in the authorization form. Group health insurance program participants are allowed to review their protected health information that is held by the School District and to make corrections to errors. Upon request, a participant will be provided with an accounting of disclosures of protected health information.

The Chariho Regional School District separates protected health information from the employment record and retains such information in a locked file accessible only to the Privacy Officer and under special circumstances, other School District Officials that have a bona fide need to know to accomplish legal School District business. All entities which could receive protected health information (ambulance billing company, fully insured plan providers, legal counsel, actuaries and consultants) must enter into a business associate agreement with the Chariho Regional School District in which both parties commit to compliance with the HIPAA Privacy Regulations and providing satisfactory assurances that the business associate will appropriately safeguard the protected health information.

Participants that believe they have been aggrieved by the use or disclosure of protected health information may file a written grievance with the Privacy Officer within sixty (60) calendar days of the use or disclosure of the protected health information or within fifteen (15) calendar days of their knowledge of said use or disclosure. The grievance must delineate the specifics of the complaint, including but not limited to:

1. what unauthorized protected health information was released
2. who received the protected health information and/or is knowledgeable of the protected health information
3. when was the protected health information released and/or when did the complainant become aware of the unauthorized knowledge of the protected health information
4. what was the result of the release of the unauthorized protected health information

The Privacy Officer will meet with the complainant as soon as possible after the receipt of the grievance. During this meeting the Privacy Officer will discuss the issue brought forward with the complainant. The Privacy Officer will investigate the allegations of the complaint with the full support and assistance of School Administration and if necessary legal counsel. The Privacy Officer will provide a written report of his/her findings and recommended action, if warranted, to the School Superintendent and the complainant within thirty (30) calendar days from the date of the meeting with the complainant. If for some reason the Privacy Officer is unable to conduct this meeting and/or investigation the Superintendent shall appoint a Senior Manager to perform these duties. Complainants may also contact the Federal Offices of the Department of Health and Human Services for assistance.

Adopted 11-18-03