Kings Community Action Organization
Administrative policy

AP 3120
Human Resources: HIPAA Privacy Policy

HIPAA Privacy Policy

Kings Community Action Organization (KCAO) is committed to complying with the Health Insurance Portability and Accountability Act (HIPAA). Although KCAO is not directly regulated by the HIPAA regulations, the group Health Plan it sponsors is. The Health Plan administrator for the group Health Plan is responsible for ensuring the plan’s compliance with the regulations. KCAO’s designated Privacy Officer is the HR Director.

Use and Disclosure of Health Information:

The KCAO Health Plan may use employee health information (information that constitutes protected health information as defined in HIPAA) for purposes of making or obtaining payment for employee care and conducting health care operations. The Health Plan has established a policy to guard against unnecessary disclosure of employee health information.

The following is a summary of the circumstances under which and purposes for which employee health information may be used and disclosed:

To Make or Obtain Payment:

The Health Plan may use or disclose employee health information to make payment to or collect payment from third parties, such as other health plans or providers, for the care employees receive. For example, the Health Plan may provide information regarding employee coverage or health care treatment to other health plans to coordinate payment of benefits.

To Conduct Health Care Operations:

The Health Plan may use or disclose health information for its own operations to facilitate the administration of the Health Plan and as necessary to provide coverage and services to all of the Health Plan's participants. Health care operations include such activities as:

- Quality assessment and improvement activities.
- Activities designed to improve health or reduce health care costs.
- Clinical guideline and protocol development, case management and care coordination.
- Contacting health care providers and participants with information about treatment alternatives and other related functions.
• Health care professional competence or qualifications review and performance evaluation.
• Accreditation, certification, licensing or credentialing activities.
• Underwriting, premium rating or related functions to create, renew or replace health insurance or health benefits.
• Review and auditing, including compliance reviews, medical reviews, legal services and compliance programs.
• Business planning and development including cost management and planning related analyses and formulary development.
• Business management and general administrative activities of the Health Plan, including customer service and resolution of internal grievances.

For example, the Health Plan may use employee health information to conduct case management, quality improvement and utilization review, and provider credentialing activities or to engage in customer service and grievance resolution activities.

**For Treatment Alternatives:**

The Health Plan may use and disclose employee health information to tell employees about or recommend possible treatment options or alternatives that may be of interest to them.

**For Distribution of Health-Related Benefits and Services:**

The Health Plan may use or disclose employee health information to provide information on health-related benefits and services that may be of interest to employees.

**To Individuals Involved in Employee Care or Payment for Care:**

The Health Plan may release medical information about an employee to a friend or family member who is involved in the employee’s medical care. The Health Plan may also give information to someone who helps pay for the employee’s care. In addition, the Health Plan may disclose medical information about the employee to an entity assisting in a disaster relief effort so that the employee’s family can be notified about their condition, status, and location.

**For Disclosure to the Plan Sponsor:**

The Health Plan may disclose employee health information to the plan sponsor for plan administration functions performed by the plan sponsor on behalf of the Health Plan. In addition, the Health Plan may provide summary health information to the plan sponsor so that the plan sponsor may solicit premium bids from health insurers or modify, amend or terminate the plan. The Health Plan may also disclose to the plan sponsor information on whether an employee is participating in the Health Plan.
When Legally Required:

The Health Plan will disclose employee health information when it is required to do so by any federal, state or local law.

To Conduct Health Oversight Activities:

The Health Plan may disclose employee health information to a health oversight agency for authorized activities including audits, civil administrative or criminal investigations, inspections, licensure or disciplinary action. The Health Plan, however, may not disclose employee health information if the employee is the subject of an investigation and the investigation does not arise out of or is not directly related to the employee’s receipt of health care or public benefits.

In Connection With Judicial and Administrative Proceedings:

As permitted or required by state law, the Health Plan may disclose employee health information in the course of any judicial or administrative proceeding in response to an order of a court or administrative tribunal as expressly authorized by such order or in response to a subpoena, discovery request or other lawful process, but only when the Health Plan makes reasonable efforts to either notify the employee about the request or to obtain an order protecting employee health information.

For Law Enforcement Purposes:

As permitted or required by state law, the Health Plan may disclose employee health information to a law enforcement official for certain law enforcement purposes, including, but not limited to, if the Health Plan has a suspicion that an employee’s death was the result of criminal conduct or in an emergency to report a crime.

In the Event of a Serious Threat to Health or Safety:

The Health Plan may, consistent with applicable law and ethical standards of conduct, disclose employee health information if the Health Plan, in good faith, believes that such disclosure is necessary to prevent or lessen a serious and imminent threat to employee health or safety or to the health and safety of the public.

For Specified Government Functions:

In certain circumstances, federal regulations require the Health Plan to use or disclose employee health information to facilitate specified government functions related to the military and veterans, national security and intelligence activities, protective services for the president and others, and correctional institutions and inmates.
For Workers' Compensation:

The Health Plan may release employee health information to the extent necessary to comply with laws related to workers' compensation or similar programs.

Authorization to Use or Disclose Health Information:

Other than as stated above, the Health Plan will not disclose employee health information other than with written authorization by the employee. If an employee authorizes the Health Plan to use or disclose health information, they may revoke that authorization in writing at any time.

Employee Rights With Respect to Their Health Information:

Employees have the following rights regarding their health information that the Health Plan maintains:

1. **Right to Request Restrictions**: Employees may request restrictions on certain uses and disclosures of their health information. Employees have the right to request a limit on the Health Plan’s disclosure of their health information to someone involved in the payment of the employee’s care. However, the Health Plan is not required to agree to the employee’s request. If an employee wishes to make a request for restrictions, they must do so in writing to the Privacy Officer.

2. **Right to Receive Confidential Communications**: Employees have the right to request that the Health Plan communicate with them in a certain way if they feel the disclosure of their health information could endanger them. For example, employees may ask that the Health Plan only communicate at a certain telephone number or by email. If an employee wishes to receive confidential communications, they must make their request in writing to the Privacy Officer. The Health Plan will attempt to honor an employee’s reasonable request for confidential communications.

3. **Right to Inspect and Copy Health Information**: Employees have the right to inspect and copy their health information. A request to inspect and copy records containing their health information must be made in writing to the Privacy Officer. If an employee requests a copy of their health information, the Health Plan may charge a reasonable fee for copying, assembling costs and postage, if applicable.

4. **Right to Amend Health Information**: If an employee believes that their health information records are inaccurate or incomplete, they may request that the Health Plan amend the records. That request may be made as long as the information is maintained by the Health Plan. A request for an amendment of records must be made in writing to the Privacy Officer. The Health Plan may deny the request if it does not include a reason to support the amendment. The request also may be denied if the employee’s health information records were not created by the Health Plan, if the
health information requested to be amended is not part of the Health Plan's records, if the health information the employee wishes to amend falls within an exception to the health information an employee is permitted to inspect and copy, or if the Health Plan determines the records containing the health information are accurate and complete.

5. **Right to an Accounting:** Employees have the right to request a list of certain disclosures of their health information that the Health Plan is required to keep a record of under the Privacy Rule, such as disclosures for public purposes authorized by law or disclosures that are not in accordance with the Plan's privacy policies and applicable law. The request must be made in writing to the Privacy Officer. The request should specify the time period for which the employee is requesting the information. Accounting requests may not be made for periods of time going back more than six (6) years. The Health Plan will provide the first accounting requested during any 12-month period without charge. Subsequent accounting requests may be subject to a reasonable cost-based fee. The Health Plan will inform the employee in advance of the fee, if applicable.

6. **Right to a Paper Copy of this Notice:** Employees have a right to request and receive a paper copy of this Policy at any time, even if they have received this Policy previously or agreed to receive the Policy electronically. To obtain a paper copy, the employee should contact Human Resources.

Adopted by Board of Directors: August 20, 2011