



# HIPPA Privacy Rule Policies

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| <b>Policies and Procedures</b>  | Policy # 6         |  |
| <b>NO RETALIATION OR WAIVER</b> |                    |  |
| APPROVED BY:                    | ADOPTED:           |  |
|                                 | REVISED: 07122017  |  |
| SUPERCEDES POLICY: NEW          | REVIEWED: 07122017 |  |

## Purpose

To describe LifeMed ID’s policy not to intimidate or otherwise retaliate against individuals who exercise their privacy rights and not to require individuals to waive such rights as a condition of receiving Treatment, Payment, enrollment in a Health Plan, or eligibility for benefits offered by a customer or a customer’s client in accordance with state and federal privacy laws, HIPAA Regulations and LifeMed ID’s contracts with its customers.

## Policy

It is the policy of LifeMed ID to encourage, rather than to retaliate against, persons who exercise their privacy rights.

All workforce members must comply with this policy. Violations of this policy will result in disciplinary action based on the seriousness of the offense or other factors. Disciplinary action may include written warning, suspension, or termination.

## Definitions

“Customer” is an entity from which LifeMed ID receives PHI subject to a Business Associate Agreement (or other written agreement with the entity) in compliance with the HIPAA Regulations and approved by LifeMed ID’s legal counsel.

For definitions of other capitalized terms or phrases, please refer to: *HIPAA-HITECH Privacy and Security Glossary*.

## Procedures

1. No Threats, Intimidation, or Retaliation. Individuals and LifeMed ID’s workforce members will not be intimidated or discouraged from exercising their privacy rights. Furthermore, LifeMed ID will not retaliate against any individual or LifeMed ID workforce member who:
  - a. Files a complaint with the Secretary of the Department of Health and Human Services,
  - b. Testifies, assists, or participates in an investigation or compliance review of LifeMed ID’s Privacy Policies and Procedures, or





- c. Opposes any act or practice that the person believes in good faith violates the HIPAA Regulations provided that the opposition does not involve a disclosure of Protected Health Information (PHI) in violation of HIPAA Regulations.
2. No Waiver of Rights. Under no circumstances will LifeMed ID require an individual, including any LifeMed ID workforce member, to waive his or her privacy rights as a condition for receiving Treatment, Payment, enrollment in a Health Plan, or eligibility for benefits offered by a customer or a customer's client.
3. Reporting of Violations. Any LifeMed ID workforce member who witnesses or is the subject of intimidation, discouragement, threats or retaliation for exercising privacy rights, or who is asked to waive privacy rights as a condition for receiving Treatment, Payment, enrollment in a Health Plan, or eligibility for benefits offered by a customer or a customer's client, will immediately notify LifeMed ID's Privacy Officer who is responsible for investigating violations of this Policy.
4. Cooperation with customer. LifeMed ID will cooperate with its customer's policies and procedures provided that those policies and procedures are not in violation of state or federal privacy laws or HIPAA Regulations.

## Documentation

This version of the policy, together with any forms and other documentation created or obtained in accordance with the policy, will be retained by LifeMed ID for a period of at least 6 years plus the current year from the date of creation or the date when last in effect, whichever is later.



## Regulatory Authority

### 45 C.F.R. §164.530 Administrative requirements.

**(g) Standard:** *Refraining from intimidating or retaliatory acts. A covered entity—*

*(1) May not intimidate, threaten, coerce, discriminate against, or take other retaliatory action against any individual for the exercise by the individual of any right established, or for participation in any process provided for, by this subpart or subpart D of this part, including the filing of a complaint under this section; and*

*(2) Must refrain from intimidation and retaliation as provided in §160.316 of this subchapter.*

**(h) Standard:** *Waiver of rights. A covered entity may not require individuals to waive their rights under §160.306 of this subchapter, this subpart, or subpart D of this part, as a condition of the provision of treatment, payment, enrollment in a health plan, or eligibility for benefits.*



## References

### External

1. Omnibus Final Rule: <http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=a1031c979126e6440b522063b7bba578&rtn=div5&view=text&node=45:1.0.1.3.78&idno=45%20>