



HIPPA Privacy Rule Policies

Policies and Procedures REPORTING AND RESPONDING TO PRIVACY COMPLAINTS	Policy # 29	
APPROVED BY:	ADOPTED:	
	REVISED: 07122017	
SUPERCEDES POLICY: NEW	REVIEWED: 07122017	

Purpose

To describe the circumstances under which LifeMed ID accepts and responds to concerns or complaints by individuals, customers or other persons regarding LifeMed ID’s Privacy Policies or Procedures or privacy practices 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 allow individuals, customers or other persons to express concerns and complaints regarding LifeMed ID’s Privacy Policies or Procedures or privacy practices and to respond to such concerns and complaints in a timely and appropriate manner.

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. Accepting Complaints. Individuals who express concerns or complain about LifeMed ID’s Privacy Policies or Procedures or privacy practices will be assured that LifeMed ID takes their concerns very seriously and intends to deal with the issue promptly and appropriately.
 - a. If the individual wishes to file a complaint regarding LifeMed ID’s Privacy Policies or Procedures or privacy practices, the LifeMed ID workforce member who receives the complaint will access, complete and submit the privacy complaint form provided by the Episona Inc. Privacy Officer.





- b. Individuals with concerns or complaints regarding LifeMed ID's Privacy Policies or Procedures or privacy practices will have the right to speak directly with the Privacy Office.
 - c. The individual is entitled to complain directly to the Secretary of DHHS and will be provided, upon request, the address and telephone number of the official or agency designated by DHHS to receive such complaints.
2. Investigation. The Privacy Officer or designee will promptly investigate any privacy related complaint in a manner consistent with procedures outlined in *Privacy Policy #28: Reporting Impermissible Uses and Disclosures, Violations, Mitigation and Sanctions*.
3. Resolving the Privacy Related Complaint. If the complaint is justified, LifeMed ID will take prompt action to ensure that similar problems do not arise in the future.
 - a. Appropriate responses may range from changing certain practices, policies and procedures, providing additional workforce training, or taking necessary disciplinary action.
 - b. If the investigation of the complaint results in a determination that PHI has been improperly disclosed or that the customer contract otherwise requires a report to the customer, the Privacy Office will coordinate the response in a manner consistent with *Privacy Policy #28: Reporting Impermissible Uses and Disclosures, Violations, Mitigation and Sanctions*.
4. Notice to Individual Who Complained and/or the Customer. Once the matter is resolved, LifeMed ID's Privacy Office, in consultation with legal counsel, may respond to the individual who submitted the complaint and/or to the customer, as appropriate.
5. Cooperation with Customers. To the extent required by the customer, LifeMed ID will cooperate with any customer grievance policy and procedure applicable to an individual's complaint. LifeMed ID's Privacy Officer will assure the customer that LifeMed ID takes their concerns very seriously and intends to deal with the issue promptly and appropriately.

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

Although there is no explicit requirement for a business associate to have a policy and procedure for processing complaints, it should be noted that one of the top reasons that people report a privacy complaint directly to the Secretary of HHS is that they have already complained to the entity, with an unsatisfactory result.

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

- (a) **(1) Standard:** *Personnel designations.*
- (i) *A covered entity must designate a privacy official who is responsible for the development and implementation of the policies and procedures of the entity.*
 - (ii) *A covered entity must designate a contact person or office who is responsible for receiving complaints under this section and who is able to provide further information about matters covered by the notice required by §164.520.*
- (2) Implementation specification:** *Personnel designations. A covered entity must document the personnel designations in paragraph (a)(1) of this section as required by paragraph (j) of this section.*
- (d) **(1) Standard:** *Complaints to the covered entity. A covered entity must provide a process for individuals to make complaints concerning the covered entity's policies and procedures required by this subpart and subpart D of this part or its compliance with such policies and procedures or the requirements of this subpart or subpart D of this part.*
- (2) Implementation specification:** *Documentation of complaints. As required by paragraph (j) of this section, a covered entity must document all complaints received, and their disposition, if any.*



References

Internal

1. Privacy Policy #28, Reporting Impermissible Uses and Disclosures, Violations Mitigations and Sanctions

External

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