

FAIRVIEW SCHOOL DISTRICT

SECTION: OPERATIONS

TITLE: HEALTH INSURANCE
PORTABILITY AND
ACCOUNTABILITY ACT

ADOPTED: April 28, 2003

REVISED:

<p>1. Purpose P.L. 104-191 45 CFR 164</p> <p>2. Delegation of Responsibility</p>	<p>826. HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT</p> <p>The purpose of the Policy Statement is to bring Fairview School District (the “district”) into compliance with the Health Insurance Portability and Accountability Act of 1996, and its regulations found at 45 C.F.R., Part 164. As of the date of the passage of this Policy Statement, the regulation has not yet gone into effect, and there are substantial questions as to whether, and to what extent, the regulation might apply to the actions of the district. The purpose of this Policy Statement is to take a cautious approach at this time, realizing that subsequent amendment may be necessary after clarification of the scope and intent of the regulation.</p> <p><u>Privacy Officer</u></p> <p>The Assistant Superintendent is hereby designated as the district’s Privacy Officer for purposes of the HIPAA Privacy Regulation.</p> <p>The Privacy Officer shall be responsible for the following:</p> <ol style="list-style-type: none"> 1. Development and implementation of HIPAA policies for the district. 2. Creation and distribution of all forms or notices necessary for compliance with the HIPAA Regulation. 3. Conduct any necessary reviews or investigations to determine the applicability of the HIPAA Regulation to any aspect of the district’s operation or its records. 4. Report from time to time to the Board concerning the progress of the development and implementation of the district’s HIPAA policies and procedures and make recommendations to the Board. <p><u>Complaint Contact Person</u></p> <p>The Assistant Superintendent is designated as the contact person for purposes of the HIPAA Regulation.</p>
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<p>3. Guidelines</p>	<p>The contact person shall be responsible for receiving any HIPAA-related complaints and providing further information about the district’s HIPAA policy to any individuals who make such inquiries.</p>
<p>45 CFR 164.504</p>	<p><u>Hybrid Entities Status</u></p> <p>The district designates itself as a hybrid entity pursuant to the HIPAA Regulations.</p> <p>The following are designated as health care components pursuant to § 164.504(c) (3) (iii) of the HIPAA Regulations:</p> <ol style="list-style-type: none"> 1. Any nursing or medical clinics operated by the district. 2. Any sports-related activities of the district employing a physician, nurse or athletic trainer, or which create or maintain protected health information. 3. Any special education activity of the district which provides health care as defined in the HIPAA Regulations.
<p>45 CFR 164.520 AP 826</p>	<p><u>Notice of Privacy Practices</u></p> <p>The administration shall develop a form of Notice of Privacy Practices for the district, as required by § 164.520 of the HIPAA Regulations, which shall be used by the health care components of the district.</p> <p><u>Authorization for Release of Protected Health Information</u></p> <p>The district is committed to protecting the privacy and confidentiality of protected health information (hereinafter “PHI”) and will not use or disclose PHI without a proper signed, written authorization from the individual or the individual’s legal representative, unless such use or disclosure is permitted or required by law.</p> <p>An authorization shall be provided by the individual whose PHI is to be disclosed, or by the parent, guardian or other legal representative of the individual in the case of a minor or incapacitated person. The individual or legal representative must sign and date the authorization.</p> <p>The form of authorization to be used by the district shall be developed by the Privacy Officer and shall contain the following elements:</p> <ol style="list-style-type: none"> 1. A specific and meaningful description of the information to be used or disclosed.

2. The name or other specific identification of the person or entity authorized to make the requested use or disclosure.
3. The name or specific identification of the person or entity to whom the use or disclosure will be made.
4. An expiration date or an event that will trigger expiration of the authorization.
5. A statement of the individual's right to revoke the authorization in writing, including exceptions to such written revocation, and an explanation of how the individual can obtain revocation.
6. Statement that the information may, in certain instances, be re-disclosed by recipient of the information, in which case it may no longer be subject to the HIPAA Regulations.
7. The signature of the individual or the legal representative and the date of the signature.
8. If the signature belongs to the individual's legal representative, a description of that person's authority to act on behalf of the individual.
9. A statement that the district will not condition treatment eligibility upon the receipt of the individual's authorization.
10. A description of each purpose of the request for use or disclosure.
11. The right of the individual to inspect and/or copy the PHI to be used or disclosed.
12. The right of the individual to refuse to sign any authorization if the authorization is requested by the district.
13. A statement whether the district will receive any remuneration from a third-party for the use or disclosure of the PHI pursuant to the authorization.

In the event an individual or legal representative of the individual desires to revoke the authorization, it must be done in writing. The written revocation must be provided to the Privacy Officer and documented in the individual's record. Upon receipt of a written revocation, the district may no longer use or disclose the individual's PHI unless it has already taken action upon the authorization.

<p>42 Pa. C.S.A. Sec. 6132</p>	<p>Each authorization shall be maintained in the individual's record for a period of not less than six (6) years from the date of signature or from the date in which the authorization was last in effect, whichever is later.</p> <p><u>Charges for Copying Records</u></p> <p>The district's charge for the copying of any records release pursuant to an authorization shall be based on 42 Pa. C.S.A. § 6132, as the same are adjusted from time to time by the Pennsylvania Secretary of Health. In addition to these copying charges, the district will also charge the actual cost for postage, shipping, and delivery of the requested records as permitted by law.</p> <p><u>Minimum Necessary Use and Disclosure of PHI</u></p> <p>The district will make reasonable efforts based upon its professional judgment to use and disclose only PHI which is the minimum necessary to accomplish the purpose of the disclosure or use.</p> <p>The district will identify, by job description, members of its workforce who need access to PHI to carry out their duties and the category of PHI to which access is needed. The district will make reasonable efforts to limit access to PHI to those members of its workforce identified as requiring access to PHI.</p> <p>For any type of disclosure outside the district which occurs on a routine and recurring basis, the district will develop standard operating procedures which limit the disclosed PHI to that which is reasonably necessary to achieve the purpose of the disclosure.</p> <p>For disclosures that are not made on a routine and recurring basis, the Privacy Officer will develop criteria to evaluate each such non-routine disclosure to verify that PHI disclosed is only that amount which is necessary to accomplish the purpose of the disclosure.</p> <p>The minimum necessary standard will not apply to the following:</p> <ol style="list-style-type: none">1. Disclosures to a request by health care provider for purposes of treatment of the individual.2. Uses or disclosures made to the individual or legal representative who is the subject of the PHI.3. Uses or disclosures made pursuant to a valid authorization initiated by the individual or legal representative.
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<p>45 CFR 164.524</p>	<p>4. Disclosures to the Secretary of the Department of Health and Human Services.</p> <p>5. Uses or disclosures required by law.</p> <p>6. Uses or disclosures required for compliance with the HIPAA Regulations.</p> <p>The district may rely on a request for disclosure as the minimum necessary for this stated purpose when:</p> <ol style="list-style-type: none">1. Making permitted disclosures to public officials if the public official represents that the information is the minimum necessary for the stated purpose.2. The information is requested by another covered entity.3. The information is requested by a professional who is a member of the district's workforce or a business associate of the district for the purpose of providing professional services when the professional represents that the information requested is the minimum necessary for this stated purpose. <p><u>Business Associates</u></p> <p>The Privacy Officer shall determine whether the district has any business associates as defined by the HIPAA Regulations and shall seek written contracts or arrangements with them to provide satisfactory assurances that such business associates shall comply with the standards and requirements for confidentiality of PHI as required by the HIPAA Regulation.</p> <p><u>Access to PHI</u></p> <p>The district recognizes the individual's right of access to PHI pursuant to § 164.524(a) of the HIPAA Regulations.</p> <p>Individuals or their legal representatives requesting access to PHI shall do so by submitting a written request for access to the Privacy Officer.</p> <p>The Privacy Officer shall respond to any written request for access to PHI in writing, in a timely manner as required by § 164.524(b).</p> <p>If the request for access is denied, in whole or in part, the Privacy Officer shall issue a written denial in plain language setting forth the basis for the denial and a statement of any review rights or rights to complain, in accordance with § 164.524(d) of the HIPAA Regulation.</p>
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	<p>If there is a request for a review of denial, the district shall designate a licensed health care professional who is not directly involved in the denial to review the decision to deny access. The district will promptly refer a request for review to the designated reviewing official who will be asked to determine within a reasonable period of time whether or not to deny the access based on the standard set forth in § 164.524(a) (3) of the HIPAA Regulations. The district will promptly provide written notice to the requesting party of the designated reviewing official's decision and take any necessary steps to carry it out.</p>
<p>45 CFR 164.526</p>	<p><u>Amendment of PHI</u></p> <p>The district recognizes the right of the individual or legal representative to request an amendment to PHI as provided in § 164.526(a) of the HIPAA Regulation. Such request must be made in writing to the Privacy Officer and provide a reason to support a requested amendment.</p> <p>The district shall provide a timely response to the written request for amendment and shall timely inform the individual or legal representative of its decision.</p>
<p>45 CFR 164.528</p>	<p><u>Accounting of Disclosures of PHI</u></p> <p>The district recognizes the right of an individual or legal representative to receive an accounting of disclosures of PHI pursuant to § 164.528(a) of the HIPAA Regulation.</p> <p>The Privacy Officer shall develop suitable procedures for implementing any requests for accounting in accordance with the requirements of the HIPAA Regulation.</p> <p>The initial accounting in any twelve-month period shall be provided at no charge. Any subsequent accountings by the same individual or legal representative within the twelve-month period shall be subject to a reasonable cost-based fee which shall be set by the Privacy Officer.</p> <p><u>Training</u></p> <p>The Privacy Officer shall compile a list designating all current district employees working within any of the covered components to require training on the policies and procedures of the district with respect to PHI as necessary and appropriate for those members to carry out their functions within the district.</p> <p>All such identified individuals shall receive training on or before April 14, 2003.</p> <p>As new members of the district workforce are hired, any required HIPAA training shall be provided to them within a reasonable period of time.</p>