

Privacy Policy and HIPAA Compliance Program

Purpose: Guideline to ensure that Physicians Skin and Weight Centers complies with HIPAA privacy rules and confidentiality requirements under State law.

Policy:

- I. The Medical Director is responsible for implementation and oversight of policies and procedures and for managing the response to complaints about privacy violations.
- II. Every Physicians Skin and Weight Centers staff member, by virtue of his or her employment with Physicians Skin and Weight Centers, is a participant in the Privacy program and must be committed to protecting the confidentiality of protected health information.
- III. Staff members are educated by in-service training, either as part of a group or individually, on the Physicians Skin and Weight Centers Privacy policy. At the completion of the training, both the employee and the trainer sign the training record, a copy of which is maintained in the personnel file.
- IV. A copy of the Physicians Skin and Weight Centers Privacy Policy is contained within the Employee Handbook that is provided to all employees upon new hire orientation. All staff members must certify that they have read the handbook by signing the Acknowledgment Form in the back of the handbook. A copy of the Acknowledgment Form is maintained in the personnel file.
- V. Violation of Physicians Skin and Weight Centers Privacy Policy by any staff members will result in immediate disciplinary action up to and including dismissal from employment.
- VI. Any Business Associates performing services at Physicians Skin and Weight Centers will sign the Physicians Skin and Weight Centers Business Associate Privacy Agreement to acknowledge that they will comply with the Physicians Skin and Weight Centers Privacy Policy and to ensure that the Business Associate, its agents and employees, have Policies and Procedures in place to comply with HIPAA and ensure confidentiality of protected health information.
- VII. All Physicians Skin and Weight Centers patients are given a copy of the Physicians Skin and Weight Centers Privacy Policy and must acknowledge receipt by signing and dating where indicated. A copy of the signed and dated policy is maintained in the clinical record.
- VIII. The Physicians Skin and Weight Centers Privacy Policy is posted in the office in a location that is visible to staff and patients and is posted on the Physicians Skin and Weight Centers website.
- IX. Patient complaints regarding privacy violations will be referred to the Medical Director name that is responsible to document, investigate and resolve the matter.
- X. Physical and technical safeguards are in place at all times to ensure the confidentiality of protected health information.

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Procedure:

- 1) Within 30 days of commencing employment with Physicians Skin and Weight Centers, each employee will undergo in-service training on the Physicians Skin and Weight Centers Privacy Program.
 - a) Training will include the following:
 - Physicians Skin and Weight Centers Privacy Policy
 - ✓ Staff commitment to protecting confidentiality of PHI
 - ✓ Physicians Skin and Weight Centers safeguards to protect against intentional or unintentional uses or disclosures of PHI
 - ✓ Consequences of non-compliance with policy
 - ✓ Procedure for addressing patient complaints regarding privacy violations
 - HIPAA Regulations and Guidelines
 - ✓ Incidental uses and disclosures of health information
 - ✓ Minimum necessary standards of disclosure of PHI
 - ✓ Personal representatives and health care decisions
 - ✓ Disclosure of PHI to business associates
 - ✓ Uses and disclosures for treatment, payment and health care operations
 - ✓ Disclosure of PHI for marketing purposes
 - ✓ Disclosure of PHI for public health activities
 - ✓ Disclosure of PHI for workers' compensation purposes
 - ✓ Notice of privacy practices for PHI
 - b) Training will be conducted by a trainer who shall be the Medical Director, Charge Nurse, Medical Director or other qualified personnel as assigned by the Medical Director.
 - Each employee will watch the training presentation
 - The trainer will review the Privacy Program and HIPAA Guidelines with the employee
 - A quiz will be given at the end of the training program
 - Upon demonstrating a thorough understanding of the Physicians Skin and Weight Centers Privacy Program and HIPAA Guidelines, the employee will receive a certificate of completion of the training program, a copy of which will be kept in the personnel file.
 - c) Employees will undergo a "refresher course" annually to review the Physicians Skin and Weight Centers Privacy Program and HIPAA Guidelines. Documentation of the completion of refresher training will be maintained in the personnel record.
- 2) All patients receive a copy of the Physicians Skin and Weight Centers Privacy Policy upon registration with Physicians Skin and Weight Centers. The patient must acknowledge receipt of the policy by signing the document and a copy of the signed document is maintained in the patient record.
- 3) Patient complaints about privacy violations should be directed to the Medical Director.
 - a) The Medical Director will ask the patient whether he/she wishes to file a formal complaint to be documented and investigated.

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- b) Patients wishing to file formal complaints will be asked to complete a Privacy Rights Complaint Form that will be submitted to the Medical Director.
- c) The Medical Director/ will document the complaint and include in the documentation a brief description of the basis for the complaint.
- d) The Medical Director/ will then conduct an investigation to determine the following:
 - What, if any, PHI was misused or improperly disclosed;
 - If PHI was misused or improperly disclosed, whether such misuse or disclosure violates Physicians Skin and Weight Centers policies and procedures;
 - What, if any, privacy practices at Physicians Skin and Weight Centers require modification;
 - Whether new policy or procedures should be developed or whether an existing policy or procedure should be revised; and
 - Whether additional action is required to avoid a repeat violation.
- e) If the Medical Director/replace all Medical Director with? determines a violation has occurred, he/she will consult with the Human Resources department to determine what sanctions, if any, will be imposed against the individual who committed the violation.
- f) The Medical Director/ will document the investigation and any actions taken in response to the complaint.
- g) All documentation pertaining to the complaint will be maintained for a minimum of six (6) years.
- h) If the PHI that was wrongfully used or disclosed is created or maintained by a business associate of Physicians Skin and Weight Centers, the Medical Director/ will do the following:
 - Notify the business associate of the results of the investigation and any required action on the part of the business associate.
 - If the investigation determines that the business associate misused or improperly disclosed a patient's PHI, the Medical Director will prepare a recommendation as to whether the business associate relationship between the business associate and Physicians Skin and Weight Centers should continue.
- i) The Medical Director/ will send written notification to the patient who submitted the complaint about the results of the investigation.
- j) Physicians Skin and Weight Centers will not intimidate, threaten, coerce, discriminate, penalize or take other retaliatory action against a patient who exercises his/her rights under HIPAA or against any patient who participates in a process governed by HIPAA Privacy Regulations. This prohibition also applies to:
 - Testifying, assisting or participating in an investigation, compliance review, proceeding or hearing arising under the HIPAA Privacy Regulations; or
 - Opposing any act or practice of Physicians Skin and Weight Centers, provided the individual or patient, as appropriate, has a good faith belief that the practice opposed is unlawful, and the manner of opposition is reasonable and does not disclose PHI in violation of the HIPAA Privacy Regulations.
- k) No patient or individual will be asked to waive his/her HIPAA rights, including the right to file a complaint about the use or disclosure of his/her PHI.

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- 4) Physicians Skin and Weight Centers employs physical and technical safeguards to ensure the confidentiality of protected health information, including but not limited to the following:
 - a) Physical access to medical records is restricted to authorized personnel whose scope of practice includes a legitimate need to access protected health information.
 - b) Computer workstations are password-protected and passwords are provided only to authorized employees.
 - c) Disposal of any documents containing protected health information is done by authorized personnel using a paper shredder.
 - d) Private telephone stations are available for nursing and other authorized staff in order to reduce the likelihood that conversations involving protected health information may be overheard by unauthorized individuals.