

SECTION: OPERATIONS

TITLE: PRIVACY OF HEALTH INFORMATION

ADOPTED: November 10, 2003

REVISED:

# SENECA VALLEY SCHOOL DISTRICT

<b>826. PRIVACY OF HEALTH INFORMATION</b>	
<p>1. Purpose</p> <p>20 U.S.C. Sec. 1232g 34 CFR 99</p> <p>45 CFR 160 et seq</p>	<p>It shall be the policy of the Seneca Valley School District to protect and safeguard the Protected Health Information (PHI) created, acquired, and maintained by the district consistent with the Standards for Privacy of Individually Identifiable Health Information (the Privacy Rule) promulgated pursuant to the Health Insurance Portability and Accountability Act of 1996 (HIPAA), any case law arising from the interpretation thereof, and applicable state laws.</p> <p>For purposes of this policy, all health information created and maintained by the district and its agents that is considered part of a student’s education record under FERPA (Family Educational Rights and Privacy Act) is not subject to this policy.</p> <p>The Seneca Valley School District’s Board and administration recognize that, as an employer and health plan sponsor and a provider of health care services, certain components within its organization engage in HIPAA-covered functions and must comply with the HIPAA Privacy Rule; however, there are other components of the district that engage in non-covered functions and, thus, are not required to comply with the HIPAA Privacy Rule. Therefore, the Board designates itself as a Hybrid Covered Entity under HIPAA and its rules and regulations.</p>
<p>2. Delegation of Responsibility</p>	<p>The Board will appoint a Privacy Officer, who will, with individuals appointed by the Superintendent as members of a Privacy Team, undertake the following tasks to ensure compliance with the HIPAA Privacy Rule:</p> <ol style="list-style-type: none"> <li>1. Conduct a thorough initial assessment of all existing policies, procedures, and practices for creating, maintaining, using, disclosing, and destroying health information to determine where the gaps may be with respect to meeting HIPAA and/or FERPA standards and as to whether there are reasonable administrative, technical, and physical safeguards to protect the privacy of health information.</li> <li>2. Draft, adopt, and maintain administrative policies and procedures to allow the district to meet the requirements of the HIPAA Privacy Rule as they may apply to the employee health plan and/or its other covered component(s).</li> </ol>

<p>3. Guidelines</p>	<ol style="list-style-type: none"><li>3. Draft and adopt a Notice of Privacy Practices that describes, among other things, the uses and disclosures that the district is permitted or required to make under the HIPAA Privacy Rule, its obligations under HIPAA, and the rights related thereto for employees, students, and/or other individuals who may receive services from the district's covered component(s). Such notice must be drafted and distributed by April 14, 2003; with respect to the district's health care provider component and by April 14, 2004; with respect to the employee health plan.</li><li>4. Draft and adopt HIPAA-compliant written authorizations to use or disclose PHI for purposes unrelated to treatment, payment, health care operations, and other designated purposes under the HIPAA Privacy Rule, such authorization to be ready for use no later than April 14, 2003, with respect to the district's health care provider component and by April 14, 2004, with respect to the employee health plan.</li><li>5. Identify Business Associates and enter into Business Associate Agreements with all third parties that access PHI when providing services on behalf of the district in relation to its employee health plan and/or health care provider components.</li><li>6. Establish a training program for all members of the district's workforce on HIPAA and the district's policies and procedures related thereto as necessary and appropriate for such employees to carry out their functions. Such training program shall include periodic refresher courses.</li><li>7. Develop a process for handling complaints, such process to include the designation of a specific individual to handle such complaints and appropriate procedures for documenting the complaints and the disposition thereof.</li></ol> <p>The Privacy Officer, in conjunction with the Superintendent, shall ensure the appropriate development and implementation of sanctions against those members of the workforce who fail to comply with the administrative policies and procedures developed hereunder.</p> <p>In addition to ensuring that appropriate administrative policies and procedures are adopted and implemented to ensure compliance with the HIPAA Privacy Rule, the Board and administration will mitigate, to the extent possible, any harmful effects of improper disclosures of PHI and will refrain from any activity that may intimidate, threaten, coerce, discriminate against, or retaliate against an individual for exercising his/her rights under HIPAA.</p>
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<p>School Code 1501, 1504</p> <p>PA Code Title 22 Sec. 11.1, 11.2, 11.3</p>	<p>This Board policy and the administrative policies and procedures developed and implemented under the authority of the Privacy Officer replace any existing policies and procedures relating to the use and disclosure of PHI. Any separate policies and procedures relating to the use and disclosure of health information can only be maintained to the extent that they do not conflict with these policies and procedures.</p>
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