

STATE LAWS GOVERNING THE CONFIDENTIALITY OF PROTECTED HEALTH INFORMATION PROCEDURE

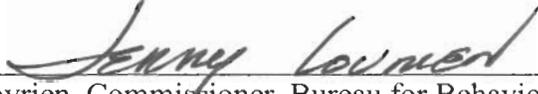
The Designated Attorney for BHHF (or his/her designee) will:

1. Identify sources of information regarding state and federal laws that relate to the confidentiality of PHI. This includes, but is not limited to:
 - 1.1. Maintaining a library of applicable laws and regulations, including federal regulations governing the security and privacy of PHI (so called “HIPAA Regulations”);
 - 1.2. Maintaining an up to date list of applicable federal and state laws relating to confidentiality of PHI, including a summary of these requirements, with analysis of which state laws are and are not preempted by federal laws; and,
 - 1.3. Identifying informed sources at state and national governments and trade and professional associations from whom to learn of changes in state and federal requirements.
2. Establish a routine schedule to communicate with informed sources, to update information in the library and on the list.
3. Review newly available material to identify changes in requirements. This includes review of new laws, regulations, guidance documents, responses to “frequently asked questions,” relevant court opinions, rulings that exempt state laws from federal preemption, etc.
4. With the Privacy Official or Designee(s) identify which provisions in current Bureau of Behavioral Health and Health Facilities (BHHF) policies, procedures, and training materials will need to be changed due to new legal requirements.
5. With the Privacy Official or Designee(s), prepare internal communication documents to inform all concerned BHHF employees of required changes. This includes an executive summary for senior leadership, and detailed requirements and analysis of impact on current policies and procedures for affected departments.
6. Assist the Privacy Official or Designee(s) and affected departments to write new policies, procedures and training materials.
7. Assist the Privacy Official or Designee(s), the Director of Human Resources, and affected departments to train staff in the new requirements.
8. Contact affected departments after three months and after six months, to ascertain whether new requirements are being met, and prepare recommendations for senior management if additional action needs to be taken to fully comply with the new requirements.

REFERENCE: 45 CFR § 160.203, § 160.204, § 160.205

Effective Date: 4/14/03

Dates Revised:



Jerome E. Lovrien, Commissioner, Bureau for Behavioral Health and Health Facilities