

COOPERATION WITH FEDERAL COMPLAINT INVESTIGATIONS AND COMPLIANCE REVIEWS POLICY

RESPONSIBILITY: Privacy Official or Designee(s)

BACKGROUND:

Federal regulations protect the privacy of patient records. These regulations give the Department of Health and Human Services (DHHS) the authority to inspect patient records and require compliance reports, as necessary, to investigate a complaint that these regulations may not have been followed, or to determine whether the Bureau of Behavioral Health and Health Facilities (BHFF) is in compliance with these regulations.

POLICY:

BHFF will cooperate with duly authorized representatives of the federal Department of Health and Human Services (DHHS) in their investigation of complaints filed under federal regulations regarding the privacy of protected health information (PHI), and with their review of operations to determine whether BHFF complies with federal regulations regarding the privacy of protected health information.

Cooperation includes providing access, during normal business hours, to policies, procedures, practices, facilities, books, records, accounts, and other sources of information, including protected health information, that are pertinent to the complaint investigation or compliance review. Access will be provided at times other than normal business hours, and without prior notice, when the DHHS determines that circumstances require such access. DHHS access to protected health information is not limited by “minimum necessary” provisions of federal regulations pertaining to the privacy of protected health information [“HIPAA privacy regulations,” 45 CFR § 164.502(b)], or by BHFF’S MINIMUM NECESSARY RULE.

BHFF will also maintain records and submit reports as the DHHS determines necessary to ascertain whether BHFF is in compliance with federal regulations regarding the privacy of protected health information. These records and reports will be maintained and submitted in compliance with time, manner, and content requirements as prescribed by the DHHS.

Any DHHS investigation, and any disclosures of PHI by BHFF in connection with such an investigation, must be in accordance with applicable laws and regulations, and specifically in accordance with the provisions of 45 CFR §§ 160.306, 160.308, 160.310, and 160.312.

Effective Date: 4/14/03

Dates Revised:



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