

MANHEIM CENTRAL SCHOOL DISTRICT

SECTION: OPERATIONS

TITLE: PRIVACY OF HEALTH
INFORMATION

ADOPTED: August 26, 2003

REVISED:

	<p style="text-align: center;">826. PRIVACY OF HEALTH INFORMATION</p> <p>1. Purpose It shall be the policy of the Manheim Central School District to protect and safeguard the protected health information (“PHI”) created, acquired, and maintained by the school district to the extent required by 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>2. Definitions For purposes of this policy, these terms shall be defined as follows:</p> <p>Covered Entity - shall mean a health plan, health care clearinghouse or health care provider in a contractual relationship with the school district. The school district shall also be considered a covered entity to the limited extent that it operates a self-insured group health plan(s) for the benefit of its employees and their eligible dependents; in this respect, the district is considered a “hybrid entity” under the regulations.</p> <p>Employee Health Plan - shall mean any group health insurance plan sponsored by the school district for the benefit of its employees and their eligible dependents.</p> <p>Protected Health Information or PHI - shall mean an individual’s health information transmitted or maintained by the school district relating to: (i) a past, present or future physical or mental condition; (ii) the payment of health care or (iii) the provision of health care, but shall not include employment records or other information excluded from coverage under the Privacy Rule.</p> <p>Privacy Officer - shall mean the individual appointed by the School Board to ensure the school district’s compliance with the HIPAA Privacy Rule.</p>
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<p>3. Guidelines</p> <p>20 U.S.C. Sec. 1232g 34 CFR 99 Pol. 216</p> <p>45 CFR 160 et seq</p>	<p><u>Student Records</u></p> <p>All protected health information for a student that is created or maintained by the school district or its authorized agents as part of a student’s education records are not subject to this policy and shall be maintained and disseminated in compliance with the Family Education Rights and Privacy Act (“FERPA”), its implementing regulations and applicable school district policies.</p> <p><u>School District Designation</u></p> <p>The School Board and administration recognize that certain components within its organization engage in HIPAA-covered functions (e.g. self-insured group health plans) and must comply with the HIPAA Privacy Rule; however, there are other components of the school district that engage in non-covered functions and, thus, are not required to comply with the HIPAA Privacy Rule. Therefore, the School Board hereby designates itself as a “Hybrid Covered Entity” under HIPAA and its rules and regulations.</p> <p><u>Designation and Responsibilities of the Privacy Officer</u></p> <p>The School Board appoints the Director of Human Resources to serve as the 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"> 1. Conduct a thorough initial assessment of all existing policies, procedures, and practices for creating, maintaining, using, disclosing, and destroying protected 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 protected health information. 2. Draft, adopt, and maintain administrative policies and procedures to allow the school district to meet the requirements of the HIPAA Privacy Rule as they may apply to its employee health plan(s) and/or its other covered component(s). 3. Draft and adopt a “Notice of Medical Information Privacy Practices” that describes, among other things, the uses and disclosures that the school 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 school district’s covered component(s). Such notice must be drafted and distributed by April 14, 2004 for use by the employee health plan(s) or other covered plans.
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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, 2004 with respect to the school district's employee health plan(s) or other covered plans.
5. Identify Business Associates and enter into Business Associate Agreements with all third parties that access PHI when providing services on behalf of the school district in relation to its employee health plan(s) or other covered plans.
6. Establish a training program for all school district employees that work with PHI or on HIPAA and the school district's policies and procedures related thereto "as necessary and appropriate" for said employees to carry out their functions. Such training program shall include periodic refresher courses.
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 said complaints and the disposition thereof.

Solicitation of Information

As part of its employee health plan(s) the school district may collect the following types of PHI:

1. Personal information that an employee provides to the school district on an enrollment form or health risk questionnaire;
2. Premium payments and account balance information;
3. The fact that an employee is or has been covered under the Plan;
4. Health-related information received from an employee's physicians or other health care providers;
5. Information regarding employee's health status, including diagnosis and claims payment information;
6. Employee information from a consumer reporting agency;
7. Other employee information that is necessary for the school district to provide an employee and his/her eligible dependents with coverage under a health care plan they have enrolled in; and

8. Employee health information voluntarily disclosed to the school district.

Employee Privacy Rights

To the extent the school district operates its own self-insured group health plan(s) for the benefits of its employees, employees have the following rights with regard to the information maintained as part of that plan:

1. To request that specific permissible restrictions be placed on release of their personal health information;
2. To receive confidential communications regarding their personal health information;
3. To inspect and copy their own medical records;
4. To request an amendment to their PHI;
5. To obtain an accounting of any disclosures of their personal health information as required by the Privacy Rule; and
6. Receive on request a paper copy of any notice regarding uses and disclosures of their personal health information they receive electronically.

Procedures will be added in the school district's Policy Manual, handbooks, guidelines or pertinent self-insured health plan booklets outlining the procedures for asserting the privacy rights outlined above. The self-insured health plan will, on an annual basis, provide all employee participants a notice of these privacy procedures.

This subsection only applies to the school district's HIPAA covered functions, and is not intended to apply to its non-covered functions.

Safeguarding PHI

The school district will restrict access to PHI, which is maintained as part of its HIPAA-covered functions, only to those employees who need to know that information to ensure health plan services are properly provided to employees. The school district will maintain physical, electronic, and procedural safeguards that

comply with federal regulations to guard employee PHI. In administering self-insured health plans and soliciting information for employee health plans, the school district shall:

1. Safeguard and secure the confidential personal financial information and health information as required by state and federal law;
2. Limit the collection and use of employees'/eligible dependents' information to the minimum necessary to administer the health plans; and
3. Permit only trained, authorized employees to have access to confidential information.

Disclosure of Information

Disclosure of protected health information, with or without authorization, by the school district shall only be as permitted by state and federal law and applicable regulations.

General Provisions

The Privacy Officer, in conjunction with the Superintendent, shall ensure the appropriate development and implementation of sanctions against those school district employees who fail to comply with the administrative policies and procedures developed to implement this policy.

In addition to ensuring that appropriate administrative policies and procedures are adopted and implemented to ensure compliance with the HIPAA Privacy Rule, the School 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.

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.