


ADMINISTRATIVE POLICY: 2015 - 03
SUBJECT: Health Insurance Portability & Accountability Act (HIPAA) Privacy Policy
DATE ISSUED: April 23, 2015
DATE EFFECTIVE: April 23, 2015
APPROVED: 
Jim Bennett, City Manager

Distribution:
All City Employees

**City of Lewiston
HIPAA Privacy Policy**

SECTION 1: PURPOSE

The City of Lewiston is committed to ensuring the privacy of all individuals regarding their protected health information (PHI) and it follows established procedures as required by federal, state, and local laws and regulations, in the collection, use, disclosure, and maintenance of PHI including, but not limited to:

- City-provided emergency medical services (EMS)
- Employee assistance programs (EAPs)
- Employee health and disability insurance programs
- Employee records involving medically-related leave (sick, FMLA, and worker's compensation)
- Any other employee records that may contain PHI

This policy is promulgated to comply with the federal mandate to protect the privacy of individually identifiable health information and medical records known as the *Health Insurance Portability and Accountability Act of 1996 (HIPAA)*.

The City of Lewiston reserves the right in its sole discretion to change or modify this policy at any time in the future.

SECTION 2: SCOPE

This policy applies to the City of Lewiston and its employees, elected officials, appointed officials, independent or private contractors, student and legal interns, and volunteers.

The HIPAA Privacy Officers are the City Attorney and the Information Services Manager. They are responsible for answering questions relating to the provisions of this policy and for auditing City records for compliance with HIPAA.

SECTION 3: REFERENCES/FORMS

3.1: References:

- City of Lewiston Personnel Policy
- City of Lewiston Records Retention Policy
- Collective Labor Agreements:
 - City of Lewiston and International Association of Firefighters 1773
 - City of Lewiston and Fraternal Order of Police (FOP) Lewis-Clark Lodge #10
 - City of Lewiston and Service Employees International Union/ Idaho Association of Government Employees, Local SEIU/ IAGE, Local R14687

3.2: Forms:

- City of Lewiston Employee HIPAA Confidentiality Agreement
- City of Lewiston Notice of Privacy Practices (NPP)
- City of Lewiston Notice of Privacy Practices (NPP) Receipt
- City of Lewiston HIPAA Fax Cover Sheet
- City of Lewiston HIPAA Action Form
- City of Lewiston HIPAA Action Response Form
- City of Lewiston Complaint Procedure
- City of Lewiston Ambulance Notice of Privacy Practices (NPP) Receipt and Billing Authorization

SECTION 4: DEFINITIONS

Authorization: Written permission from an individual for use and disclosure of their PHI for a specific purpose and timeframe. To be valid, an authorization must be signed and dated by the individual.

Breach: Breach means the acquisition, access, use, or disclosure of PHI in a manner not permitted under this policy and law which compromises the security or privacy of the PHI.

City: City of Lewiston, Idaho

CFR: Code of Federal Regulations

Consent: Statutory permission for the City to use and disclose PHI for payment operations. Consent does not generally allow the City to obtain PHI from other parties without authorization from an individual to whom the records pertain.

Covered Entity: Any health plan, healthcare clearinghouse, or healthcare provider, that transmits to the City, or receives from the City, PHI in various forms.

Disclose, Disclosure: To release, transfer, send, or provide access to PHI.

Employee: Any individual performing work on behalf of the City, whether paid or not, including, but not limited to, elected officials, appointed officials, independent or private contractors, student and legal interns, and volunteers.

EMS: Emergency Medical Services provided by the City.

HIPAA: Health Insurance Portability and Accountability Act of 1996

Individual: A person who is the subject of PHI including employees and users of EMS provided by the City.

Internal Use: Collecting, using, disclosing, and maintaining PHI within and between City departments and employees.

Law Enforcement Official: A person who is empowered by law to investigate and/or prosecute violations of the law.

Legal Representative: A person who is legally authorized to act on behalf of an individual for healthcare decisions. A legal representative includes parents or legal guardian of a minor child, a person holding power of attorney, a legally appointed guardian or conservator, or a person appointed by a court of competent jurisdiction, as long as the power granted to the legal representative includes managing the individual's healthcare.

Minimum Necessary: The least amount of disclosure of PHI necessary to achieve the intended purpose of the disclosure.

Notice of Privacy Practices (NPP): The NPP provides information regarding the City's practices in the collection, use, disclosure, and maintenance of PHI and related rights.

OSHA: Occupational Safety and Health Administration of the federal government.

Payment: Funds paid to the City for EMS performed by the City or a bill for EMS performed by the City.

Protected Health Information (PHI): Health-related information, in any form, which identifies the individual or provides a reasonable basis by which to identify an individual.

Privacy Officer: City Attorney and Information Services Manager.

Public Health Authority: A government agency that is responsible for public health matters as part of its official duties.

Redacted Information: PHI where the following identifiers have been removed: name, street address, birth date, date service provided, death date, telephone and/or facsimile numbers, electronic

mail address, Social Security number, health plan or insurance plan number, vehicle identification number (VIN), vehicle license plate number, photographs, finger or voice prints, or any other unique identifying number, characteristic, or code.

Required by Law: A legal mandate or requirement which is enforceable by a court.

Workforce: Employees, volunteers, trainees, and others who perform work on behalf of the City, whether paid or not, and who have access to PHI collected, used, disclosed, and maintained by the City.

SECTION 5: RESPONSIBILITIES

5.1: Executive/Management: The elected City Council members (and their legal counsel) and the City Manager who is appointed by the City Council. Duties generally include:

- Establishment of program objectives
- Approval of this privacy policy
- Enforcement of sanctions related to this policy
- Designation of the Privacy Officials
- Designation of the HIPAA Privacy Committee members
- Designation of HIPAA Training Officer

5.2: Privacy Officials: The City Attorney and Information Services Manager are designated as the Privacy Officials. Duties generally include:

- Development of privacy policies and procedures
- Coordination and implementation of policy throughout City departments
- Oversight of training in HIPAA compliance
- Receiving and processing privacy complaints
- Receiving and processing individual rights requests
- Ensuring retention of HIPAA policies and procedures, complaints, and investigative materials to meet compliance requirements
- Processing Business Associate Agreements (BAA)
 - Conducting business associate inventory
 - Developing and coordinating BAA template
 - Conducting annual review/update
- Auditing of City records on an annual basis for compliance with HIPAA

5.3: HIPAA Privacy Committee: The committee shall consist of the City Attorney, City Clerk, Fire Chief, Director of Administrative Services, Finance Manager, and Ambulance Billing Representative and the Information Services Manager. The city council reserves the right to change this committee at any time.

- Assist in development and execution of the HIPAA Privacy Policy and promulgation of operating procedures and training of employees
- Assist and support the Privacy Officials