

HEALTH SCIENCE CENTER HANDBOOK OF OPERATING PROCEDURES

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| Chapter 11 | Patient Privacy Policies | Effective: | April 2003 |
| Section 11.1 | General Oversight Policies | Revised: | February 2006 |
| Policy 11.1.2 | Compliance with the Department of Health and Human Services | Responsibility: | Assistant Vice President for Regulatory Affairs & Compliance |

COMPLIANCE WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

Overview

The Secretary of the Department of Health and Human Services (DHHS), to the extent practical, will seek the cooperation of the Health Science Center in obtaining compliance with the federal privacy regulations. Also, DHHS may provide technical assistance to the Health Science Center to facilitate voluntary compliance with federal privacy regulations.

1. Patients have a right to file a complaint with DHHS if they believe any Health Science Center department or individual are not complying with the required federal privacy standards.
2. Complaints processed under this section must:
 - a. be in writing, either on paper or electronically;
 - b. name the Health Science Center as the subject of the complaint and describe the acts or omissions believed to be in violation; and,
 - c. be filed within 180 days of when the complainant knew or should have known that the act or omission occurred, unless this time limit is waived by DHHS for good cause.
3. DHHS may investigate complaints filed under this policy. Such investigation may include a review of the pertinent policies, procedures, or practices of the Health Science Center and of the circumstances regarding any alleged acts or omissions concerning compliance.

DHHS may conduct compliance reviews to determine whether the Health Science Center is complying with the required federal privacy regulations. DHHS will not disclose protected health information obtained by the DHHS office in connection with an investigation or compliance review, except if necessary for ascertaining or enforcing compliance.

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Policy

Protected health information may be disclosed to DHHS to determine whether the Health Science Center is in compliance with the federal privacy regulations. If any department or individual is contacted by DHHS, they must notify the Office of Compliance & Consultation.

Responsibilities of the Health Science Center

1. The Health Science Center must keep records and upon request of DHHS submit compliance reports whereby DHHS can ascertain whether the Health Science Center has complied with the federal privacy regulations.
 2. During an investigation or compliance review, the Health Science Center must cooperate with DHHS.
 3. The Health Science Center must permit access to information.
 - a. The Health Science Center must permit access by DHHS during normal business hours to its facilities, books, records, accounts, and other sources of information, including protected health information, that are pertinent to ascertaining compliance with the requirements. If DHHS determines that serious circumstances exist, the Health Science Center must permit access by DHHS at any time and without notice.
 - b. If any information required of the Health Science Center is in the exclusive possession of any other agency, institution, or person and the other agency, institution, or person fails or refuses to furnish the information, the Health Science Center must so certify and set forth what efforts it has made to obtain the information.
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DHHS Action Regarding Complaints and Compliance Reviews

1. Resolution where noncompliance is indicated.
 - a. If an investigation or a compliance review indicates a failure to comply, DHHS will so inform the Health Science Center. If the matter arose from a complaint, the complainant will also be informed in writing. DHHS will attempt to resolve the matter by informal means whenever possible.
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- b. If DHHS finds the Health Science Center is not in compliance and determines that the matter cannot be resolved by informal means, DHHS may issue to the Health Science Center and, if the matter arose from a complaint, to the complainant written findings documenting the non-compliance.
2. If no violation is found after an investigation or compliance review, DHHS will so inform the Health Science Center. If the matter arose from a complaint, the complainant may also receive written notification from DHHS.
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