

HEALTH RECORDS

The Dent-Phelps R-3 School District is a covered entity under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and is therefore subject to HIPAA privacy laws and regulations. The district declares itself a hybrid entity under the law and designates the following components of its operation to be subject to the HIPAA privacy rule:

The district will maintain all protected health information (PHI) in accordance with law. Protected health information does not include information contained in education records by the Family Educational Rights and Privacy Act (FERPA) or employment records held by the Dent-Phelps R-3 School District in its role as an employer.

Protected health information will only be available to designated employees who need to have access to those records in their employment capacity with the district and with other authorized entities. The district will train all employees who may have contact with protected health information on the law and the district's policies and procedures as necessary and appropriate for the employee's position. Any employee failing to comply with district policies, procedures or law may be disciplined or terminated.

The district will not intimidate, threaten, coerce, discriminate against or take other retaliatory action against any individual for exercising his or her rights; participating in any process; filing a complaint; testifying, assisting or participating in an investigation, compliance review, proceeding or hearing; or in good faith opposing any act or practice the individual believes is unlawful, in accordance with law.

The district's privacy official is:

Bookkeeper
Rt. 2 Box 813
Salem, Missouri 65560
573-729-4680

The district privacy official's duties include, but are not limited to:

- The development and implementation of the district's policies and procedures regarding protected health information.
- Receiving and evaluating requests for amendments of protected health information.
- Answering questions regarding privacy issues.
- Providing training to district employees.

The district's contact person is:

Superintendent
Rt. 2 Box 813
Salem, Missouri 65560
573-729-4680

The district contact person's duties include, but are not limited to:

- Receiving and reviewing complaints.
- Providing information about matters covered in the district's privacy notices.

The district's security official is:

Bookkeeper
Rt. 2 Box 813
Salem, Missouri 65560
573-792-4680

The district security official's duties include, but are not limited to:

- Developing and implementing the district's security policies and procedures.
- Performing tests and assessments of technology safeguards at the direction of the superintendent or designee.

Training

The district's privacy official or designee will train all employees on the law, policies and procedures as necessary and appropriate for the employees to carry out their duties. Training will occur:

- Once the district becomes subject to the law.
- Within a reasonable period of time after new persons are employed.
- Within a reasonable period of time after a material change in the district's policies and procedures.

The district's privacy official will document when each employee received the requisite training.

Complaint Process

Complaints regarding the district's policies and procedures protecting health information or the district's compliance with such policies and procedures shall be directed to the district contact person.

The contact person or designee will document all complaints received and investigate the complaints immediately.

The contact person will make a decision regarding the complaint, document the disposition and provide a written copy of the disposition to the complainant, the superintendent and the district's attorney. The contact person will take all action necessary to mitigate, to the extent practicable, any harmful effect resulting from the violation of district policies, procedures or the law. The appropriate disciplinary action will be determined including termination. In addition, the contact person will take any action necessary to correct the district's policies, procedures or training program to prevent future complaints or violations.

Amendment Process

An individual may request that the district amend PHI or a record about the individual in an designated record set for as long as the PHI is maintained in the designated record set. The request must be made in writing to the district's privacy official or designee and provide a reason to support the requested amendment.

The privacy official will act on the amendment no later than 60 days after the receipt of the request. If the district is unable to act within 60 days, the district may extend the time for action by no more than 30 days if the district provides the individual with a written statement, before the 60- day period has expired, of the reasons for the delay and the date by which the district will complete action on the request.

The district must notify the individual in writing regarding the disposition of the amendment request in accordance with the law. If an amendment is made, the district will make reasonable efforts to inform and provide the amendment within a reasonable time to (1) persons identified by the individual as having received PHI about the individual and needing the amendment and (2) persons the district knows have the PHI and may have relied, or could foreseeable rely, on such information to the detriment of the individual. The district may need to obtain authorization from the individual to contact other persons or business associates to inform them of the amendment.

Retention

All district policies, procedures, authorizations, communications and notices regarding PHI must be retained for six (6) years from the date of creation or the date when it was last in effect, whichever is later.

Documenting Disclosures and Accounting

With some exceptions, the district will document all disclosures made of PHI including:

- The date of disclosure.
- The name of the entity or person who received the PHI and, if known, the address of such entity or person.

- A brief description of the PHI disclosed.
- A brief statement of the purpose of the disclosure.

The privacy official, in consultation with the district's attorney when necessary, will determine which disclosures will be documented in accordance with law and will train district personnel as necessary.

Upon request and in accordance with law, the district shall provide an individual or a personal representative a written accounting of all disclosures of the individual's PHI during the six (6) years prior to the date of the request, including disclosures to or by business associates of the district. The district will maintain documentation of all accountings disclosed and the titles of persons or offices responsible for receiving and processing requests for an accounting by individuals.

The district will act on a request for an accounting no later than 60 days after receipt of such request. If the district is unable to provide the accounting within this time, the district may extend the time to provide the accounting by no more than 30 days as long as the district provides the individual with a written statement of the reasons for delay and the date when the district will provide the accounting.

The first accounting to any one individual in any 12 month period is without charge. The district will impose a cost based fee for each subsequent request for an accounting by the same individual within the same 12 month period. The individual may withdraw or modify the request to avoid or reduce the fee.

Access

With some exceptions, an individual has the right to access, inspect and obtain a copy of PHI about the individual in a designated record set upon written request to the district. The district will act upon the request for access no later than 30 days after the receipt of the request. If the district is unable to provide the accounting within this time, the district may extend the time to provide the accounting by no more than 30 days as long as the district provides the individual with a written statement of the reasons for delay and the date the district will respond. If the district does not maintain the information requested but knows where the information is maintained, it will inform the individual where to seek access to the information.

Privacy Protection

The district may terminate its agreement to a restriction if:

- The individual agrees to or requests the termination in writing.
- The individual orally agrees to the termination and the oral agreement is documented.

Notices

The district will distribute notice of the uses and disclosures of PHI that may be made by the district and the individual's rights and the district's duties with respect to PHI, as required by law. The district will maintain a copy of the notice in the district's central office and will document compliance with the law. The district will promptly revise and distribute the notice whenever there is a material change to the uses or disclosure, the individual's rights, the district's legal duties or other privacy practices state in the notice. Except where required by law, a material change to any term of the notice may not be implemented prior to the revision and effective date of the new notice.

The district in its role as a health plan will provide notice when the district becomes subject to the law, at the time of enrollment of new enrollees and to individuals covered by the plan within 60 days of a material revision of the notice. Further, once every three (3) years the district must notify individuals covered by the plan of the availability of the notice and how to obtain the notices. The notice requirement is considered satisfied if it is provided to the named insured of a policy and does not need to be provided to the named insured's dependents.

Adopted: 6-17-04 Re-adopted 6-28-12

Cross Refs: AC, Nondiscrimination and Anti-Harassment
GBL, Personnel Records
JO, Student Records

Legal Refs: Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g
Health Insurance Portability and Accountability Act, P.L. 104-191
45 C.F.R. 160.101 - .572, 164.102 - .534