

HARBOR-UCLA MEDICAL CENTER

**SUBJECT: DISCIPLINARY ACTIONS FOR FAILURE TO COMPLY
WITH PRIVACY POLICIES AND PROCEDURES**

POLICY NO. 729

PURPOSE:

To state the General Policy of Harbor-UCLA Medical Center related to the improper use or disclosure of Protected Health Information under the Privacy Standards of the Health Insurance Portability and Accountability Act of 1996, 45 C.F.R. Parts 160 and 164 (“HIPAA Privacy Standards”), and Harbor-UCLA Medical Center policies and procedures which implement HIPAA (“HIPAA Implementing Policies and Procedures.”)

POLICY:

Harbor-UCLA Medical Center is required to investigate failures to comply with policies related to Protected Health Information (PHI), privacy, confidentiality, and security, and imposes appropriate disciplinary actions where indicated.

Disciplinary actions are progressive and commensurate with the severity, frequency, and intent of violations. Harbor-UCLA Medical Center applies disciplinary actions equitably without regard to role or position.

Unauthorized access, use, and/or disclosure of protected health information, or the failure to maintain and safeguard PHI is subject to disciplinary action, including, but not limited to, verbal counseling, written warning, reprimand, suspension and discharge, in accordance with the provisions of Los Angeles County Civil Service rules and DHS Policy No. 747, “Disciplinary Action”.

Disciplinary actions will not be applied to a workforce member who discloses protected health information (PHI) to a health oversight agency or an attorney in the process of reporting either an allegation of unlawful conduct by the entity or a violation of professional standards or clinical standards, or conditions in the entity that endanger patients (whistleblower). Additionally, disciplinary actions will not be applied for filing complaints, testifying, participating in investigations, compliance reviews, proceedings or hearings, or for opposing real or perceived unlawful acts or practices under this act provided the disclosures are made in good faith.

EFFECTIVE DATE: 04/14/03

REVISED:

REVIEWED: 09/14, 09/17

REVIEWED BY:

APPROVED BY: _____

Kim McKenzie, RN, MSN, CPHQ
Chief Executive Officer

Anish Mahajan, MD
Chief Medical Officer

Patricia Soltero Sanchez, RN, BSN, MAOM
Chief Nursing Officer

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DEFINITIONS:

Protected Health Information (PHI) means individually identifiable information relating to past, present or future physical or mental health or condition of an individual, provision of health care to an individual, or the past, present, or future payment for health care provided to an individual.

Workforce or Workforce Member means employees, volunteers, trainees, and other persons whose conduct, in the performance of work for Harbor-UCLA Medical Center, is under its direct control, whether or not they are paid by the County.

REFERENCES:

1. 45 Code of Federal Regulations §§ 160.103, 164.530(e).
2. Los Angeles County Civil Service Rules
3. DHS Discipline Policy and Procedure, Policy Number #747