



Health Services
LOS ANGELES COUNTY

POLICIES AND PROCEDURES

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

POLICY NO: 361.10

PURPOSE:

To state the General Policy of the Los Angeles County Department of Health Services (DHS) related to the unauthorized acquisition, viewing, access, use and/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 the Los Angeles County and DHS policies and procedures which implement HIPAA ("HIPAA Implementing Policies and Procedures.")

POLICY:

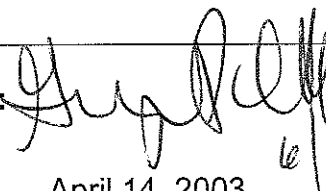
Each DHS facility is required to investigate failures to comply with policies related to Protected Health Information (PHI) privacy, confidentiality, and security, and must impose appropriate disciplinary actions where indicated.

Disciplinary actions are progressive and commensurate with the severity, frequency, and intent of violations. DHS applies disciplinary action equitably without regard to job classification, role or position.

Unauthorized acquisition, viewing, 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, DHS Discipline Manual and Guidelines, and DHS Policy No. 747, "Disciplinary Action."

Disciplinary action will not be applied to a workforce member who discloses protected health information (PHI) to a health oversight agency or an attorney while in the process of reporting either an allegation of unlawful conduct by the entity, a violation of professional or clinical standards, or conditions in the entity that endanger patients (whistleblower). Additionally, disciplinary action 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 that violate patient medical information privacy and security laws, regulations, and DHS policies provided the report is made in good faith.

APPROVED BY:


6/12/12

EFFECTIVE DATE: June 1, 2012

SUPERSEDES: April 14, 2003

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DEPARTMENT OF HEALTH SERVICES COUNTY OF LOS ANGELES

SUBJECT: DISCIPLINARY ACTIONS FOR FAILURE TO COMPLY WITH PRIVACY
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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 includes employees, contract staff, affiliates, volunteers, trainees, students, and other persons whose conduct, in the performance of work for DHS, is under its direct control, whether or not they receive compensation from the County.

REFERENCES:

45 Code of Federal Regulations §§ 160.103, 164.530
Los Angeles County Civil Service Rules
DHS Discipline Manual and Guidelines
DHS Policy No. 747, "Disciplinary Action"

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