

# LAC+USC MEDICAL CENTER POLICY

Subject: <b>WHISTLEBLOWER PROTECTION</b>	Original Issue Date: 6/22/04	Policy # <b>548.1</b>
	Supersedes: 5/9/17	Effective Date: 11/16/20
Departments Consulted: Office of Human Resources	Reviewed & Approved by: Attending Staff Association Executive Committee Senior Executive Council	Approved by:  (Signature on File) Chief Medical Officer  (Signature on File) Chief Executive Officer

## PURPOSE

To ensure retaliatory actions are not taken against employees who report violations of law or regulations that occur in the workplace. Such reported violations may include, but are not limited to, violations of the Health Insurance Portability Accountability Act (HIPAA) regulations, abuse of authority, waste of County funds or resources, and specific dangers to public health or safety.

## POLICY

LAC+USC Medical Center employees may disclose protected health information (PHI) when they believe, in good faith:

- The Medical Center has engaged in conduct that is unlawful;
- Conduct violates professional or clinical standards; or
- Care, services, or conditions potentially endanger patients, employees, or the public; **and**
- The disclosure is to a health oversight agency or public health authority authorized by law to investigate or oversee the Medical Center.

If such disclosure occurs:

No employee of the Medical Center will use or threaten to use any official authority or influence to prevent any other person, acting in good faith and upon reasonable belief, from reporting or otherwise bringing to the attention of the appropriate agency, office, or department of the County of Los Angeles any information which, if true, would constitute:

- A work-related violation by an employee of any law or regulation;
- Gross waste of County funds;
- Gross abuse of authority;
- A specific and substantial danger to public health or safety due to an act or omission of a County employee; or
- Use of a County position or of County resources for personal gain.

Once a formal complaint is filed, it is unlawful for an employer to permit any reprisal action against the complainant. A reprisal action is broadly defined as “any act of intimidation, restraint, coercion, or discrimination against the employee, or applicant for employment, who files a complaint.”

Any employee of the Medical Center, who knowingly engages in conduct prohibited by this policy, will be disciplined, including but not limited to, discharge.

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**DEFINITIONS**

**Protected Health Information (PHI)**

Information that is created or received by a health care provider, health plan, employer, or health care clearinghouse; relates to the past, present, or future physical or mental health or condition of an individual; the provision of health care to an individual, or the past, present, or future payment for the provision of health care to an individual and identifies the individual (or for which there is a reasonable basis for believing that the information can be used to identify the individual). PHI does not include employment records maintained by the Medical Center in its role as employer.

**Disclose Disclosure**

With respect to PHI, the release of, transfer of, provision of access to, or divulging in any manner PHI outside of the Medical Center's internal operations or to other than its workforce members.

**Use or Uses**

With respect to PHI, the sharing, employment, application, utilization, examination, or analysis of such information within the Medical Center's internal operations.

**Violation**

A violation of DHS and/or the Medical Center's privacy-related policies or any of the provisions of HIPAA. The term, violation, does not include disclosures by whistleblowers or disclosures by workforce crime victims.

**Workforce or Workforce Members**

Employees, volunteers, trainees, and other persons whose conduct, in the performance of work for the Medical Center, is under the direct control of the Medical Center, whether or not they are paid by the County.

**RESPONSIBILITY**

Administrators  
Department Managers  
Supervisors

**REFERENCES**

45 Code of Federal Regulations, Parts 160 and 164, § 164.530(f)  
DHS Policy No. 361.25, Disclosures of Protected Health Information (PHI) By Whistleblowers and Workforce Crime Victims

**REVISIONS DATES**

April 10, 2007; September 25, 2008; March 11, 2014; May 9, 2017; November 16, 2020