**Document Type:**[1] X Policy & Procedure ___ Process Guideline ___ Plan ___ System Description

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**Document Scope:** (applies to Policy & Procedure only)

X The requirements herein apply only to the GCBH BH-ASO Central Office and its functions.

– The requirements herein apply, verbatim, to GCBH BH-ASO and its network providers[2].

– The requirements herein apply to both GCBH BH-ASO and its network providers[2]. Additionally, network providers must have internal documents outlining their processes for implementing the requirements, insofar as they relate to actions for which network providers are responsible.

**PURPOSE:** To comply with The Health Insurance Portability and Accountability Act of 1996 (HIPAA) and 42 CFR Part 2 to fulfill the organization's duty to protect the confidentiality and integrity of protected health information as required by law and professional ethics.

## DEFINITIONS

I. None

## POLICY

A. GCBH BH-ASO requires that its employees protect the integrity and confidentiality of health and other sensitive information pertaining to individuals served by GCBH BH-ASO and its Providers. Violations of this policy, including failure to report suspected violations, constitute grounds for disciplinary action up to and including termination, and criminal prosecution.

B. Any employee of GCBH BH-ASO who believes another employee of GCBH BH-ASO has breached the agency's security policy or the policies and standards promulgated to carry out the objectives of the Security Policy or otherwise breached the integrity or confidentiality of individual or other sensitive information will immediately report such breach to their supervisor and/or to the HIPAA Officer.

C. Notification of Breach or Potential Compromise. The compromise or potential compromise of HCA shared data must be reported to the HCA Privacy Officer or other contact designated on the contract within five (5) business days of discovery.

## PROCEDURE

1. The HIPAA Officer has primary responsibility for conducting a thorough and confidential investigation into the allegations. GCBH BH-ASO informs the complainant of the results of the investigation and any corrective action taken. GCBH BH-ASO does not retaliate against or permit reprisals against a complainant. Allegations not made in good faith, however, may result in discharge or other discipline.

2. As noted in the GCBH BH-ASO employee handbook, GCBH BH-ASO has a progressive discipline policy under which sanctions become more severe for repeated infractions. This policy, however, does not mandate the use of a lesser sanction before GCBH BH-ASO terminates an employee. In the discretion of management, GCBH BH-ASO may



[1]See definitions of document types in AD100, "Development, Approval & Review of Formal GCBH BH-ASO Documents"
[2]"Network Provider" – An organization with which GCBH BH-ASO is contracted for the provision of direct services.

terminate an employee for the first breach of the agency's security policy or other policies and standards if the seriousness of the offense warrants such action. An employee could expect to lose their job for:

2.1. Willful or grossly negligent breach of confidentiality,

2.2. Willful or grossly negligent destruction of computer equipment or data, or

2.3. Knowing or grossly negligent violation of HIPAA, its implementing regulations, or any other federal or state law protecting the integrity and confidentiality of individual information.

3. An employee may lose their job for a negligent breach of GCBH BH-ASO's standards for protecting the integrity and confidentiality of individual information. For less serious breaches, management may impose a lesser sanction, such as a verbal or written warning, verbal or written reprimand, loss of access, suspension without pay, demotion, or other sanction. In addition, GCBH BH-ASO seeks to include such violations by contractors as a ground for termination of the contract and/or imposition of contract penalties.

4. Violation of GCBH BH-ASO's security policy or other policies and standards may constitute a criminal offense under HIPAA and other federal laws, such as the Federal Computer Fraud and Abuse Act of 1986, 18 U.S.C. 1030, or state laws. Any employee or contractor who violates such a criminal law may expect that GCBH BH-ASO will provide information concerning the violation to appropriate law enforcement personnel and will cooperate with any law enforcement investigation or prosecution.

5. Further, violations of GCBH BH-ASO's security policy or individual policies and standards may constitute violations of professional ethics and be grounds for professional discipline. Any individual subject to professional ethics guidelines and/or professional discipline should expect GCBH BH-ASO to report such violations to appropriate licensure/accreditation agencies and to cooperate with any professional investigation or disciplinary proceedings.

6. This Sanction Policy is intended as a guide for the efficient and professional performance of employees' duties to protect the integrity and confidentiality of health and other sensitive information. Nothing herein is to be construed to be a contract between the employer and the employee. Additionally, nothing in this Sanction Policy is to be construed by any employee as containing binding terms and conditions of employment. Nothing in this Sanction Policy is to be construed as conferring any employment rights on employees or changing their status from at-will employees. GCBH BH-ASO retains the absolute right to terminate any employee, at any time, with or without good cause. Management retains the right to change the contents of this Sanction Policy as it deems necessary with or without notice.

7. Employees and agents of GCBH BH-ASO are expected to comply and cooperate with the organizations administration of this policy.

**APPROVAL**

Sindi Saunders 2/16/23

Karen Richardson or Sindi Saunders, Co-Directors Date